



House of Representatives

General Assembly

File No. 112

February Session, 2016

Substitute House Bill No. 5312

House of Representatives, March 22, 2016

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR CHANGES TO THE POULTRY DEALER LICENSING STATUTE, REGISTRATION OF POULTRY FLOCKS AND THE LABELLING OF FARM STAND EGGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22-326s of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) As used in this section:

5 (1) "Commissioner" means the Commissioner of Agriculture.

6 (2) "Dealer" means [a producer who is a wholesaler, distributor or
7 hauler of live poultry or hatching eggs or] any person, firm or
8 corporation engaged in the business of (A) buying, receiving, selling,
9 bartering, exchanging, negotiating or soliciting the sale, resale or
10 exchange of live poultry or hatching eggs, or (B) the transportation,
11 transfer or shipment of any live poultry or hatching eggs.

12 (3) "Hauler" means any person, firm or corporation that transports
13 live poultry or hatching eggs from premises to premises, to a
14 distributor, to a live bird market or to a dealer.

15 (4) "Live bird market" means a [facility at which live poultry or
16 hatching eggs are congregated for sale or to be slaughtered and
17 dressed for sale to the public or restaurants or to be sold live for any
18 purpose] retail establishment that sells live poultry directly to an end
19 consumer or restaurant and that slaughters such live poultry on-site
20 for such consumer or restaurant.

21 (5) "Poultry" means any species of domestic fowl, including, but not
22 limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries,
23 waterfowl and game birds raised for food production, breeding,
24 exhibition or sale.

25 (6) "Producer" means any person, firm or corporation engaged in
26 the breeding, raising or keeping of poultry for the purpose of food
27 production, [hatching] table egg production or for [show or exhibition]
28 showing or exhibiting such poultry.

29 Sec. 2. Section 22-322 of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2016*):

31 The owner of any flock of poultry [of one hundred fowls or more
32 may apply to the Commissioner of Agriculture to have such flock
33 examined, and may place it under the supervision of said
34 commissioner, for the purpose of eradicating infectious and contagious
35 diseases therein, and, if he complies with the regulations promulgated
36 by said commissioner relating to the eradicating of any such disease,
37 the commissioner or any assistant or agent appointed by him may
38 make an examination and conduct blood or other tests of such flock,
39 without expense to the owner except the pro-rata cost of laboratory
40 tests as determined by the department of pathobiology at The
41 University of Connecticut, with the approval of the commissioner.
42 Such costs shall be collected by said department of pathobiology and
43 may be waived by the commissioner when birds are owned by fanciers

44 of poultry under the age of eighteen or over the age of sixty-five. Each
45 fowl which reacts upon such examination or test shall be condemned,
46 removed, destroyed or quarantined subject to the direction of the
47 commissioner, his assistant or agent, and the premises occupied by any
48 such fowl shall be immediately cleaned and disinfected by the owner
49 thereof, under the direction of the commissioner, his assistant or agent,
50 at such owner's expense. The commissioner shall then issue to such
51 owner a report or certificate of the condition of such flock in
52 accordance with the findings upon such examination and test or tests.
53 No person shall have any claim against the state for any fowl so
54 condemned, removed, destroyed or quarantined. The commissioner
55 shall publish annually, or more frequently if he deems advisable, a
56 report of all flocks tested or examined. The owner of any flock of
57 poultry of less than one hundred fowls may, subject to the foregoing
58 provisions, apply to the commissioner to have such flock examined,
59 tested and certified, provided the laboratory cost as determined in
60 accordance with this section shall be borne by such owner. When any
61 flock has been examined and accredited in accordance with the
62 provisions of this section, no further examination or test shall be made
63 of such flock by the commissioner or his assistant or agent, except at
64 the owner's expense.] may register such flock with the Commissioner
65 of Agriculture for the purpose of placing such flock in the National
66 Poultry Improvement Plan program. The annual fee to register a flock
67 of less than one hundred fowls shall be twenty-five dollars and for any
68 flock of one hundred or more fowls, fifty dollars. The commissioner
69 shall waive any such registration fee for flock owners who are eighteen
70 years of age or younger. The owner of any registered flock shall be
71 responsible for all laboratory fees charged for any testing necessary to
72 comply with the National Poultry Improvement Plan program
73 standards or to qualify such flock for an avian disease status. Nothing
74 in this section shall be construed to apply to any flock tested solely to
75 qualify for entry into fairs, shows or exhibitions. Whenever a flock fails
76 to comply with the National Poultry Improvement Plan program
77 standards or fails to qualify for an avian disease status, the owner of
78 such flock shall not sell or offer for sale any poultry until such

79 standards or status are met, as determined by the commissioner or the
80 commissioner's designated agent. The commissioner may adopt
81 regulations, in accordance with the provisions of chapter 54, to
82 implement the provisions of this section.

83 Sec. 3. Section 22-323 of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective October 1, 2016*):

85 [No person shall sell or offer for sale any poultry or baby chicks as
86 free from any such contagion or infection or eggs for hatching as from
87 fowls free from any such disease, unless such poultry or eggs have
88 been certified by said commissioner to be free from such disease or to
89 be from fowls free from such disease, as the case may be.] No person,
90 firm or corporation shall sell or offer for sale any live poultry or
91 hatching eggs as being free of any particular avian disease or as
92 participating in the National Poultry Improvement Plan program
93 unless such person, firm or corporation is currently participating in,
94 and in good standing with: (1) The National Poultry Improvement
95 Plan program, as administered by the state of origin for such poultry
96 or hatching eggs, or (2) an avian disease monitoring program
97 administered by an animal health authority of the state or country of
98 origin for such poultry or hatching eggs.

99 Sec. 4. Section 22-47 of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective from passage*):

101 (a) Producers selling eggs of their own producing direct to
102 household users are exempt from the provisions of this part. All types
103 of shippers selling eggs to a first receiver who will grade them into the
104 proper size and grade before reselling are exempt from the provisions
105 of this part.

106 (b) Notwithstanding the provisions of subsection (a) of this section,
107 no producer shall falsely label any egg or offer for sale any egg that is
108 adulterated, as defined in section 22-45.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-326s(a)
Sec. 2	<i>October 1, 2016</i>	22-322
Sec. 3	<i>October 1, 2016</i>	22-323
Sec. 4	<i>from passage</i>	22-47

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Department of Agriculture	GF - Potential Revenue Gain	Under 500	Under 500

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill alters poultry and eggs laws under the Department of Agriculture (DoAg), which is expected to generate less than \$500 annually associated with registration fees and fines.

It establishes a voluntary registration program for poultry flock owners, which could result in a revenue gain of under \$350 (the annual fee to register a flock of 100 or more is \$50, and annual fee to register a flock of less than 100 birds is \$25).

The bill also prohibits people who sell eggs directly to consumers (for instance, at farm stands) from selling falsely labeled or contaminated eggs, and subjects violators to fines. This is anticipated to result in a revenue gain of less than \$150 annually.

Lastly, the bill allows DoAg to adopt regulations and makes minor changes to the poultry dealer licensing statute definitions. These provisions do not result in a fiscal impact (as the agency currently has expertise to adopt these regulations).

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to the number of flock registrations and violations.

OLR Bill Analysis**sHB 5312*****AN ACT CONCERNING MINOR CHANGES TO THE POULTRY DEALER LICENSING STATUTE, REGISTRATION OF POULTRY FLOCKS AND THE LABELLING OF FARM STAND EGGS.*****SUMMARY:**

This bill changes the statutes on poultry and eggs by:

1. establishing a voluntary registration program for poultry flock owners to enable them to participate in the National Poultry Improvement Plan, which seeks to prevent and contain avian disease outbreaks;
2. authorizing the Department of Agriculture (DoAg) commissioner to adopt regulations to implement the registration program;
3. restricting when an owner can sell poultry or eggs as disease free;
4. prohibiting people who sell eggs directly to consumers (e.g., at farm stands) from selling falsely labeled or adulterated eggs; and
5. making minor changes to the poultry dealer licensing statute definitions.

EFFECTIVE DATE: October 1, 2016, except for the farm stand egg selling and poultry dealer licensing statute revisions, which are effective upon passage.

§ 2 — REGISTERING POULTRY FLOCKS

The bill replaces current law about DoAg's inspection and

certification of poultry flocks with a registration program, under which poultry flock owners may register their flocks with DoAg to participate in the National Poultry Improvement Plan (NPIP). NPIP is a cooperative industry, state, and federal program that seeks to prevent, detect, and contain infectious and contagious diseases, such as Avian influenza.

Current law allows a poultry flock owner to have DoAg examine the flock for infectious and contagious diseases. Any diseased fowl are removed, destroyed, or quarantined, and the owner must immediately clean and disinfect the premises of any such fowl. The examination is done at no cost to the owner. For a flock of 100 or more fowl, UConn's pathology department may charge the owner a portion of the laboratory costs, but these may be waived for an owner under age 18 or over age 65. For flocks of less than 100 fowl, the owner must pay the full cost of the laboratory tests.

The bill instead allows a poultry flock owner to register a flock with DoAg for an annual fee of \$50 for a flock of 100 or more and \$25 for a flock of less than 100. Registration fees are waived for owners age 18 or younger.

Registered flocks are placed in the NPIP program. Owners are responsible for paying the full cost of laboratory testing needed to comply with NPIP standards or qualify for an avian disease status. If a flock fails to comply or qualify, the owner cannot sell or offer for sale any poultry until the agriculture commissioner or his agent determines compliance or qualification is met.

The bill's provisions do not apply to any flock tested solely for entry into fairs, shows, or exhibits.

The bill authorizes the commissioner to adopt implementing regulations.

§ 3 — CLAIMING POULTRY OR EGGS ARE DISEASE FREE

Under the bill, no one may sell or offer for sale any live poultry or

hatching eggs as being disease free or participating in the NPIP unless they are currently participating in and in good standing with (1) the NPIP, as administered by the state of origin for the poultry or eggs, or (2) an avian disease monitoring program administered by an animal health authority for the state or country of origin for the poultry or eggs.

This requirement replaces current law, under which no one may sell or offer for sale any poultry, baby chicks, or hatching eggs as being disease free unless the agriculture commissioner certifies them as such.

§ 4 — FARM STAND EGGS

Under the bill, people selling eggs directly to consumers (e.g., at farm stands) cannot (1) falsely label eggs or (2) offer for sale eggs that are adulterated (e.g., injurious to health or not fit for human consumption). Violators will be fined up to \$50 for a first offense and up to \$200 for subsequent offenses (CGS § 22-49).

By law, anyone producing and selling eggs for human consumption must label the eggs in compliance with federal law (CGS § 22-40). No one can advertise, falsely label, sell, or offer for sale eggs that do not meet the labelling requirements or are adulterated (CGS § 22-45). Current law exempts from those requirements producers selling their own eggs directly to consumers (CGS § 22-47). Under the bill, regardless of the exemption, no producer can falsely label eggs or sell adulterated eggs.

§ 1 — REVISIONS TO POULTRY DEALER LICENSING STATUTE

The bill makes technical changes and corrections to the poultry dealer licensing statute. It removes a redundancy from the definition of “dealer” and corrects the definition of “producer” by referring to table eggs (i.e., eggs meant for human consumption) instead of hatching eggs. It also narrows the definition of “live bird market” to mean a retail establishment that sells live poultry directly to an end consumer or restaurant and slaughters the poultry on-site. Current law defines it as a facility that slaughters and sells poultry to the public or

restaurants or sells live poultry for any purpose.

By law, dealers are those engaged in the commercial trade or transportation of live poultry or hatching eggs and must obtain a license from DoAg. Producers are those who raise or keep poultry for food production or show or exhibition. The law generally exempts producers from the dealer licensing requirement; however, producers who are haulers transporting live poultry or hatching eggs to a live bird market, distributor, or dealer must be licensed as a dealer.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 4 (03/04/2016)