



General Assembly

February Session, 2006

Raised Bill No.

413

LCO No. 2168



Referred to Committee on
ENVIRONMENT

Introduced by:
(ENV)

**AN ACT CONCERNING MINOR REVISIONS TO THE DEPARTMENT
OF AGRICULTURE STATUTES.**

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

1 Section 1. Section 22-150a of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in this section, (1) "certified milk laboratory" means a
5 facility at which confirmatory and final findings are performed
6 regarding biological, chemical, physical or other examination of milk
7 and milk products, for the purpose of providing information on the
8 sanitary quality, identification of contaminants or amount of any
9 substance prejudicial to [the health of] the public health, (2) "milk
10 screening laboratory" means any facility used for the purpose of
11 detecting the presence of antibiotic residues or other inhibitory
12 substances in milk and milk products received by a milk dealer or
13 producer dealer, (3) "component testing laboratory" means any facility
14 used for the chemical, physical or other testing of milk, where the
15 results of such tests are used in part or in whole as the basis for
16 payment to a producer.

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CONNECTICUT STATE LIBRARY
LEGISLATIVE REFERENCE SECTION
LEGISLATIVE REFERENCE SECTION

17 (b) No person, firm or corporation shall operate a certified milk
18 laboratory, milk screening laboratory or component testing laboratory
19 in the state of Connecticut without first obtaining a valid permit for
20 such operation from the Commissioner of Agriculture. Permit
21 application shall be made on forms provided by the commissioner and
22 shall be renewed annually by the thirtieth day of June. Upon receipt of
23 any such application or renewal application, the commissioner, or the
24 commissioner's designee, shall make such inspections and
25 investigations as the commissioner deems necessary and shall deny a
26 permit when, in the commissioner's opinion, the operation of the
27 laboratory would be detrimental to the public health. The
28 commissioner shall establish a permit fee schedule pursuant to section
29 22-128a.

30 (c) Each registered certified milk laboratory, milk screening
31 laboratory or component testing laboratory shall comply with the
32 standards for milk laboratories set forth in the Grade-A Pasteurized
33 Milk Ordinance Recommendations of the United States Public Health
34 Service/Food and Drug Administration [, as established in the latest
35 edition of the Official Methods of Analysis of the Association of
36 Official Analytical Chemists, Standard Methods for the Examination of
37 Dairy Products, United States Public Health Service/Food and Drug
38 Administration's Evaluation of Milk Laboratories] and shall be subject
39 to periodic inspection by the commissioner, or the commissioner's
40 designee, including inspection of all records necessary to carry out the
41 purposes of this section.

42 (d) This section does not apply to any milk laboratory operated by a
43 state agency or to retail raw milk producers or intrastate milk dealers.

44 (e) The Milk Regulation Board may adopt regulations, in accordance
45 with the provisions of chapter 54, to carry out the provisions of this
46 section.

47 (f) The commissioner may revoke or suspend a permit issued under
48 this section or impose a civil penalty, in accordance with section 22-7,

49 for a violation of the provisions of this section.

50 Sec. 2. Section 22-326s of the 2006 supplement to the general statutes
51 is repealed and the following is substituted in lieu thereof (*Effective*
52 *from passage*):

53 (a) As used in this section:

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

55 (2) "Dealer" means a producer who is a wholesaler, distributor or
56 hauler of live poultry or hatching eggs or any person, firm or
57 corporation engaged in the business of (A) buying, receiving, selling,
58 bartering, exchanging, negotiating or soliciting the sale, resale or
59 exchange of live poultry or hatching eggs, or [a person, firm or
60 corporation engaged in] (B) the transportation, transfer or shipment of
61 any live poultry or hatching eggs. [or a producer who is a wholesaler,
62 distributor or hauler of live poultry or hatching eggs.]

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

66 (4) "Live bird market" means a facility at which live poultry or
67 hatching eggs are congregated for sale or to be slaughtered and
68 dressed for sale to the public or restaurants or to be sold live for any
69 purpose.

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

74 (6) "Producer" means any person, firm or corporation engaged in
75 the breeding, raising or keeping of poultry for the purpose of food
76 production, hatching egg production or for show or exhibition.

77 (b) Annually, each poultry dealer conducting business within the
78 state shall apply for a license upon forms furnished by the
79 commissioner. The commissioner shall issue such license unless, in the
80 commissioner's sole discretion, the commissioner deems it in the best
81 interest of the public to refuse issuance thereof. In refusing to issue a
82 license, the commissioner shall give due regard to whether the
83 applicant has had such a license previously revoked or suspended or
84 has violated any state or federal law or regulation concerned with
85 interstate transport of live poultry and hatching eggs or live poultry
86 health requirements. Each license shall be nontransferable and shall be
87 in effect from July first through the last day of June of the next
88 succeeding year.

89 (c) Each license shall be shown, upon request, to any person with
90 whom the licensee conducts or proposes to conduct business.

91 (d) Any poultry dealer licensed under this section shall keep
92 accounts and records that fully and clearly disclose all transactions
93 related to the conduct of such dealer's business. Such records shall be
94 made available at any time for inspection by the commissioner or the
95 commissioner's authorized agent for the purpose of determining the
96 origin and destination of any live poultry handled by the dealer.
97 Information relating to the general business of the dealer that is
98 disclosed in the course of an inspection by the commissioner or by the
99 commissioner's authorized agent and that is not related to the
100 immediate purpose of the inspection shall be confidential and not
101 disclosed except as required by law.

102 (e) The provisions of this section do not apply to any person, firm or
103 corporation that is only a producer, except that a producer who
104 transports live poultry directly to a live bird market, wholesaler,
105 distributor or other dealer shall be deemed a hauler and subject to the
106 provisions of this section.

107 (f) The Commissioner of Agriculture may adopt regulations, in
108 accordance with the provisions of chapter 54, to ensure compliance

109 with this section and to ensure the public health and safety. Such
110 regulations shall include: (1) Sanitation standards for vehicles, crates,
111 facilities and other appurtenances used to transport and hold poultry
112 or hatching eggs, both in transit and at any place where poultry or
113 hatching eggs are held for the purposes of being sold or offered for
114 sale; (2) the health requirements for poultry and hatching eggs,
115 including, but not limited to, required tests, vaccinations or other
116 methods used to prevent poultry disease; (3) the manner and form of
117 records to be kept, including, but not limited to, identification of the
118 origin of poultry or hatching eggs, poultry animal health records, test
119 results or copies of sales records and dates; and (4) individual bird and
120 premise identification.

121 (g) The commissioner may: (1) Revoke or suspend a poultry dealer's
122 license, or (2) assess an administrative civil penalty pursuant to section
123 22-7 for a violation of this section.

124 Sec. 3. Section 22-127 of the 2006 supplement to the general statutes
125 is repealed and the following is substituted in lieu thereof (*Effective*
126 *from passage*):

127 The terms defined in this section shall, as used in this chapter, have
128 the meanings set forth in this section unless otherwise clearly indicated
129 in the context.

130 (1) "Bulk tank unit" means a dairy farm or group of dairy farms
131 from which raw milk is collected for pasteurization for which a single
132 entity sanitation compliance rating is issued.

133 (2) "Commissioner" means the Commissioner of Agriculture.

134 (3) "Cheese manufacturer" means any person, firm, corporation or
135 cooperative association engaged in the production, receiving or
136 handling of milk or milk products, which milk products, in whole or in
137 part, are intended to be manufactured into cheese for distribution or
138 sale in or outside this state.

139 (4) "Dealer" means any person, firm, corporation or cooperative
140 association engaged in the receiving, handling, purchasing,
141 distribution or sale of fluid milk or milk products, which fluid milk or
142 milk products, in whole or in part, are intended for bottling,
143 manufacturing, processing, distribution or sale in this state.

144 (5) "Filled milk" means any combination of nonmilk fat or oil and
145 milk, whether or not it is fresh, cultured, reconstituted or modified by
146 the addition of nonfat milk solids, with or without milkfat, so that the
147 product, including stabilizers, emulsifiers or flavoring, resembles milk
148 or any other fluid milk product, and contains less than six per cent
149 nonmilk fat or oil.

150 (6) "Handler" means any person, firm, corporation or cooperative
151 association engaged in the receiving, handling, distribution or sale of
152 fluid milk or milk products, which fluid milk or milk products, in
153 whole or in part, are intended for bottling, manufacturing, processing,
154 distribution or sale in this state.

155 (7) "Nonstandardized milk products" means milk-based products
156 modified so they do not meet the definition of optional ingredients
157 established in 21 CFR 131.110, contain milk and milk products, are
158 intended to replace or be a substitute for standardized fluid milk
159 products. Nonstandardized milk products may contain safe and
160 suitable ingredients not present in standardized milk products.

161 (8) "Pasteurization" or "pasteurized" has the same meaning, as
162 defined in section 1 of the Pasteurized Milk Ordinance as promulgated
163 by the United States Food and Drug Administration.

164 (9) "Producer" means any person, firm or corporation that operates a
165 dairy farm that provides, sells or offers milk to any dealer, person,
166 handler, company or cooperative for sale.

167 (10) "Public eating places" means places where meals are served to
168 the general public, including, but not limited to, public or private

169 schools and colleges, hotels, restaurants, clubs, lunchrooms, bars,
170 fountains or any place of public entertainment.

171 (11) "Raw milk" or "milk for pasteurization" means normal lacteal
172 secretion [that meets the sanitary provisions of this chapter,] that is
173 practically free of colostrum and that is obtained by the complete
174 milking of one or more healthy hooved mammals.

175 (12) "Raw milk cheese" means aged hard cheese that meets the
176 sanitary provisions of this chapter and that is produced from retail raw
177 milk.

178 (13) "Retail raw milk" means normal lacteal secretion [that meets the
179 sanitary standards of this chapter,] that is practically free of colostrum,
180 [and] that is obtained by the complete milking of one or more healthy
181 goats, sheep or cows, [and] that is intended for human consumption in
182 the unpasteurized state and that meets the sanitary standards of this
183 chapter.

184 (14) "Retail raw milk producer" means any person, firm, corporation
185 or cooperative association engaged in the production, handling,
186 distribution or sale of retail raw milk.

187 (15) "Retail raw milk cheese manufacturer" means any person, firm,
188 corporation or cooperative association engaged in the production,
189 handling, distribution or sale of cheese manufactured from retail raw
190 milk.

191 (16) "Safe and suitable ingredients" are food ingredients generally
192 recognized as safe, as referenced in 21 CFR 184.1.

193 (17) "Standardized milk and milk products" or "milk or milk
194 products" means products for which a standard of identity has been
195 established pursuant to 21 CFR 131.110.

196 Sec. 4. Section 22-197b of the 2006 supplement to the general statutes
197 is repealed and the following is substituted in lieu thereof (*Effective*

198 *from passage):*

199 Each person, handler, firm or corporation shall clearly mark [with
200 the last date on which] each container of milk or milk product, cream,
201 yogurt, cream cheese, cottage cheese, ricotta cheese, [hard cheese,] soft
202 cheese, eggnog or sour cream offered for retail sale [may be sold] with
203 a last sale date. In accordance with the provisions of chapter 54, the
204 Milk Regulation Board shall adopt regulations establishing standards
205 and criteria for label type size, color and wording that is consistent
206 with national standards and said board may incorporate by reference
207 The Nutritional Education and Labeling Act, 21 CFR 101. The
208 commissioner may impose a civil penalty, in accordance with the
209 provisions of section 22-7, for a violation of this section.

210 Sec. 5. Section 22-203a of the 2006 supplement to the general statutes
211 is repealed and the following is substituted in lieu thereof (*Effective*
212 *from passage):*

213 (a) Any person, firm or corporation engaged in receiving, handling,
214 processing or packaging milk or milk products shall test each tank
215 truck load of milk or milk products for the presence of drug residues
216 or other inhibitory substances upon receipt of such milk or milk
217 product at the receiving plant prior to processing. In the case of
218 interplant shipments of bulk milk or milk products, each bulk tank
219 load, or portion thereof, shall be tested prior to processing for the
220 presence of drug residues or other inhibitory substances. The
221 Commissioner of Agriculture may require a milk producer holding a
222 permit issued under section 22-172, as amended, or a retail raw milk
223 producer holding a permit issued under section 22-173a who violates
224 section 22-129 to test milk produced by him for the presence of drug
225 residues or inhibitory substances prior to shipment. For purposes of
226 this section and sections 22-203b to 22-203d, inclusive, as amended,
227 "drug" means (1) articles recognized in the Official United States
228 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United
229 States, or Official National Formulary, or any supplement to any of

230 them; (2) articles intended for use in the diagnosis, cure, mitigation,
231 treatment or prevention of disease in man or other animals; (3) articles,
232 other than food, intended to affect the structure or any function of the
233 body of man or other animals; or (4) articles intended for use as a
234 component of any articles specified in subdivision (1), (2) or (3), but
235 does not include devices or their components, parts or accessories.

236 (b) Any test administered pursuant to this section shall be approved
237 by the Commissioner of Agriculture and shall be capable of
238 determining compliance with standards for drug residue tolerance
239 levels recommended by the United States Food and Drug
240 Administration. Any test approved by the commissioner shall be rapid
241 and economically feasible and shall be performed at a facility or
242 location and in a manner acceptable to the commissioner. The results
243 of any test required shall be recorded by the person administering
244 such test and kept on file at the location where the test was conducted
245 or at the processing plant for not less than two years.

246 (c) Each retail raw milk producer and intrastate dealer with ten or
247 fewer milking age animals shall maintain records, which shall be
248 available for inspection by the commissioner, or the commissioner's
249 designee, for each individual animal treated with a drug. Such records
250 shall include the name of the drug or drugs, withdrawal time required
251 for each drug, treatment dates, and, after completion of such
252 treatment, the date such animal's milk is offered for sale. Retail raw
253 milk producers and intrastate dealers with more than ten milking age
254 animals shall comply with section 22-203a.

255 Sec. 6. Section 22-205 of the 2006 supplement to the general statutes
256 is repealed and the following is substituted in lieu thereof (*Effective*
257 *from passage*):

258 The following terms shall be construed in this part to have the
259 following meanings, unless the context otherwise requires: (1)
260 "Commissioner" means the Commissioner of Agriculture; (2)
261 "consumer" means any person, other than a dealer, who purchases

262 milk for consumption or use; (3) "cooperative marketing association"
 263 means a producer-owned and producer-controlled association or
 264 corporation of producers, organized under the cooperative laws of this
 265 state, or of any other state and authorized to do business in this state,
 266 and conforming to the requirements of the Act of Congress of February
 267 18, 1922, as amended, known as the "Capper-Volstead Act", and such
 268 association shall be governed by the applicable provisions of this part
 269 as to the prices at which it sells, markets or bargains to sell milk to
 270 dealers and others; (4) "dealer" means milk dealer, including any
 271 person, store, subdealer or producer-dealer, who purchases, receives,
 272 distributes or handles fluid milk or milk products for sale, but "dealer"
 273 does not include a producer who delivers milk to a dealer alone, retail
 274 raw milk producers, raw milk cheese manufacturers or cooperative
 275 marketing association as herein defined. A cooperative marketing
 276 association as defined in this section shall be deemed a producer if
 277 such association sells milk to stores or consumers. It shall be deemed a
 278 dealer as to such operations and shall be governed by the provisions of
 279 this part applicable thereto; (5) "licensee" means a licensed dealer; (6)
 280 "marketing area" means any city, town, borough, or state, or two or
 281 more cities, towns, boroughs, or states, or parts thereof and territory
 282 contiguous thereto, so designated by the Commissioner of Agriculture
 283 and having reasonable uniformity or similarity of marketing
 284 conditions among producers or dealers; (7) "milk" means fluid milk
 285 and cream, all products defined in sections 22-127, as amended, and
 286 22-133, as amended, fresh, sour or storage, skimmed milk, buttermilk
 287 and flavored milk or milk drink; and reference in this part to quantity
 288 of milk shall be construed to include its whole milk equivalent; (8)
 289 "person" means any individual, firm, corporation, limited liability
 290 company, partnership or association; (9) "producer" means a person
 291 producing milk and includes [community] cooperative marketing
 292 associations; (10) "producer-dealer" means a dealer who is also a
 293 producer; (11) "store" means a grocery store, hotel, restaurant, drug
 294 store, dairy products store or any similar mercantile establishment
 295 which sells milk, except "store" does not include any establishment that

296 sells milk only for consumption on the premises; (12) "subdealer"
297 means any person, firm or corporation that sells fluid milk or milk
298 products in their finished form for human consumption within the
299 state to stores, other dealers or subdealers, restaurants, manufacturers
300 or any place where the final sale of such fluid milk or milk products
301 takes place in the same containers in which such person, firm or
302 corporation purchased it from other dealers; (13) "cheese
303 manufacturer" means any person, firm, corporation or dealer within
304 the state that purchases fluid milk, or receives or handles fluid milk for
305 the purpose of manufacturing cheese; (14) "yogurt manufacturer"
306 means a milk dealer that purchases fluid milk or receives or handles
307 fluid milk for the purpose of manufacturing yogurt for sale or
308 distribution in the state; (15) "dry milk manufacturer" means any
309 person, firm, corporation or dealer within the state who purchases
310 fluid or dried milk, or receives or handles fluid or dried milk for the
311 purpose of manufacturing or remanufacturing dry milk to be included
312 or blended with fluid milk or be reconstituted into a milk product.

313 Sec. 7. Section 22-231 of the 2006 supplement to the general statutes
314 is repealed and the following is substituted in lieu thereof (*Effective*
315 *from passage*):

316 The Commissioner of Agriculture may refuse to grant or renew a
317 license, or may suspend, revoke or refuse to transfer a license already
318 granted, after the commissioner has determined that the applicant or
319 dealer: (1) Has failed to comply, or has been a responsible member or
320 officer of a partnership or corporation which failed to comply, with
321 any provision of this part or any order, ruling, regulation or direction
322 issued hereunder; (2) has insufficient financial responsibility,
323 personnel or equipment to properly to conduct the milk business; (3) is
324 a person, partnership, corporation or other business entity, in which
325 any individual holding a material position, interest or power of control
326 has previously been responsible in whole or in part for any act on
327 account of which a license was or may be denied, suspended or
328 revoked under the provisions of this part; (4) has failed to file a bond

329 required by the commissioner under the provisions of this part; (5) if
 330 located out of the state, has failed to obtain a satisfactory milk
 331 sanitation compliance rating from a certified state milk sanitation
 332 rating officer; [or] (6) is not in compliance with all laws and regulations
 333 of the state pertaining to health and sanitation in the production,
 334 processing, handling or sale of milk; [(6)] (7) has rejected, without
 335 reasonable cause, any milk purchased from a producer, or has refused
 336 to accept, without either reasonable cause or reasonable advance
 337 notice, milk delivered by or on behalf of a producer in ordinary
 338 continuance of a previous course of dealing, except when the contract
 339 has been lawfully terminated; provided, in the absence of an express or
 340 implied fixing of a period in the contract, "reasonable advance notice"
 341 shall be construed to mean not less than one week nor more than two
 342 weeks; [(7)] (8) has continued in a course of dealing of such nature as
 343 to show an intent to deceive, defraud or impose upon producers or
 344 consumers; [(8)] (9) has violated any stipulation or written agreement
 345 entered into with the commissioner in the course of any proceeding
 346 under this part; [(9)] (10) has made a false material statement in his
 347 application; or [(10)] (11) has failed to provide information required
 348 under this chapter.

349 Sec. 8. Section 22-277 of the general statutes is repealed and the
 350 following is substituted in lieu thereof (*Effective October 1, 2006*):

351 (a) As used in this section, "livestock animal" means any camelid or
 352 hooved animal raised for domestic or commercial use. The
 353 Commissioner of Agriculture shall supervise commission sales stables
 354 where livestock animals are sold at public auctions. Any person, firm
 355 or corporation engaged in the business of selling livestock animals at
 356 such auctions or sales shall annually apply to said commissioner for a
 357 license upon a form to be prescribed by the commissioner. The fee for
 358 each such license shall be one hundred fifty dollars, payable to said
 359 commissioner. Each such license shall be issued for the period of one
 360 year from July first and may be revoked for cause. If, in the judgment
 361 of the commissioner, any provision of this section has been violated,

the commissioner shall send notice by registered or certified mail to the licensee, who shall be given a hearing, and, if violation is proven, the license shall be revoked. If a license to deal in livestock, issued to any person, firm or corporation by another state, has been suspended or revoked by such state within five years next preceding the date of issuance or renewal of a license to such person, firm or corporation under the provisions of this section, such suspension or revocation shall constitute just cause for revocation under this section. All dairy animals to be sold at such auction shall be segregated from beef animals prior to such sales. The sale of dairy animals shall precede the sale of those assigned for slaughter. All bovines more than three hundred pounds in weight, except dairy and breeding animals, that are delivered to a sale shall be branded with the letter "S" in a conspicuous place or identified in a manner acceptable to the commissioner or the commissioner's designee by the operator of the sale or the operator's representative. All dairy and breeding animals from within the state arriving at a sale shall be from a herd that: (1) Is under state supervision for the control of brucellosis and tuberculosis and that has been tested for brucellosis and tuberculosis less than fourteen months before the sale, (2) has been tested for tuberculosis less than fourteen months before the sale and is regularly tested under the brucellosis ring test program of the Department of Agriculture or (3) is certified to be brucellosis-free under the program established pursuant to section 22-299a. All dairy and breeding animals arriving at a sale from outside the state shall comply with section 22-304 and be accompanied by a health certificate issued by the livestock official of the state of their origin and by a permit from the commissioner. All animals offered for dairy or breeding purposes over six months of age shall be identified by an official ear tag, a tattoo or by registration papers. All female dairy or breeding animals over six months of age shall have been calfhood vaccinated against brucellosis. Animals consigned for slaughter shall be sold only to owners or agents of slaughtering establishments and moved directly to such slaughtering establishments for immediate slaughter. All stables and sales rings

396 shall be kept clean and shall be suitably disinfected prior to each sale.
 397 The provisions of this section shall not apply to the sale of an
 398 individual herd at an auction conducted by the owner thereof. Any
 399 person, or any officer or agent of any corporation, who violates any
 400 provision of this section or who obstructs or attempts to obstruct the
 401 Commissioner of Agriculture or the commissioner's deputy or
 402 assistants in the performance of their duty, shall be fined not more
 403 than two hundred dollars or imprisoned not more than thirty days or
 404 both.

405 (b) Any person, firm or corporation licensed pursuant to subsection
 406 (a) of this section shall make, execute and thereafter maintain on file
 407 with the Commissioner of Agriculture a bond to the state, satisfactory
 408 to the commissioner, to secure the performance of obligations incurred
 409 in this state or in lieu thereof, and a bond filed with the United States
 410 Department of Agriculture in the amount as required herein, pursuant
 411 to the provisions of the Packers and Stockyards Act (7 USC 181 et seq.).
 412 The amount of each such bond shall be based on the amount of one
 413 average sale of such person, firm or corporation. One average sale shall
 414 be computed by dividing the total yearly gross receipts from the sale of
 415 all livestock during the preceding twelve months by the number of
 416 sales during such time, provided the number of sales used to compute
 417 one average sale shall not be greater than one hundred thirty. If the
 418 amount of one average sale is ten thousand dollars or less the amount
 419 of the bond shall be ten thousand dollars. If the amount of one average
 420 sale is more than ten thousand dollars but not more than twenty-six
 421 thousand dollars, the amount of the bond shall be not less than the
 422 next multiple of two thousand dollars above such amount. If the
 423 amount of one average sale is more than twenty-six thousand dollars
 424 but not more than thirty thousand dollars, the amount of such bond
 425 shall be thirty thousand dollars. If the amount of one average sale is
 426 more than thirty thousand dollars, the amount of the bond shall be not
 427 less than the next multiple of five thousand dollars above such
 428 amount.

429 Sec. 9. Section 22-278 of the general statutes is repealed and the
430 following is substituted in lieu thereof (*Effective from passage*):

431 For the purposes of this chapter "livestock" is defined as any
432 camelid or hooved animal raised for domestic or commercial use. The
433 Commissioner of Agriculture is authorized, subject to sections 4-168 to
434 4-174, inclusive, as amended, to make orders and regulations
435 concerning the importation, transportation, trailing, riding, driving,
436 exhibiting, examining, testing, identification, quarantining or
437 disposing of livestock to prevent the spread of contagious and
438 infectious diseases among livestock and to protect the public from
439 such diseases as may be transmissible to human beings, either directly
440 or through the products of such animals, and orders and regulations
441 for the conservation of livestock the products from which are used for
442 food or clothing. The commissioner shall give notice of any such order
443 to any person named therein by leaving a copy of such order with, or
444 at the last-known place of abode of, such person, if a resident of the
445 state; if not a resident of the state, by leaving a copy with, or at the last-
446 known place of abode of, an agent of such person, or the person
447 having custody of the animals described in such order, if within the
448 state, or by forwarding a copy of such order by registered or certified
449 mail addressed to the last-known address of the person named therein.
450 The commissioner, in case of emergency, may give notice of any
451 regulation limiting or prohibiting the importation, transportation,
452 trailing, riding, driving, exhibiting or disposing of livestock on any
453 highway by publishing a copy of such regulation in a newspaper
454 published or having a substantial circulation in the town in which the
455 highway affected by such regulation may be located. The
456 commissioner shall give notice of any such order or regulation to any
457 common carrier named therein or affected thereby by leaving a copy of
458 such order or regulation with the president, secretary or treasurer of
459 the company acting as common carrier, or by leaving a copy with any
460 person or firm acting as a common carrier, or at the last-known
461 residence of any such person or a member of such firm in charge of
462 any office of such carrier. The commissioner is authorized to employ

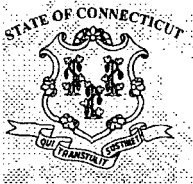
463 assistants needed to enforce any such order or regulation. Any person
 464 or any officer or agent of any corporation who violates any provision
 465 of any such order or regulation, or who obstructs or attempts to
 466 obstruct the commissioner or any assistant engaged in the discharge of
 467 any duty hereunder, [shall] may be fined not more than one hundred
 468 dollars [or imprisoned not more than thirty days or both] or may be
 469 assessed an administrative civil penalty in accordance with section 22-
 470 7.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-150a
Sec. 2	<i>from passage</i>	22-326s
Sec. 3	<i>from passage</i>	22-127
Sec. 4	<i>from passage</i>	22-197b
Sec. 5	<i>from passage</i>	22-203a
Sec. 6	<i>from passage</i>	22-205
Sec. 7	<i>from passage</i>	22-231
Sec. 8	October 1, 2006	22-277
Sec. 9	<i>from passage</i>	22-278

Statement of Purpose:

To make technical changes to statutes concerning the Department of Agriculture.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



General Assembly

February Session, 2006

Senate

CONNECTICUT STATE LIBRARY
LEGISLATIVE REFERENCE SECTION
File No. 79

Senate Bill No. 413

Senate, March 22, 2006

The Committee on Environment reported through SEN. FINCH of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS TO THE DEPARTMENT OF AGRICULTURE STATUTES.

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

1 Section 1. Section 22-150a of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in this section, (1) "certified milk laboratory" means a
5 facility at which confirmatory and final findings are performed
6 regarding biological, chemical, physical or other examination of milk
7 and milk products, for the purpose of providing information on the
8 sanitary quality, identification of contaminants or amount of any
9 substance prejudicial to [the health of] the public health, (2) "milk
10 screening laboratory" means any facility used for the purpose of
11 detecting the presence of antibiotic residues or other inhibitory
12 substances in milk and milk products received by a milk dealer or
13 producer dealer, (3) "component testing laboratory" means any facility
14 used for the chemical, physical or other testing of milk, where the

15 results of such tests are used in part or in whole as the basis for
16 payment to a producer.

17 (b) No person, firm or corporation shall operate a certified milk
18 laboratory, milk screening laboratory or component testing laboratory
19 in the state of Connecticut without first obtaining a valid permit for
20 such operation from the Commissioner of Agriculture. Permit
21 application shall be made on forms provided by the commissioner and
22 shall be renewed annually by the thirtieth day of June. Upon receipt of
23 any such application or renewal application, the commissioner, or the
24 commissioner's designee, shall make such inspections and
25 investigations as the commissioner deems necessary and shall deny a
26 permit when, in the commissioner's opinion, the operation of the
27 laboratory would be detrimental to the public health. The
28 commissioner shall establish a permit fee schedule pursuant to section
29 22-128a.

30 (c) Each registered certified milk laboratory, milk screening
31 laboratory or component testing laboratory shall comply with the
32 standards for milk laboratories set forth in the Grade-A Pasteurized
33 Milk Ordinance Recommendations of the United States Public Health
34 Service/Food and Drug Administration [, as established in the latest
35 edition of the Official Methods of Analysis of the Association of
36 Official Analytical Chemists, Standard Methods for the Examination of
37 Dairy Products, United States Public Health Service/Food and Drug
38 Administration's Evaluation of Milk Laboratories] and shall be subject
39 to periodic inspection by the commissioner, or the commissioner's
40 designee, including inspection of all records necessary to carry out the
41 purposes of this section.

42 (d) This section does not apply to any milk laboratory operated by a
43 state agency or to retail raw milk producers or intrastate milk dealers.

44 (e) The Milk Regulation Board may adopt regulations, in accordance
45 with the provisions of chapter 54, to carry out the provisions of this
46 section.

47 (f) The commissioner may revoke or suspend a permit issued under
48 this section or impose a civil penalty, in accordance with section 22-7,
49 for a violation of the provisions of this section.

50 Sec. 2. Section 22-326s of the 2006 supplement to the general statutes
51 is repealed and the following is substituted in lieu thereof (*Effective*
52 *from passage*):

53 (a) As used in this section:

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

55 (2) "Dealer" means a producer who is a wholesaler, distributor or
56 hauler of live poultry or hatching eggs or any person, firm or
57 corporation engaged in the business of (A) buying, receiving, selling,
58 bartering, exchanging, negotiating or soliciting the sale, resale or
59 exchange of live poultry or hatching eggs, or [a person, firm or
60 corporation engaged in] (B) the transportation, transfer or shipment of
61 any live poultry or hatching eggs, [or a producer who is a wholesaler,
62 distributor or hauler of live poultry or hatching eggs.]

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

66 (4) "Live bird market" means a facility at which live poultry or
67 hatching eggs are congregated for sale or to be slaughtered and
68 dressed for sale to the public or restaurants or to be sold live for any
69 purpose.

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

74 (6) "Producer" means any person, firm or corporation engaged in
75 the breeding, raising or keeping of poultry for the purpose of food
76 production, hatching egg production or for show or exhibition.

(b) Annually, each poultry dealer conducting business within the state shall apply for a license upon forms furnished by the commissioner. The commissioner shall issue such license unless, in the commissioner's sole discretion, the commissioner deems it in the best interest of the public to refuse issuance thereof. In refusing to issue a license, the commissioner shall give due regard to whether the applicant has had such a license previously revoked or suspended or has violated any state or federal law or regulation concerned with interstate transport of live poultry and hatching eggs or live poultry health requirements. Each license shall be nontransferable and shall be in effect from July first through the last day of June of the next succeeding year.

(c) Each license shall be shown, upon request, to any person with whom the licensee conducts or proposes to conduct business.

(d) Any poultry dealer licensed under this section shall keep accounts and records that fully and clearly disclose all transactions related to the conduct of such dealer's business. Such records shall be made available at any time for inspection by the commissioner or the commissioner's authorized agent for the purpose of determining the origin and destination of any live poultry handled by the dealer. Information relating to the general business of the dealer that is disclosed in the course of an inspection by the commissioner or by the commissioner's authorized agent and that is not related to the immediate purpose of the inspection shall be confidential and not disclosed except as required by law.

(e) The provisions of this section do not apply to any person, firm or corporation that is only a producer, except that a producer who transports live poultry directly to a live bird market, wholesaler, distributor or other dealer shall be deemed a hauler and subject to the provisions of this section.

(f) The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54, to ensure compliance with this section and to ensure the public health and safety. Such

regulations shall include: (1) Sanitation standards for vehicles, crates, facilities and other appurtenances used to transport and hold poultry or hatching eggs, both in transit and at any place where poultry or hatching eggs are held for the purposes of being sold or offered for sale; (2) the health requirements for poultry and hatching eggs, including, but not limited to, required tests, vaccinations or other methods used to prevent poultry disease; (3) the manner and form of records to be kept, including, but not limited to, identification of the origin of poultry or hatching eggs, poultry animal health records, test results or copies of sales records and dates; and (4) individual bird and premise identification.

(g) The commissioner may: (1) Revoke or suspend a poultry dealer's license, or (2) assess an administrative civil penalty pursuant to section 22-7 for a violation of this section.

Sec. 3. Section 22-127 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The terms defined in this section shall, as used in this chapter, have the meanings set forth in this section unless otherwise clearly indicated in the context.

(1) "Bulk tank unit" means a dairy farm or group of dairy farms from which raw milk is collected for pasteurization for which a single entity sanitation compliance rating is issued.

(2) "Commissioner" means the Commissioner of Agriculture.

(3) "Cheese manufacturer" means any person, firm, corporation or cooperative association engaged in the production, receiving or handling of milk or milk products, which milk products, in whole or in part, are intended to be manufactured into cheese for distribution or sale in or outside this state.

(4) "Dealer" means any person, firm, corporation or cooperative association engaged in the receiving, handling, purchasing,

distribution or sale of fluid milk or milk products, which fluid milk or milk products, in whole or in part, are intended for bottling, manufacturing, processing, distribution or sale in this state.

(5) "Filled milk" means any combination of nonmilk fat or oil and milk, whether or not it is fresh, cultured, reconstituted or modified by the addition of nonfat milk solids, with or without milkfat, so that the product, including stabilizers, emulsifiers or flavoring, resembles milk or any other fluid milk product, and contains less than six per cent nonmilk fat or oil.

(6) "Handler" means any person, firm, corporation or cooperative association engaged in the receiving, handling, distribution or sale of fluid milk or milk products, which fluid milk or milk products, in whole or in part, are intended for bottling, manufacturing, processing, distribution or sale in this state.

(7) "Nonstandardized milk products" means milk-based products modified so they do not meet the definition of optional ingredients established in 21 CFR 131.110, contain milk and milk products, are intended to replace or be a substitute for standardized fluid milk products. Nonstandardized milk products may contain safe and suitable ingredients not present in standardized milk products.

(8) "Pasteurization" or "pasteurized" has the same meaning, as defined in section 1 of the Pasteurized Milk Ordinance as promulgated by the United States Food and Drug Administration.

(9) "Producer" means any person, firm or corporation that operates a dairy farm that provides, sells or offers milk to any dealer, person, handler, company or cooperative for sale.

(10) "Public eating places" means places where meals are served to the general public, including, but not limited to, public or private schools and colleges, hotels, restaurants, clubs, lunchrooms, bars, fountains or any place of public entertainment.

(11) "Raw milk" or "milk for pasteurization" means normal lacteal

secretion [that meets the sanitary provisions of this chapter,] that is practically free of colostrum and that is obtained by the complete milking of one or more healthy hooved mammals.

(12) "Raw milk cheese" means aged hard cheese that meets the sanitary provisions of this chapter and that is produced from retail raw milk.

(13) "Retail raw milk" means normal lacteal secretion [that meets the sanitary standards of this chapter,] that is practically free of colostrum, [and] that is obtained by the complete milking of one or more healthy goats, sheep or cows, [and] that is intended for human consumption in the unpasteurized state and that meets the sanitary standards of this chapter.

(14) "Retail raw milk producer" means any person, firm, corporation or cooperative association engaged in the production, handling, distribution or sale of retail raw milk.

(15) "Retail raw milk cheese manufacturer" means any person, firm, corporation or cooperative association engaged in the production, handling, distribution or sale of cheese manufactured from retail raw milk.

(16) "Safe and suitable ingredients" are food ingredients generally recognized as safe, as referenced in 21 CFR 184.1.

(17) "Standardized milk and milk products" or "milk or milk products" means products for which a standard of identity has been established pursuant to 21 CFR 131.110.

Sec. 4. Section 22-197b of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each person, handler, firm or corporation shall clearly mark [with the last date on which] each container of milk or milk product, cream, yogurt, cream cheese, cottage cheese, ricotta cheese, [hard cheese,] soft

cheese, eggnog or sour cream offered for retail sale [may be sold] with a last sale date. In accordance with the provisions of chapter 54, the Milk Regulation Board shall adopt regulations establishing standards and criteria for label type size, color and wording that is consistent with national standards and said board may incorporate by reference The Nutritional Education and Labeling Act, 21 CFR 101. The commissioner may impose a civil penalty, in accordance with the provisions of section 22-7, for a violation of this section.

Sec. 5. Section 22-203a of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person, firm or corporation engaged in receiving, handling, processing or packaging milk or milk products shall test each tank truck load of milk or milk products for the presence of drug residues or other inhibitory substances upon receipt of such milk or milk product at the receiving plant prior to processing. In the case of interplant shipments of bulk milk or milk products, each bulk tank load, or portion thereof, shall be tested prior to processing for the presence of drug residues or other inhibitory substances. The Commissioner of Agriculture may require a milk producer holding a permit issued under section 22-172, as amended, or a retail raw milk producer holding a permit issued under section 22-173a who violates section 22-129 to test milk produced by him for the presence of drug residues or inhibitory substances prior to shipment. For purposes of this section and sections 22-203b to 22-203d, inclusive, as amended, "drug" means (1) articles recognized in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; or (4) articles intended for use as a component of any articles specified in subdivision (1), (2) or (3), but does not include devices or their components, parts or accessories.

(b) Any test administered pursuant to this section shall be approved by the Commissioner of Agriculture and shall be capable of determining compliance with standards for drug residue tolerance levels recommended by the United States Food and Drug Administration. Any test approved by the commissioner shall be rapid and economically feasible and shall be performed at a facility or location and in a manner acceptable to the commissioner. The results of any test required shall be recorded by the person administering such test and kept on file at the location where the test was conducted or at the processing plant for not less than two years.

(c) Each retail raw milk producer and intrastate dealer with ten or fewer milking age animals shall maintain records, which shall be available for inspection by the commissioner, or the commissioner's designee, for each individual animal treated with a drug. Such records shall include the name of the drug or drugs, withdrawal time required for each drug, treatment dates, and, after completion of such treatment, the date such animal's milk is offered for sale. Retail raw milk producers and intrastate dealers with more than ten milking age animals shall comply with section 22-203a.

Sec. 6. Section 22-205 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The following terms shall be construed in this part to have the following meanings, unless the context otherwise requires: (1) "Commissioner" means the Commissioner of Agriculture; (2) "consumer" means any person, other than a dealer, who purchases milk for consumption or use; (3) "cooperative marketing association" means a producer-owned and producer-controlled association or corporation of producers, organized under the cooperative laws of this state, or of any other state and authorized to do business in this state, and conforming to the requirements of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and such association shall be governed by the applicable provisions of this part

269 as to the prices at which it sells, markets or bargains to sell milk to
270 dealers and others; (4) "dealer" means milk dealer, including any
271 person, store, subdealer or producer-dealer, who purchases, receives,
272 distributes or handles fluid milk or milk products for sale, but "dealer"
273 does not include a producer who delivers milk to a dealer alone, retail
274 raw milk producers, raw milk cheese manufacturers or cooperative
275 marketing association as herein defined. A cooperative marketing
276 association as defined in this section shall be deemed a producer if
277 such association sells milk to stores or consumers. It shall be deemed a
278 dealer as to such operations and shall be governed by the provisions of
279 this part applicable thereto; (5) "licensee" means a licensed dealer; (6)
280 "marketing area" means any city, town, borough, or state, or two or
281 more cities, towns, boroughs, or states, or parts thereof and territory
282 contiguous thereto, so designated by the Commissioner of Agriculture
283 and having reasonable uniformity or similarity of marketing
284 conditions among producers or dealers; (7) "milk" means fluid milk
285 and cream, all products defined in sections 22-127, as amended, and
286 22-133, as amended, fresh, sour or storage, skimmed milk, buttermilk
287 and flavored milk or milk drink; and reference in this part to quantity
288 of milk shall be construed to include its whole milk equivalent; (8)
289 "person" means any individual, firm, corporation, limited liability
290 company, partnership or association; (9) "producer" means a person
291 producing milk and includes [community] cooperative marketing
292 associations; (10) "producer-dealer" means a dealer who is also a
293 producer; (11) "store" means a grocery store, hotel, restaurant, drug
294 store, dairy products store or any similar mercantile establishment
295 which sells milk, except "store" does not include any establishment that
296 sells milk only for consumption on the premises; (12) "subdealer"
297 means any person, firm or corporation that sells fluid milk or milk
298 products in their finished form for human consumption within the
299 state to stores, other dealers or subdealers, restaurants, manufacturers
300 or any place where the final sale of such fluid milk or milk products
301 takes place in the same containers in which such person, firm or
302 corporation purchased it from other dealers; (13) "cheese
303 manufacturer" means any person, firm, corporation or dealer within

304 the state that purchases fluid milk, or receives or handles fluid milk for
305 the purpose of manufacturing cheese; (14) "yogurt manufacturer"
306 means a milk dealer that purchases fluid milk or receives or handles
307 fluid milk for the purpose of manufacturing yogurt for sale or
308 distribution in the state; (15) "dry milk manufacturer" means any
309 person, firm, corporation or dealer within the state who purchases
310 fluid or dried milk, or receives or handles fluid or dried milk for the
311 purpose of manufacturing or remanufacturing dry milk to be included
312 or blended with fluid milk or be reconstituted into a milk product.

313 Sec. 7. Section 22-231 of the 2006 supplement to the general statutes
314 is repealed and the following is substituted in lieu thereof (*Effective*
315 *from passage*):

316 The Commissioner of Agriculture may refuse to grant or renew a
317 license, or may suspend, revoke or refuse to transfer a license already
318 granted, after the commissioner has determined that the applicant or
319 dealer: (1) Has failed to comply, or has been a responsible member or
320 officer of a partnership or corporation which failed to comply, with
321 any provision of this part or any order, ruling, regulation or direction
322 issued hereunder; (2) has insufficient financial responsibility,
323 personnel or equipment to properly to conduct the milk business; (3) is
324 a person, partnership, corporation or other business entity, in which
325 any individual holding a material position, interest or power of control
326 has previously been responsible in whole or in part for any act on
327 account of which a license was or may be denied, suspended or
328 revoked under the provisions of this part; (4) has failed to file a bond
329 required by the commissioner under the provisions of this part; (5) if
330 located out of the state, has failed to obtain a satisfactory milk
331 sanitation compliance rating from a certified state milk sanitation
332 rating officer; [or] (6) is not in compliance with all laws and regulations
333 of the state pertaining to health and sanitation in the production,
334 processing, handling or sale of milk; [(6)] (7) has rejected, without
335 reasonable cause, any milk purchased from a producer, or has refused
336 to accept, without either reasonable cause or reasonable advance
337 notice, milk delivered by or on behalf of a producer in ordinary

continuanace of a previous course of dealing, except when the contract has been lawfully terminated; provided, in the absence of an express or implied fixing of a period in the contract, "reasonable advance notice" shall be construed to mean not less than one week nor more than two weeks; [(7)] (8) has continued in a course of dealing of such nature as to show an intent to deceive, defraud or impose upon producers or consumers; [(8)] (9) has violated any stipulation or written agreement entered into with the commissioner in the course of any proceeding under this part; [(9)] (10) has made a false material statement in his application; or [(10)] (11) has failed to provide information required under this chapter.

Sec. 8. Section 22-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) As used in this section, "livestock animal" means any camelid or hooved animal raised for domestic or commercial use. The Commissioner of Agriculture shall supervise commission sales stables where livestock animals are sold at public auctions. Any person, firm or corporation engaged in the business of selling livestock animals at such auctions or sales shall annually apply to said commissioner for a license upon a form to be prescribed by the commissioner. The fee for each such license shall be one hundred fifty dollars, payable to said commissioner. Each such license shall be issued for the period of one year from July first and may be revoked for cause. If, in the judgment of the commissioner, any provision of this section has been violated, the commissioner shall send notice by registered or certified mail to the licensee, who shall be given a hearing, and, if violation is proven, the license shall be revoked. If a license to deal in livestock, issued to any person, firm or corporation by another state, has been suspended or revoked by such state within five years next preceding the date of issuance or renewal of a license to such person, firm or corporation under the provisions of this section, such suspension or revocation shall constitute just cause for revocation under this section. All dairy animals to be sold at such auction shall be segregated from beef animals prior to such sales. The sale of dairy animals shall precede the

sale of those assigned for slaughter. All bovines more than three hundred pounds in weight, except dairy and breeding animals, that are delivered to a sale shall be branded with the letter "S" in a conspicuous place or identified in a manner acceptable to the commissioner or the commissioner's designee by the operator of the sale or the operator's representative. All dairy and breeding animals from within the state arriving at a sale shall be from a herd that: (1) Is under state supervision for the control of brucellosis and tuberculosis and that has been tested for brucellosis and tuberculosis less than fourteen months before the sale, (2) has been tested for tuberculosis less than fourteen months before the sale and is regularly tested under the brucellosis ring test program of the Department of Agriculture or (3) is certified to be brucellosis-free under the program established pursuant to section 22-299a. All dairy and breeding animals arriving at a sale from outside the state shall comply with section 22-304 and be accompanied by a health certificate issued by the livestock official of the state of their origin and by a permit from the commissioner. All animals offered for dairy or breeding purposes over six months of age shall be identified by an official ear tag, a tattoo or by registration papers. All female dairy or breeding animals over six months of age shall have been calfhood vaccinated against brucellosis. Animals consigned for slaughter shall be sold only to owners or agents of slaughtering establishments and moved directly to such slaughtering establishments for immediate slaughter. All stables and sales rings shall be kept clean and shall be suitably disinfected prior to each sale. The provisions of this section shall not apply to the sale of an individual herd at an auction conducted by the owner thereof. Any person, or any officer or agent of any corporation, who violates any provision of this section or who obstructs or attempts to obstruct the Commissioner of Agriculture or the commissioner's deputy or assistants in the performance of their duty, shall be fined not more than two hundred dollars or imprisoned not more than thirty days or both.

(b) Any person, firm or corporation licensed pursuant to subsection (a) of this section shall make, execute and thereafter maintain on file

with the Commissioner of Agriculture a bond to the state, satisfactory to the commissioner, to secure the performance of obligations incurred in this state or in lieu thereof, and a bond filed with the United States Department of Agriculture in the amount as required herein, pursuant to the provisions of the Packers and Stockyards Act (7 USC 181 et seq.). The amount of each such bond shall be based on the amount of one average sale of such person, firm or corporation. One average sale shall be computed by dividing the total yearly gross receipts from the sale of all livestock during the preceding twelve months by the number of sales during such time, provided the number of sales used to compute one average sale shall not be greater than one hundred thirty. If the amount of one average sale is ten thousand dollars or less the amount of the bond shall be ten thousand dollars. If the amount of one average sale is more than ten thousand dollars but not more than twenty-six thousand dollars, the amount of the bond shall be not less than the next multiple of two thousand dollars above such amount. If the amount of one average sale is more than twenty-six thousand dollars but not more than thirty thousand dollars, the amount of such bond shall be thirty thousand dollars. If the amount of one average sale is more than thirty thousand dollars, the amount of the bond shall be not less than the next multiple of five thousand dollars above such amount.

Sec. 9. Section 22-278 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of this chapter "livestock" is defined as any camelid or hooved animal raised for domestic or commercial use. The Commissioner of Agriculture is authorized, subject to sections 4-168 to 4-174, inclusive, as amended, to make orders and regulations concerning the importation, transportation, trailing, riding, driving, exhibiting, examining, testing, identification, quarantining or disposing of livestock to prevent the spread of contagious and infectious diseases among livestock and to protect the public from such diseases as may be transmissible to human beings, either directly or through the products of such animals, and orders and regulations

441 for the conservation of livestock the products from which are used for
 442 food or clothing. The commissioner shall give notice of any such order
 443 to any person named therein by leaving a copy of such order with, or
 444 at the last-known place of abode of, such person, if a resident of the
 445 state; if not a resident of the state, by leaving a copy with, or at the last-
 446 known place of abode of, an agent of such person, or the person
 447 having custody of the animals described in such order, if within the
 448 state, or by forwarding a copy of such order by registered or certified
 449 mail addressed to the last-known address of the person named therein.
 450 The commissioner, in case of emergency, may give notice of any
 451 regulation limiting or prohibiting the importation, transportation,
 452 trailing, riding, driving, exhibiting or disposing of livestock on any
 453 highway by publishing a copy of such regulation in a newspaper
 454 published or having a substantial circulation in the town in which the
 455 highway affected by such regulation may be located. The
 456 commissioner shall give notice of any such order or regulation to any
 457 common carrier named therein or affected thereby by leaving a copy of
 458 such order or regulation with the president, secretary or treasurer of
 459 the company acting as common carrier, or by leaving a copy with any
 460 person or firm acting as a common carrier, or at the last-known
 461 residence of any such person or a member of such firm in charge of
 462 any office of such carrier. The commissioner is authorized to employ
 463 assistants needed to enforce any such order or regulation. Any person
 464 or any officer or agent of any corporation who violates any provision
 465 of any such order or regulation, or who obstructs or attempts to
 466 obstruct the commissioner or any assistant engaged in the discharge of
 467 any duty hereunder, [shall] may be fined not more than one hundred
 468 dollars [or imprisoned not more than thirty days or both] or may be
 469 assessed an administrative civil penalty in accordance with section 22-
 470 7.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-150a
Sec. 2	<i>from passage</i>	22-326s

Sec. 3	<i>from passage</i>	22-127
Sec. 4	<i>from passage</i>	22-197b
Sec. 5	<i>from passage</i>	22-203a
Sec. 6	<i>from passage</i>	22-205
Sec. 7	<i>from passage</i>	22-231
Sec. 8	<i>October 1, 2006</i>	22-277
Sec. 9	<i>from passage</i>	22-278

ENV *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Agriculture	GF - None	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The minor and technical changes made to various milk, poultry, and livestock Department of Agriculture (DOAG) programs are not anticipated to result in an overall change in workload or costs to the DOAG.

The Out Years

No future fiscal impact is anticipated from the passage of this legislation.

**OLR Bill Analysis
SB 413**

***AN ACT CONCERNING MINOR REVISIONS TO THE DEPARTMENT
OF AGRICULTURE STATUTES.***

SUMMARY:

This bill requires each retail raw milk intrastate dealer with 10 or fewer milking aged animals to (1) keep records about drugs used on the animals and (2) have them available for inspection by the Department of Agriculture (DOAg) commissioner. It also requires retail raw milk producers and intrastate dealers with 10 or more milking aged animals to test each tank truck load of milk or milk products for drug residue.

The bill adds the camel family (llamas and camels) to the definition of livestock under the laws concerning domestic or commercial use and domestic animal diseases.

The bill allows the commissioner to determine alternate ways to identify livestock other than by branding. It adds identification of livestock to the list of things about which the commissioner may make orders and regulations to prevent the spread of contagious and infectious disease among livestock. It also makes discretionary, instead of mandatory, the fine for violations of the commissioner's or his assistants' orders or regulations, or for anyone who obstructs or attempts to obstruct his orders, and adds an administrative civil penalty in lieu of an imprisonment option.

The bill also makes several minor and technical changes to the agricultural statutes.

EFFECTIVE DATE: Upon passage, except October 1, 2006 for the provisions concerning the camel family and livestock sales and

alternate animal identification methods.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/08/2006)