



House of Representatives

General Assembly

File No. 340

February Session, 2016

Substitute House Bill No. 5317

House of Representatives, March 31, 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 COMMERCIAL FEED AND THE TERM AND FEE FOR CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF AGRICULTURE.

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

1 Section 1. Subdivision (16) of section 22-118k of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (16) "Official sample" means a sample of feed taken by the
5 Commissioner of Agriculture, or [his designee] the commissioner's
6 designated agent, in accordance with the provisions of section 22-118r,
7 as amended by this act;

8 Sec. 2. Section 22-118l of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective October 1, 2016*):

10 (a) [No person shall manufacture a commercial feed in this state
11 unless he has filed with the Commissioner of Agriculture on forms
12 provided by the commissioner, his name, place of business and

13 location of each manufacturing facility in this state.] Any person who
14 manufactures commercial feed in this state and who offers such
15 commercial feed for sale shall register with the Commissioner of
16 Agriculture on forms and in a manner prescribed by the commissioner.
17 Commercial feed manufacturing facilities with gross sales of less than
18 twenty-five thousand dollars per year from the sale of commercial feed
19 shall be exempt from the provisions of this section and section 22-118r,
20 as amended by this act, except that the commissioner or the
21 commissioner's designated agent may investigate any allegation of
22 adulteration, misbranding, illness or injury relating to such
23 commercial feed upon receipt of a written complaint provided the
24 complainant is identified in such complaint. Each commercial feed
25 manufacturing facility registration shall expire on the thirty-first day of
26 December of each year and may be renewed during the month of
27 December. Until such time as regulations are adopted pursuant to
28 section 22-118q to change the annual fee for such registration, the
29 annual fee charged for registration of a commercial feed
30 manufacturing facility employing less than five full-time staff shall be
31 fifty dollars and for any such facility employing five or more full-time
32 staff such annual registration fee shall be one hundred dollars.

33 (b) No person shall distribute in this state a commercial feed, except
34 a customer-formula feed, which has not been registered pursuant to
35 the provisions of this section. The application for registration shall be
36 submitted in the manner prescribed by the commissioner. Upon
37 approval by the commissioner the registration shall be issued to the
38 applicant. All registrations shall expire on the thirty-first day of
39 December of each year. A distributor shall not be required to register
40 any commercial feed which is already registered under this chapter by
41 another person.

42 (c) [The commissioner may refuse registration of any commercial
43 feed not in compliance with the provisions of sections 22-118k to 22-
44 118u, inclusive, and cancel any registration subsequently found not to
45 be in compliance with any provision of said sections provided no
46 registration shall be refused or canceled unless the registrant is given

47 an opportunity to be heard before the commissioner and to amend his
48 application in order to comply with the requirements of sections 22-
49 118k to 22-118u, inclusive.] The commissioner may suspend, revoke,
50 cancel or refuse the registration of any commercial feed or commercial
51 feed manufacturing facility that is not in compliance with the
52 provisions of this chapter provided no commercial feed registration
53 shall be refused or canceled unless the registrant is given an
54 opportunity to amend the commercial feed registration application in
55 order to comply with the requirements of this chapter. Any applicant
56 or registrant aggrieved by an order to suspend or revoke a commercial
57 feed or commercial feed manufacturing facility registration or a refusal
58 to register such a feed or facility or cancel the registration of such a
59 feed or facility, and any person aggrieved by the imposition of an
60 administrative fine issued pursuant to subdivision (3) of subsection (d)
61 of this section may appeal to the commissioner, in writing, provided
62 such appeal is received by the commissioner not later than ten days
63 after the date of the order, refusal, notice of cancellation or notice of
64 intent to issue an administrative fine. The appeal and hearing shall be
65 held pursuant to chapter 54 and the administrative code of the
66 department, not later than ninety days after the date of the appeal.
67 Any such appeal shall be limited to consideration of whether the
68 alleged violation or violations that resulted in the applicable order or
69 notice existed. Any applicant or registrant aggrieved by a final
70 decision of the commissioner or the hearing officer may appeal to the
71 Superior Court in accordance with the provisions of section 4-183.
72 Nothing in this subsection shall be construed to limit the authority of
73 the commissioner or the commissioner's designated agent to issue any
74 order deemed necessary to protect the safety, health and welfare of
75 humans or animals.

76 (d) (1) After notification of the requirement to register a commercial
77 feed manufacturing facility, any person who fails to register a
78 commercial feed manufacturing facility pursuant to subsection (a) of
79 this section shall, for a first violation, be deemed to have committed an
80 infraction, and, for any subsequent offense, be fined five hundred
81 dollars; (2) after notification of the requirement to register a

82 commercial feed, any person who fails to register a commercial feed, as
83 required pursuant to subsection (b) of this section shall be assessed an
84 administrative fine of one hundred dollars. Each commercial feed
85 found in violation shall be considered a separate offense; and (3) for all
86 other violations for which a penalty has not been established, after
87 notification of any violation of the provisions of this chapter or any
88 regulation adopted pursuant to this chapter and an opportunity to
89 correct the violation, any person who violates any provision of this
90 chapter or any such regulation may be assessed an administrative fine
91 of two hundred fifty dollars per violation for a first offense and five
92 hundred dollars per violation for any subsequent offense that occurs
93 within one year of the first offense.

94 Sec. 3. Section 22-118r of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective October 1, 2016*):

96 (a) Any [employee duly] designated [by] agent of the Commissioner
97 of Agriculture, upon presenting appropriate credentials, [and a written
98 notice to the owner, operator or agent in charge,] may (1) enter, during
99 normal business hours, any factory, warehouse or establishment
100 within this state in which commercial feeds are manufactured,
101 processed, packed or held for distribution, or to enter any vehicle
102 being used to transport or hold such feeds, [and] (2) inspect at
103 reasonable times and within reasonable limits and in a reasonable
104 manner, such factory, warehouse, establishment or vehicle and all
105 pertinent equipment, finished and unfinished materials, containers
106 and labeling for compliance with the provisions of this chapter, and (3)
107 obtain samples of commercial feeds for laboratory analysis. [The
108 inspection may include the verification of only such records and
109 production and control procedures as may be necessary to determine
110 compliance with the regulations established under section 22-118o.]

111 (b) [A separate notice shall be given for each such inspection but a
112 notice shall not be required for each entry made during the period
113 covered by the inspection. Each such] Any inspection conducted
114 pursuant to this chapter shall be commenced and completed with

115 reasonable promptness. Upon completion of the inspection, the person
116 in charge of the facility or vehicle shall be so notified.

117 (c) [If the officer or employee making such inspection of a factory,
118 warehouse or other establishment] Whenever the commissioner or the
119 commissioner's designated agent has obtained a sample in the course
120 of the inspection, upon completion of the inspection and prior to
121 leaving the premises, [he] the commissioner or the commissioner's
122 designated agent shall give to the owner, operator or agent in charge a
123 receipt describing the samples obtained.

124 (d) If the owner of any factory, warehouse or establishment
125 described in subsection (a) of this section, or [his] such owner's agent,
126 refuses to admit the commissioner or [his designee] the commissioner's
127 designated agent to inspect in accordance with subsections (a) and (b)
128 of this section, the commissioner [may] shall apply to the Superior
129 Court for a warrant directing such owner or [his] such owner's agent to
130 submit the premises described in such warrant.

131 [(e) The commissioner or his designee may enter upon any public or
132 private premises including any vehicle of transport during regular
133 business hours to have access to, and to obtain samples, and to
134 examine records relating to distribution of commercial feeds.]

135 [(f)] (e) Sampling and analysis shall be conducted in accordance
136 with methods published by the Association of Official Analytical
137 Chemists International, or in accordance with other generally
138 recognized methods approved by the United States Food and Drug
139 Administration or the commissioner. The report issued by any
140 accredited laboratory acceptable to the commissioner or the
141 commissioner's designated agent shall be prima facie evidence of the
142 components and constituents of any sample collected and submitted
143 by the commissioner or the commissioner's designated agent. When
144 requested by a registrant, the commissioner or the commissioner's
145 designated agent shall prepare and leave a duplicate sample with the
146 registrant at the location a sample is taken.

147 [(g) The results of all analyses of official samples shall be forwarded
148 by the director to the person named on the label and to the purchaser.
149 When the inspection and analysis of an official sample indicates a
150 commercial feed has been adulterated or misbranded and upon
151 request within thirty days following the receipt of the analysis the
152 director shall furnish to the registrant a portion of the sample
153 concerned.]

154 [(h)] (f) The commissioner, in determining for administrative
155 purposes whether a commercial feed is deficient in any component,
156 shall be guided by the official sample, as defined in section 22-118k, as
157 amended by this act, and obtained and analyzed as provided in this
158 section.

159 Sec. 4. Section 22-229 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2016*):

161 No dealer shall receive or purchase milk from producers or others
162 within the state for storage, manufacture, processing, sale, distribution
163 or handling within or without the state, or sell or distribute milk
164 within the state, unless such dealer is licensed as provided herein. No
165 dealer shall buy milk from, or sell milk to, a dealer within the state
166 who is unlicensed, or deal in or handle milk which he has reason to
167 believe has previously been dealt in or handled in violation of this part
168 or any order, ruling or regulation issued hereunder. The license period
169 shall be for a period of two years and extend from July first to the
170 second following June thirtieth, [following,] inclusive.

171 Sec. 5. Section 22-230 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2016*):

173 (a) An application for a license to do business as a dealer, subdealer,
174 cheese manufacturer, dry milk manufacturer or yogurt manufacturer
175 shall be made to the commissioner. Any person who desires to enter
176 business as a dealer, subdealer, cheese manufacturer, dry milk
177 manufacturer or yogurt manufacturer shall file application not less
178 than fifteen days prior to the date for which he is applying to engage in

179 such business. Application for renewal of a license shall be made no
180 later than July first of [each year] the second year following issuance of
181 such license.

182 (b) In order to be complete, each application shall be accompanied
183 by the license fee provided for by sections 22-235a and 22-236, as
184 amended by this act. An applicant who fails to apply for renewal of a
185 license on or before July first of [each license year] the second year
186 following issuance of such license shall be assessed a late filing fee of
187 fifty dollars and in the case of a store the late filing fee shall be fifteen
188 dollars. Such late filing fee shall be in addition to any fees normally
189 due for renewal of a license.

190 (c) The applicant shall state such information in regard to his
191 business or proposed business as is required by the commissioner,
192 upon such form as he prescribes. Such information may include: (1)
193 The nature of the business to be conducted; (2) the full name and
194 address of the person applying; if the applicant is a copartnership, the
195 full name of each member shall be stated; if the applicant is an
196 association or corporation, the names and addresses of all officers and
197 directors shall be stated; (3) the location at which the business is to be
198 conducted and the locations or areas in which such business is to be
199 operated; (4) the financial condition of the applicant; (5) a showing that
200 he has complied and will comply with this part and all orders, rulings,
201 regulations or directions issued hereunder; (6) the quantities, sources
202 and type of outlets of milk handled during the calendar year preceding
203 the period for which the license is desired; (7) such other facts with
204 respect to the applicant's business as may be required by the
205 commissioner pursuant to this part. The commissioner shall grant or
206 renew a license to an applicant qualifying under and complying with
207 all provisions of this part and orders, rulings, regulations and
208 directions issued under this section.

209 (d) Licenses shall not be transferable.

210 (e) The licensing period shall be from the first day of July through
211 the thirtieth day of June of the [following year] second year following

212 issuance of such license. The reporting period shall be the first day of
213 April through the thirty-first day of March of the [following year]
214 second year following issuance of such license. During the month of
215 March, the commissioner shall send a notice to each milk dealer,
216 subdealer, cheese manufacturer, dry milk manufacturer and yogurt
217 manufacturer, regarding their license renewal date and licensing
218 reporting requirements.

219 (f) The fees accompanying their application shall be returned to
220 applicants who have been refused a license by the commissioner.

221 (g) License fees collected shall be credited to the General Fund.

222 (h) A milk dealer or a yogurt, dry milk and cheese manufacturer
223 who fails to submit required information or fees no later than sixty
224 days after the end of the licensing period shall be deemed to have
225 surrendered its license and shall be notified by the commissioner via
226 certified mail that its license is expired and deemed to have been
227 surrendered. In the case of a store, such notification may be via first
228 class mail. In the month of September, the commissioner shall furnish
229 all licensed dealers, by electronic or other means deemed acceptable by
230 the commissioner, a listing of all known milk dealers and stores that
231 have failed to renew a license or whose license was revoked. The
232 commissioner may update the listing from time to time.

233 (i) No license shall be issued to any person, firm or corporation who
234 has surrendered its license or whose license was revoked, until the
235 commissioner has received all past due license or late fees.

236 Sec. 6. Section 22-236 of the general statutes is repealed and the
237 following is substituted in lieu thereof (*Effective October 1, 2016*):

238 (a) The [annual] biennial license fee for each milk dealer, yogurt
239 manufacturer, or subdealer shall be [one] two hundred dollars. The
240 license fee for dealers and subdealers with yearly sales in excess of one
241 hundred thousand quarts shall be increased at a rate of .021 cents per
242 one hundred quarts of milk product sold during the reporting period.

243 (b) The license fee for each cheese manufacturer shall be [one] two
244 hundred dollars.

245 (c) The license fee for each dry milk manufacturer shall be [one] two
246 hundred dollars.

247 (d) The license fee for each store shall be [sixty] one hundred twenty
248 dollars.

249 (e) The Commissioner of Agriculture shall adopt regulations, in
250 accordance with the provisions of chapter 54, necessary to carry out
251 the provisions of this section.

252 (f) The commissioner may grant a waiver from any fee established
253 in this chapter to any nonprofit organization, as defined in Section
254 501(c)(3) of the United States Internal Revenue Code, upon
255 presentation to the commissioner of adequate proof of the
256 organization's nonprofit status.

257 Sec. 7. Section 22-344 of the general statutes is repealed and the
258 following is substituted in lieu thereof (*Effective October 1, 2016*):

259 (a) (1) No person shall maintain a commercial kennel until he has
260 obtained from the commissioner a license to maintain such kennel
261 under such regulations as the commissioner provides as to sanitation,
262 disease and humane treatment of dogs or cats and the protection of the
263 public safety. Upon written application and the payment of a fee of
264 [two] four hundred dollars, the commissioner shall issue such license
265 to be effective until the [ensuing] the second December thirty-first
266 following issuance provided the commissioner finds (A) that such
267 regulations have been complied with, and (B) in the case of each initial
268 application for such license, that the zoning enforcement official of the
269 municipality wherein such kennel is to be maintained has certified that
270 the kennel conforms to the municipal zoning regulations. Such license
271 shall be renewed [annually] biennially, not later than December thirty-
272 first, in accordance with the provisions of this section, and may be
273 transferred by the licensee to another premises upon approval of the

274 commissioner.

275 (2) Any person who maintains a commercial kennel and who
276 advertises the services of such commercial kennel shall cause the
277 license number for such commercial kennel, as issued pursuant to this
278 section, to clearly appear in such advertisement. The commissioner
279 may adopt regulations, in accordance with chapter 54, to prescribe the
280 requirements for the appearance of the license number of a commercial
281 kennel in any form of advertisement. Such regulation may include, but
282 need not be limited to, the size, font and location of such license
283 number for any given form of advertisement.

284 (b) No person shall maintain a pet shop until he has obtained from
285 the commissioner a license to maintain such pet shop under such
286 regulations as the commissioner provides as to sanitation, disease and
287 humane treatment of animals and the protection of the public safety.
288 Upon written application and the payment of a fee of [two] four
289 hundred dollars, the commissioner shall issue such license to be
290 effective until the [ensuing] second December thirty-first following
291 issuance provided the commissioner finds (1) that such regulations
292 have been complied with, and (2) in the case of each initial application
293 for such license, that the zoning enforcement official of the
294 municipality wherein such pet shop is to be maintained has certified
295 that the pet shop conforms to the municipal zoning regulations.
296 Application for renewal of such license shall be made biennially by not
297 later than the second December thirty-first following issuance. Such
298 pet shop license may be transferred by the licensee to another premises
299 upon the approval of the commissioner. The commissioner, after
300 consultation with the Commissioners of Public Health and Energy and
301 Environmental Protection, shall establish and maintain, pursuant to
302 regulations adopted in accordance with chapter 54, a list of animals
303 which are deemed to be injurious to the health and safety of the public
304 or whose maintenance in captivity is detrimental to the health and
305 safety of the animal. The sale or offer of sale of any animal which is on
306 said list is prohibited and any person who violates this provision shall
307 be fined not more than five hundred dollars.

308 (c) No person shall engage in the business of grooming or
309 maintaining a grooming facility until such person has obtained from
310 the commissioner a license to maintain such facility under such
311 regulations as the commissioner provides as to sanitation, disease and
312 humane treatment of such animals and the protection of the public
313 safety. Upon written application and the payment of a fee of [one] two
314 hundred dollars, the commissioner shall issue such license to be
315 effective until the [ensuing] second December thirty-first following
316 issuance provided the commissioner finds (1) that such regulations
317 have been complied with, and (2) in the case of each initial application
318 for such license, that the zoning enforcement official of the
319 municipality wherein such grooming is to be maintained has certified
320 that the facility conforms to the municipal zoning regulations. Such
321 license shall be renewed [annually] biennially, not later than the
322 second December thirty-first following issuance, in accordance with
323 the provisions of this section, and may be transferred by the licensee to
324 other premises upon approval of the commissioner.

325 (d) No person shall maintain a training facility until such person has
326 obtained from the commissioner a license to maintain such facility
327 under such regulations as the commissioner provides as to sanitation,
328 disease and humane treatment of such animals and the protection of
329 public safety. Upon written application and the payment of a fee of
330 [one] two hundred dollars, the commissioner shall issue such license to
331 be effective until the [ensuing] second December thirty-first following
332 issuance provided the commissioner finds (1) that such regulations
333 have been complied with, and (2) in the case of each initial application
334 for such license, that the zoning enforcement official of the
335 municipality wherein such training facility is to be maintained has
336 certified that the facility conforms to the municipal zoning regulations.
337 Such license shall be renewed [annually] biennially not later than the
338 second December thirty-first following issuance upon the terms
339 required for the original license and may be transferred by the licensee
340 to another premises upon approval of the commissioner.

341 (e) (1) No animal importer shall import any dog or cat into this state

342 until such person registers as an animal importer with the
343 commissioner. Such registration shall be on a form as prescribed by the
344 commissioner. Such registration shall require the submission of the
345 following information: (A) The name, mailing address, business
346 address, telephone number and Internet address of such registrant, (B)
347 if such registrant is domiciled out-of-state, the name, Connecticut
348 address and phone number of a Connecticut-based agent for service of
349 process, and (C) the number of animals brought into the state during
350 the prior year by such animal importer and the state or country of
351 origin for each such animal. Such registration shall be accompanied by
352 payment of a fee of [one] two hundred dollars and shall be valid until
353 the second December thirty-first following such registration. Such
354 registration shall be renewed [annually] biennially not later than the
355 second December thirty-first following issuance, in accordance with
356 the provisions of this subsection, provided the commissioner
357 determines that such registrant complies with any requirements
358 provided by the commissioner as to the health, safety and humane
359 treatment of animals that is applicable to animal importers. Such
360 registration shall not be required for any employee or volunteer of a
361 registered animal importer or other person who is required to be
362 licensed pursuant to the provisions of this chapter, provided such
363 employee, volunteer or other person is not otherwise an animal
364 importer. Any person who violates the provisions of this subdivision
365 shall be fined not more than five hundred dollars.

366 (2) Any animal importer who intends to offer for sale, adoption or
367 transfer any dog or cat at a venue or location that is open to the public
368 or at an outdoor location, including, but not limited to, a parking lot or
369 shopping center, shall provide notice to the Department of Agriculture
370 and the municipal zoning enforcement officer of the town where any
371 such sale, adoption or transfer will occur, not later than ten days prior
372 to such event. Such notice shall state the date for such sale, adoption or
373 transfer event, the exact location of such event and the anticipated
374 number of animals for sale, adoption or transfer at such event. Any
375 person who fails to provide notice as required pursuant to this
376 subdivision shall be fined not more than one hundred dollars per

377 animal that is offered for sale, adoption or transfer at such event.

378 (3) For the purpose of this subsection, "animal importer" means a
379 person who brings any dog or cat into this state from any other
380 sovereign entity for the purpose of offering such dog or cat to any
381 person for sale, adoption or transfer in exchange for any fee, sale,
382 voluntary contribution, service or any other consideration. "Animal
383 importer" includes any commercial or nonprofit animal rescue or
384 adoption, humane relocation or delivery organization that is not
385 otherwise required to be licensed under the provisions of this chapter.

386 (4) The provisions of this subsection shall not be construed to apply
387 to any animal importer who offers a dog or cat for sale to a pet shop
388 that is licensed in accordance with the provisions of subsection (b) of
389 this section, provided such animal is delivered directly to a pet shop.

390 (5) The Commissioner of Agriculture may inspect any animal
391 imported by an animal importer or any record required to be kept by
392 such animal importer, provided such inspection shall not authorize the
393 entry of the commissioner into the residence of such animal importer.

394 (6) Not later than December 31, 2013, the Commissioner of
395 Agriculture shall prescribe the conditions that constitute the humane
396 treatment of animals that are applicable to animal importers. Such
397 conditions shall include, but not be limited to, the appropriate shelter,
398 availability of food and water and standard of care to be provided by
399 an animal importer to such animals.

400 (f) The commissioner may, at any time, inspect or cause to be
401 inspected by the commissioner's agents any such commercial kennel,
402 pet shop, grooming facility or training facility, and if, (1) in the
403 commissioner's judgment such kennel, pet shop, grooming facility or
404 training facility is not being maintained in a sanitary and humane
405 manner or in a manner that protects the public safety, (2) the
406 commissioner finds that contagious, infectious or communicable
407 disease or other unsatisfactory conditions exist, or (3) in the case of a
408 pet shop, the commissioner finds any violation of the provisions of

409 section 22a-381d, the commissioner may issue a fine to such
410 commercial kennel, pet shop, grooming facility or training facility of
411 not more than five hundred dollars for each animal that is the subject
412 of such violation, may issue such orders as the commissioner deems
413 necessary for the correction of such conditions and may quarantine the
414 premises and animals. If the owner or keeper of such kennel, pet shop,
415 grooming facility or training facility fails to comply with the
416 regulations or orders of the commissioner, or fails to comply with any
417 provision of the statutes or regulations relating to dogs or other
418 animals, the commissioner may revoke or suspend such license. Any
419 person aggrieved by any order issued under the provisions of this
420 section may appeal therefrom in accordance with the provisions of
421 section 4-183. Any person maintaining any commercial kennel, pet
422 shop, grooming facility or training facility without having obtained a
423 license for the same or after any such license has been revoked or
424 suspended as provided herein shall be fined not more than two
425 hundred dollars. The provisions of this section shall not apply to
426 veterinary hospitals, except those boarding or grooming dogs for
427 nonmedical purposes, and other establishments where all the dogs or
428 animals were born and raised on the premises where they are kept for
429 sale.

430 (g) The provisions of subsections (a) to (d), inclusive, of this section
431 requiring certification by the zoning enforcement official that every
432 commercial kennel, pet shop, grooming facility and training facility
433 conforms to the zoning regulations of the municipality wherein such
434 kennel, pet shop, grooming facility or training facility is maintained
435 shall not apply to any person who is licensed under said subsections
436 and maintained any such kennel, pet shop or grooming facility prior to
437 October 1, 1977, provided such person does not relocate such kennel,
438 pet shop, grooming facility or training facility in a zone in which such
439 kennel, pet shop, grooming facility or training facility is not a
440 permitted use. In addition, the provisions of said subsections requiring
441 certification by the zoning enforcement official that every commercial
442 kennel, pet shop, grooming facility and training facility conforms to
443 the zoning regulations of the municipality wherein such kennel, pet

444 shop, grooming facility or training facility is maintained shall not
445 apply when a zone in which such kennel, pet shop, grooming facility
446 or training facility is maintained is changed to a use which does not
447 permit such kennel, pet shop, grooming facility or training facility in
448 such zone.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	22-118k(16)
Sec. 2	<i>October 1, 2016</i>	22-118l
Sec. 3	<i>October 1, 2016</i>	22-118r
Sec. 4	<i>October 1, 2016</i>	22-229
Sec. 5	<i>October 1, 2016</i>	22-230
Sec. 6	<i>October 1, 2016</i>	22-236
Sec. 7	<i>October 1, 2016</i>	22-344

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 - Revenue Gain	Less than 1,250	Less than 1,250

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill alters certain registration processes with the Department of Agriculture (DoAg), which results in an estimated revenue gain of less than \$1,250 annually. Of this amount, \$250 is anticipated from annual registration fees, and less than \$1,000 would be generated from fines levied against violations.

The bill requires commercial feed manufacturers to register with DoAg annually, instead of once, and pay an annual registration fee. It is anticipated that three manufacturers would register with DoAg, yielding \$250 in revenue annually.

It also establishes a schedule of fines for violating the commercial feed requirements, which is estimated to generate less than \$1,000 annually.

Lastly, the bill doubles the term, from annual to biennial, for various DoAg licenses and doubles their associated fee. This does not result in a fiscal impact, but does however, shift revenue (of \$366,500 collected in FY 15), from annual to biennial.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sHB 5317*****AN ACT CONCERNING COMMERCIAL FEED AND THE TERM AND FEE FOR CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF AGRICULTURE.*****SUMMARY:**

This bill modifies the state's statutory commercial feed requirements to align them with the state Department of Agriculture's (DoAg) cooperative agreement with the U.S. Food and Drug Administration (FDA) on animal feed. By law, "commercial feed" is generally any feed used for pets and other animals, except for unmixed seeds and commodities (e.g., hay, straw, silage, husks) and individual substances not mixed with other materials.

Among its provisions, the bill:

1. requires in-state commercial feed manufacturers to register with DoAg annually, instead of once, and pay an annual registration fee;
2. establishes statutory fines for violating the commercial feed requirements;
3. eliminates a requirement for DoAg to provide a commercial feed facility owner or operator written notice of an inspection;
4. requires, instead of authorizes, DoAg to apply to the Superior Court for a warrant when a facility owner refuses an inspector entry; and
5. exempts manufacturers with less than \$25,000 in annual commercial feed sales from registration and inspection requirements, but allows DoAg to investigate any written

complaint against such manufacturer.

The bill also makes certain licenses and registrations DoAg issues subject to biennial, instead of annual, renewal and adjusts the associated fee for each to reflect the longer term.

EFFECTIVE DATE: October 1, 2016

§§ 1-3 — COMMERCIAL FEED

Annual Registration

The bill requires an in-state commercial feed manufacturer with \$25,000 or more in annual sales of commercial feed to register its facilities with DoAg annually. The commissioner must prescribe the forms and process for the registration.

Each registration expires on December 31 and may be renewed in December. Registrants must pay an annual registration fee, which the bill establishes at \$100 for a manufacturer that employs five or more full-time staff and \$50 for one that employs fewer than five full-time staff. The bill authorizes the commissioner to adopt regulations to change the annual registration fee.

Under current law, all in-state commercial feed manufacturers must file information with the commissioner once and for no charge.

The law also requires commercial feed distributors to annually register their commercial feeds with DoAg. Registrants must pay an annual \$40 fee for each feed registered (Conn. Agencies Regs. § 22-118q-2).

Suspension or Revocation of Registration

Under current law, the commissioner may cancel or refuse a distributor's commercial feed registration for noncompliance with the commercial feed laws after the registrant is given an opportunity for a hearing before the commissioner. The bill instead allows the commissioner to cancel, refuse, suspend, or revoke a commercial feed manufacturer's facility or a distributor's commercial feed registration.

Appeal and Hearing

Under the bill, anyone aggrieved by an action of the commissioner (either cancellation, refusal, suspension, or revocation of a registration or imposition of an administrative fine (see below)) may submit a written appeal to the commissioner within 10 days after the action. The commissioner must hold a hearing in accordance with the Uniform Administrative Procedure Act (UAPA) and DoAg's administrative code within 90 days after receiving the appeal. Appeals are limited to whether an alleged violation occurred.

Anyone aggrieved by a final decision by the commissioner or hearing officer may appeal to Superior Court in accordance with the UAPA.

The bill specifies that these provisions do not limit the authority of the commissioner or his designated agent to issue orders necessary to protect the safety, health, and welfare of people or animals.

Statutory Fines for Violations

The bill establishes fines for (1) failing to register a manufacturing facility or a commercial feed or (2) violating other commercial feed laws or regulations (e.g., requirements on proper labeling and barring the sale of misbranded or adulterated feed), as shown in Table 1.

Table 1: Fines for Violating Commercial Feed Requirements

<i>Violation</i>	<i>Fine</i>
Failing to register a commercial feed manufacturing facility as required under the bill	An infraction for a first violation; \$500 for any subsequent violation
Failing to register a commercial feed as required by law	\$100 for each commercial feed in violation
All other violations of the commercial feed statutes and regulations for which there is no specified penalty	\$250 per violation for a first offense; \$500 per violation for any subsequent offense occurring within one year of the first offense

Under the bill, a person or entity who fails to register a commercial feed manufacturing facility or a commercial feed is fined only after receiving notification of the registration requirement. The agriculture

commissioner may assess an administrative fine for other violations of the commercial feed requirements only after giving notification of the violation and an opportunity to correct it.

By law, when the agriculture commissioner or his designee has reasonable cause to believe commercial feed is being distributed in violation of the laws and regulations, he or she may order the distributor to (1) withdraw the feed from distribution and (2) not dispose of it unless the commissioner or a court gives permission to do so. The commissioner may seek a court's permission to seize, condemn, and dispose of any feed that is not in compliance. A distributor must be given an opportunity to bring the feed into compliance before disposal (CGS § 22-118s).

Inspection

Under current law, DoAg employees may enter and inspect, at reasonable times and in a reasonable manner, feed manufacturing, processing, packaging, and distribution facilities, vehicles, and equipment. The bill instead allows the commissioner's designated agents to perform such inspections.

The bill eliminates a requirement that the inspector present written notice of the inspection to the facility owner, operator, or agent in charge. But the law, unchanged by the bill, requires the inspector to notify the person in charge when the inspection is complete.

If the owner or his or her agent denies an inspector entry, the bill requires the commissioner or his agent to apply to Superior Court for a warrant. Current law allows this, but does not require it.

Sampling and Analysis

The law allows inspectors to obtain samples of commercial feed for analysis. It requires such sampling and analysis to be done in accordance with methods published by the Association of Official Analytical Chemists International or other generally recognized methods. The bill requires these other methods to be approved by the FDA or DoAg commissioner. Upon request, the commissioner or his

agent must prepare and leave a duplicate sample with the registrant.

The bill eliminates a requirement that the analysis results be provided to the person named on the label and the purchaser. Current law allows a registrant, within 30 days after receiving a copy of the results, to request a portion of the analyzed sample.

The bill specifies that a report issued by an accredited laboratory is prima facie evidence of the components of the sample collected. By law, the commissioner must use such report in determining if a commercial feed is deficient.

§§ 4-7 — LICENSE AND REGISTRATION TERMS AND FEES

The bill doubles the term of certain license and registrations DoAg issues, making them renewable every two years, instead of annually. It adjusts the required fees to reflect the longer term. Table 2 lists the fees under current law and the bill.

Table 2: License and Registration Fees

<i>Licensee or Registrant</i>	<i>Annual Fee under Current Law (\$)</i>	<i>Biennial Fee under the Bill (\$)</i>
Milk dealer; subdealer; or cheese, dry milk, or yogurt manufacturer	100	200
Milk-selling store	60	120
Commercial kennel or pet shop	200	400
Animal grooming or training facility	100	200
Animal importer	100	200

Under the bill, licenses related to milk and milk products extend from July 1 to June 30 of the second following year. Applicants must apply for renewal on or by July 1 of the second year. Applicants who renew late are charged a late fee of \$50 or \$15 for a milk-selling store.

Commercial kennel, pet shop, grooming facility, and training facility licenses and animal importer registrations extend from January 1 to December 31 of the second following year. Applicants must apply

for renewal on or by December 31 of the second year.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 5 (03/11/2016)