

# Connecticut Department of Agriculture Statutes and Regulations



**Current as of December 2009**

**This document contains the Connecticut regulations and statutes relevant to the processing, handling, storage, inhibitor testing, transporting and labeling of milk, milk products, cheese and retail raw milk.**

**This document was prepared by the State of Connecticut, Department of Agriculture and is provided for the convenience of the reader, it may not contain all relevant statutes.**

**This is not the official version of the regulations or statutes.**

**The Connecticut Law Journal publication will serve as the official version of the regulations. The General Statutes of Connecticut and Public Acts of Connecticut as distributed by the Secretary of the State will serve as the official version of the statutes.**

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# ***Regulations of the Connecticut Department of Agriculture***

## **Establishment of Certain Inspection, Registration and Permitting Fees.**

Sec. 22-128a-1. Production and marketing fees.

Any individual, partnership, association, firm, limited liability company or corporation producing or marketing milk and milk products required to be registered, licensed or permitted pursuant to Connecticut General Statutes Chapter 430, shall pay to the Commissioner of Agriculture at the time of registration, licensing or permitting pursuant to Connecticut General Statutes Chapter 430, a fee of (10) ten dollars.

## **Production and Processing of Milk or Milk Products, and the Manufacture of Single Service Containers**

Sec. 22-133-114. Definitions

As used in sections 22-133-115 through 22-133-130 inclusive, of the Regulations of State Agencies:

- (1) "Intrastate dealer" means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms located within this state and who sells or offers for sale milk or milk products only within this state.
- (2) "Interstate dealer" means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms, who sells or offers for sale milk or milk products within and outside of this state.
- (3) "Un-ripened cheese" means cheese that has not undergone a sixty day aging process.
- (4) "Depot" and "Distributor" means a place of business where packaged milk or milk products are stored for distribution. This shall not include those facilities that are part of a milk processing plant.
- (5) "Store" means a place of business where packaged milk or milk products are offered for sale to consumers.
- (6) "Refrigeration zone" means that area of a cooler or other area in which milk products are stored, which is actively cooled by a mechanical device.
- (7) "Facility", "Farm" and "Premises" means any place where one (1) or more lactating goat, cow or sheep are kept for milking purposes.
- (8) "Herd" is defined as one (1) or more cows, goats or sheep which are kept for milking purposes.
- (9) "Milk handler" means a person who handles milk or milk products, equipment which comes in direct contact with milk or milk products or milking aged animals.

Sec. 22-133-115. Standards for the production, processing, handling, bottling and storage of milk for pasteurization, pasteurized milk and milk products, ultra-pasteurized milk and milk products, aseptically processed milk and milk products, condensed milk, dry milk and dry milk products, non-standardized fluid milk, standardized fluid milk products and the manufacture of single service milk containers.

- (a) The following is incorporated by reference. The Pasteurized Milk Ordinance (PMO), Section 1, Sections 4 through 7 inclusive, Section 10, Sections 12 through 14 inclusive and Appendices B, D through O inclusive and Q, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.
- (b) The processing, storage and handling of aseptic milk and milk products shall comply with 21 CFR 113.
- (c) The cooling requirements for pasteurized milk and milk products, except aseptically processed and packaged milk and milk products, shall be those in section 22-194 of the Connecticut General Statutes.
- (d) Milk for pasteurization shall be cooled to less than forty five (45) degrees Fahrenheit or less within two hours of the completion of the milking. Milk shall be further cooled to a storage temperature of forty (40) degrees Fahrenheit or less within four hours of the completion of milking. The blend temperature after the first milking and subsequent milkings shall not exceed fifty (50) degrees Fahrenheit.
- (e) Whenever three of the last five direct microscopic cell counts exceeds the standard established in subsection (a) of this section, the commissioner or the commissioner's designated agent may require the producer to have all milking equipment inspected and repaired by a qualified serviceman and may require the producer to enroll the herd into the Connecticut Plan for the Eradication of Mastitis or follow an equivalent plan developed by a licensed veterinarian.
- (f) Notwithstanding the provisions of the Pasteurized Milk Ordinance, intrastate dealers with a daily production of two hundred fifty pounds (250) or less shall comply with the following requirements:
  - (1) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;
  - (2) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner or the commissioner's designated agent;
  - (3) Single service caps shall be sanitized immediately prior to use;
  - (4) Filling shall be done using suitable stainless steel piping equipped with a positive shutoff valve. No dipping or ladling is permitted;
  - (5) During filling, the pouring lip of the container shall be protected from overhead contamination by the use of a drip deflector installed on the filling device;
  - (6) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer immediately prior to being put into cold storage;
  - (7) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;
  - (8) Wet storage of filled containers is not permitted; and
  - (9) The storage and construction of caps and containers shall conform to subsection (a) of this section.

- (g) Notwithstanding the provisions of the Pasteurized Milk Ordinance, intrastate dealers with a daily production of greater than two hundred fifty pounds (250) shall comply with the following requirements:
- (1) Filling and capping shall be done in a sanitary manner using a mechanical device approved by the commissioner or the commissioner's designated agent;
  - (2) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;
  - (3) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner or the commissioner's designated agent;
  - (4) The pouring lip of the container shall be protected from overhead contamination;
  - (5) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer immediately prior to being placed into cold storage;
  - (6) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;
  - (7) Wet storage of filled containers is not permitted; and
  - (8) The storage and construction of caps and containers shall conform to subsection (a) of this section.

Sec. 22-133-116. Methods of Making Sanitation Ratings.

The following are incorporated by reference. Pasteurized Milk Ordinance Methods of Making Sanitation Ratings of Milk Supplies, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.

Sec. 22-133-117. Procedures governing the participation of the Department of Agriculture in the National Interstate Milk Shippers Conference.

- (a) The following are incorporated by reference. Pasteurized Milk Ordinance Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.
- (b) The commissioner of agriculture may appoint a designated agent from the department, knowledgeable in both public health matters and the production, processing and handling of milk and milk products, to attend the meetings of the National Conference on Interstate Milk Shipments. The commissioner's designated agent, in consultation with the commissioner, shall cast votes assigned to the state.

## **Cheese and Butter Manufacturing**

Sec. 22-133-118. Standards for the production and manufacture of cheese.

- (a) The following are incorporated by reference as the standards for the production and manufacture of cheese: 21 CFR 110, Current Good Manufacturing Practice In Manufacturing, Packing, Or Holding Human Food and 21 CFR 133 Cheeses And Related Cheese Products.
- (b) Un-ripened cheeses shall not have a coliform bacteria count in excess of ten per milliliter or gram.
- (c) Cheese shall be manufactured from milk which has been properly screened for the presence of drug residues or other inhibitors in accordance with section 22-203a of the Connecticut General Statutes and regulations adopted pursuant to section 22-203c of the Connecticut General Statutes.

Sec. 22-133-119. Ricotta cheese, definitions for the purposes of section 22-133-120 of the Regulations of Connecticut State Agencies.

- (1) Whole milk ricotta cheese is the cheese prepared from milk, whey or a blend of such products, heated to a minimum temperature of one hundred eighty (180) degrees Fahrenheit. Salt and acidifying agents may be added to whole milk ricotta cheese, as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184. The finished whole milk ricotta cheese shall not contain more than eighty (80) percent moisture and shall contain not less than eleven (11) percent of milkfat.
- (2) Part-skim ricotta cheese is the cheese prepared from milk, whey or a blend of these products, heated to a minimum temperature of one hundred eighty (180) degrees Fahrenheit. Salt and acidifying agents may be added to part-skim ricotta cheese, as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184. The finished part-skim ricotta cheese shall not contain more than eighty (80) percent moisture and shall contain between six (6) and ten percent (10) milkfat.
- (3) Skim milk ricotta (Ricotone) is the cheese prepared from skim milk, whey or a blend of these products, heated to a minimum temperature of one hundred eighty (180) degrees Fahrenheit. Salt and acidifying agents may be added to ricotta cheese from whey or skim milk, as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184. The finished ricotta from whey or skim milk shall not contain more than eighty two point five (82.5) percent moisture and shall contain less than one percent (1) milkfat.

Sec. 22-133-120. Whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese. Standards.

- (a) Each batch of whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese shall be monitored by the use of an indicating thermometer that complies with the Pasteurized Milk Ordinance, appendix H, indicating thermometers for batch pasteurization.
- (b) At the end of the heating period before the addition of an acidifying agent, each operator shall log the temperature of the milk. In addition to the temperature, the log shall contain the date, kettle or vat identification, batch number, amount, and the name of the operator.
- (c) The term "pasteurized", may only be used when the milk used to manufacture whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese has been properly pasteurized using approved equipment, in conformance with section 22-133-115(a) of the Regulations of Connecticut State Agencies.
- (d) The packaging, handling and storage of whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese shall comply with 21 CFR 110 Current Good Manufacturing Practice In Manufacturing, Packing, Or Holding Human Food.

Sec. 22-133-121. Standards for the production and manufacture of butter.

The following are incorporated by reference as the standards for the production and manufacture of butter: 21 CFR 110, Current Good Manufacturing Practice In Manufacturing, Packing, Or Holding Human Food and 7 CFR 58, Grading And Inspection, General Specifications For Approved Plants And Standards For Grades Of Dairy Products.

## **Distribution Facility Standards**

Sec. 22-133-122. Depot or distributor. Inspection and standards.

- (a) The following are incorporated by reference as the standards for the storage and handling of packaged milk and milk products at a milk distribution facility: The Pasteurized Milk Ordinance (PMO), section 1, sections 4 and 6, section 7, items 1p, 2p, 3p, 4p, 5p, 6p, 7p, 8p, 9p, 15p, 20p, 21p, 22p and sections 12 through 14 inclusive, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.
- (b) The cooling requirements for packaged milk and milk products, cottage cheese, butter, cream cheese, sour cream, yogurt, kefir and related dairy products at a milk distribution facility shall conform to section 22-194 of the Connecticut General Statutes.
- (c) Returned milk and milk products shall not be offered for re-sale, shall be kept cooled and shall be stored in an area clearly marked with the words "Returns" or "Not for Sale" , separate from other foods being offered for sale.
- (d) The commissioner or the commissioner's designated agent may inspect each milk distribution facility annually for compliance with this section. The inspection frequency may be increased for cause. A copy of the inspection report shall be retained at the milk distribution facility and shall be available for inspection.



## Retail Storage Standards

Sec. 22-133-123. Cheese, milk and milk product handling and storage in stores. Standards.

- (a) The cooling requirements for milk and milk products in stores shall conform to section 22-194 of the Connecticut General Statutes.
- (b) All coolers/refrigerators and display areas used for the storage or display of milk and milk products and cheese shall be kept clean and free of odors, rodents and insects.
- (c) Milk and milk products and cheese shall be received in a sanitary manner. The areas where milk and milk products, or cheese are received shall be clean and free of litter, rodents and insects.
- (d) Milk and milk products shall be immediately put into refrigerated storage upon receipt.
- (e) Milk and milk products shall only be sold to consumers in the original container.
- (f) The manufacturer's last sale date or expiration date shall not be altered in any way.
- (g) No milk and milk product or cheese labeled with the words "keep refrigerated" or that is otherwise required to be refrigerated shall be stored outside the refrigeration zone of any cooler, display case or refrigerator.
- (h) Returned milk and milk products and cheese shall not be offered for re-sale and shall be kept cooled, stored in an area clearly marked with the words "Returns" or "Not for Sale" , separate from other foods being offered for sale.
- (i) The commissioner or the commissioner's designated agent may inspect the receiving, storage and handling of milk, milk and milk products and cheese at each store annually for compliance with this section. The inspection frequency may be increased for cause. A copy of the inspection report shall be retained at the store and shall be available for inspection.

## **Retail Raw Milk and Raw Milk Cheese Standards**

22-133-124. Retail raw milk, production, cooling, storage and cleaning. Standards.

- (a) The procedures, handling, equipment and facilities used in the production and handling of retail raw milk shall comply with section 22-133-115(a) of the Regulations of Connecticut State Agencies, except as modified by sections 22-133-124 through 22-133-131 inclusive of the Regulations of Connecticut State Agencies.
- (b) Retail raw milk shall be cooled to forty degrees (40) Fahrenheit or less within three hours of the completion of milking. The blend temperature after the first milking and subsequent milkings shall not exceed fifty (50) degrees Fahrenheit.
- (c) Retail raw milk shall be kept cooled to a temperature of forty degrees (40) Fahrenheit or less until delivered to the consumer.
- (d) Each tank or bulk storage container shall be cleaned and sanitized every forty-eight hours.

Sec. 22-133-125. Retail raw milk. Herd health. Standards.

- (a) Retail raw milk producers shall maintain a current and ongoing patient/client relationship with an accredited large animal veterinarian licensed to practice in the State of Connecticut.
- (b) Herds shall be tested annually for brucellosis and tuberculosis. Such testing shall be conducted in accordance with sections 22-287, 22-298 and 22-304 of the Connecticut General Statutes.
- (c) The milk ring test for the detection of *Brucella* spp. shall be administered monthly to each herd.
- (d) Each herd producing retail raw milk shall be enrolled in the Connecticut Plan for the Eradication of Mastitis.
- (e) The results of all herd testing required by this section shall be reported to the Commissioner.

Sec. 22-133-126. Retail raw milk handler. Health standards.

- (a) The personnel health of retail raw milk handlers and the procedures used to prevent the transmission of diseases that are transmissible through food shall conform to sections 13 and 14 of the Pasteurized Milk Ordinance (PMO), Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.
- (b) Any retail raw milk handler with a communicable disease is prohibited from handling retail raw milk or retail raw milk cheese, equipment that may come in direct contact with retail raw milk or retail raw milk cheese, or from milking aged animals.

Sec. 22-133-127. Retail raw milk, filling, capping and container. Standards.

- (a) Retail raw milk producers with a daily production of two hundred fifty pounds (250) or less shall comply with the following requirements:
- (1) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;
  - (2) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner;
  - (3) Single service caps shall be sanitized immediately prior to use;
  - (4) Filling shall be done using suitable stainless steel piping equipped with a positive shutoff valve. No dipping or ladling is permitted;
  - (5) During filling, the pouring lip of the container shall be protected from overhead contamination by the use of a drip deflector installed on the filling device;
  - (6) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer;
  - (7) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;
  - (8) Wet storage of filled containers is not permitted; and
  - (9) The storage and construction of caps and containers shall conform to section 22-133-115(a) of the Regulations of Connecticut State Agencies.
- (b) Retail raw producers with a daily production of greater than two hundred fifty pounds (250) shall comply with the following requirements:
- (1) Filling and capping shall be done in a sanitary manner using a mechanical device approved by the commissioner;
  - (2) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;
  - (3) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner;
  - (4) The pouring lip of the container shall be protected from overhead contamination;
  - (5) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer;
  - (6) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;
  - (7) Wet storage of filled containers is not permitted; and
  - (8) The storage and construction of caps and containers shall conform to section 22-133-115(a) of the Regulations of Connecticut State Agencies.

Sec. 22-133-128. Retail raw milk cheese, production and manufacture. Standards.

- (a) The standards, facilities, production and sale of retail raw milk cheese shall comply with the requirements for the manufacture of cheese contained in section 22-133-118 of the Regulations of Connecticut State Agencies, except as modified by sections 22-133-128 through 22-133-130 inclusive, of the Regulations of Connecticut State Agencies.
- (b) All retail raw milk cheese shall be aged a minimum of sixty days at a temperature of not less than thirty five (35) degrees Fahrenheit.
- (c) Salt, acidifying agents, rennet, flavoring ingredients as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184 may be added to retail raw milk cheese.
- (d) The milk used in the manufacture of retail raw milk cheese shall comply with sections 22-133-124 to 22-133-126, inclusive, and section 22-133-129 of the Regulations of Connecticut State Agencies.
- (e) A clean room shall separate the areas used to process, hold, age and package retail raw milk cheese from milking areas, animal housing areas, toilet facilities and other areas used for domestic purposes. All outside openings shall be screened and all exterior doors and entrances to cheese processing areas shall be equipped with self-closing doors. Toilet facilities shall be equipped with a self-closing door.
- (f) Each retail raw milk cheese manufacturer shall identify each individual cheese made. The system to identify each cheese shall use consecutive numbers and include the date of manufacture as part of the identification. Each retail raw milk cheese manufacturer shall keep records of production. These records shall include the date, the amount of milk used in that day's production, the kind of cheese produced, the amount of each type of cheese produced and the identification number of each individual cheese. The records shall be kept on the premises and shall be available for inspection.

Sec. 22-133-129. Retail raw milk and retail raw milk cheese. Quality standards.

- (a) The standard plate count of retail raw milk shall not exceed thirty thousand (30,000) colonies per milliliter.
- (b) The thermophilic bacteria count (lab pasteurized count) of retail raw milk shall not exceed one thousand (1,000) colonies per milliliter.
- (c) The somatic cell count of retail raw milk shall conform to the standards established in section 7, Pasteurized Milk Ordinance (PMO), Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.
- (d) The coliform bacteria count of retail raw milk shall not exceed fifty (50) per milliliter.
- (e) There shall be no detectable presence of human pathogens in retail raw milk and retail raw milk cheese, including, but not limited to: *Bacillus cereus*, *Listeria monocytogenes*, *Yersinia enterocolitica*, *Salmonella* spp., *Escherichia coli* O157:H7, *Clostridium botulinum* and *Campylobacter jejuni*.
- (f) No water shall be added to retail raw milk.
- (g) Retail raw milk shall be kept cooled and stored at a temperature of forty (40) degrees Fahrenheit or less.
- (h) Retail raw milk shall contain no drug residues or other inhibitory substances at or above the tolerance levels for drugs or other inhibitors established by the US Food and Drug Administration. Drug or other inhibitor use shall conform to section 22-203c-8 of the Regulations of Connecticut State Agencies.
- (i) The coliform bacteria count of retail raw milk cheese shall not exceed one hundred fifty (150) per milliliter or gram.

Sec. 22-133-130. Retail raw milk and retail raw milk cheese. Sampling frequency, notification, investigations, recalls and enforcement.

- (a) The commissioner or the commissioner's designated agent may collect samples of retail raw milk and retail raw milk cheese produced once per month. Sampling frequency may be increased whenever the commissioner or the commissioner's designated agent has a valid reason to increase the sampling frequency or whenever a standard established in section 22-133-129 of the Regulations of Connecticut State Agencies has been violated.
- (b) The tests conducted on retail raw milk and retail raw milk cheese include, but are not limited to, the standard plate count, the direct microscopic cell count, the detection of drugs and other inhibitors, the detection of human pathogens, and the coliform bacteria count.
- (c) Upon receipt of notification that retail raw milk or retail raw milk cheese violates standards established in section 22-133-129 of the Regulations of Connecticut State Agencies, the producer shall investigate the cause of the violation and prepare a written explanation, describing the cause and the corrective action taken. The written explanation and description of the corrective actions taken shall be completed within fifteen (15) days of the notification and kept on file by the retail raw milk producer or retail raw milk cheese manufacturer for one year and shall be available for inspection.
- (d) In addition to section 22-133-130(c) of the Regulations of Connecticut State Agencies, whenever retail raw milk or retail raw milk cheese is found to have a coliform colony count exceeding one hundred fifty (150) colonies per milliliter (ml) the commissioner may prevent the sale and cause to be destroyed all contaminated retail raw milk or retail raw milk cheese in accordance with sections 22-129 and 22-129a of the Connecticut General Statutes, until an investigation by the commissioner or the commissioner's designated agent determines the retail raw milk or retail raw milk cheese produced at that facility complies with sections 22-133-124 through 22-133-129, inclusive, of the Regulations of Connecticut State Agencies.
- (e) The confirmed presence of human pathogens in retail raw milk and retail raw milk cheese shall be considered an imminent public health threat. The commissioner shall prevent the sale and cause to be destroyed all contaminated retail raw milk or retail raw milk cheese in accordance with sections 22-129 and 22-129a of the Connecticut General Statutes. The producer may be required to initiate a product recall. The retail raw milk producer or retail raw milk cheese manufacturer shall make available to the commissioner or the commissioner's designated agent the names and contact information of all known consumers, distributors and retail sales outlets.

## Labeling Standards for Milk, Milk Products, Cheese and Retail Raw Milk

22-133-131. Milk or milk products and cheese. Labeling standards.

- (a) Labeling shall comply with 21 CFR 101 Food Labeling.
- (b) Products not manufactured, packaged and heat treated in a manner that makes the product safe to store at room temperature shall be conspicuously labeled with a last sale date. The last sale date shall be shown in contrasting color with the background. The last sale date shall be expressed as "sell by", "last sale date" or "must be sold by".
- (c) Products not packaged and heat treated in a manner that makes the product safe to store at room temperature shall bear the words "Keep Refrigerated".
- (d) Products packaged and heat treated in a manner that makes the product safe to store at room temperature shall bear the words "Keep Refrigerated After Opening".
- (e) No label shall contain false or misleading information.
- (f) In the case of cheese manufactured from raw milk, the ingredient listing shall state "made from raw milk" .
- (g) All labels shall be submitted to the commissioner for approval a minimum of thirty (30) days prior to use.

22-133-132. Retail Raw Milk. Labeling.

In addition to section 22-133-131 of the regulations of Connecticut State Agencies, retail raw milk labels shall comply with the following requirements:

- (1) The name of the food "Raw Cow's Milk", "Raw Sheep Milk" or "Raw Goat's Milk", as is appropriate, shall be plainly labeled;
- (2) The label shall contain the name, address and zip code of the producing farm;
- (3) The label shall state the net amount of the contents.
- (4) The consumer shall be informed of the risks involved with the consumption of raw or undercooked animal food by conspicuously labeling each container with the following advisory statement "Raw milk is not pasteurized, pasteurization destroys organisms that may be harmful to human health." The advisory statement shall be legible, in contrasting color from the label or contents and in type of no less one eighth (1/8) of an inch in height. The advisory statement shall be part of the label affixed to the container or printed on hangtags attached to the container;
- (5) The last sale date shall be calculated by adding a maximum of (7) days to the date the milk is bottled; and
- (6) Retail raw milk shall only be sold only in original containers.

22-133-133. Materials incorporated by reference.

The material incorporated by reference in sections 22-133-115 through 22-133-118 inclusive, 22-133-121 and 22-133-122, of the Regulations of Connecticut State Agencies, is available for public inspection and copying during business hours by contacting:

Connecticut Department of Agriculture  
Bureau of Regulation and Inspection  
165 Capitol Avenue  
Hartford, CT 06106

## Drug Residue, Inhibitor Testing

Sec. 22-203c-6. Drug residue or other inhibitor testing and reporting.

For the purposes of sections 22-203c-7 to 22-203c-10 inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Intrastate dealer" means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms located within Connecticut and who sells or offers for sale milk or milk products, only within this state.
- (2) "Interstate dealer" means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms, and who sells or offers for sale milk or milk products within and outside of this state.

Sec. 22-203c-7. Certified milk laboratories and milk screening laboratory, standards.

- (a) The following are incorporated by reference: Evaluation of Milk Laboratories, U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Pasteurized Milk Ordinance (PMO) as amended from time to time. The material incorporated by reference in this subsection is available for public inspection and copying during business hours by contacting:

Connecticut Department of Agriculture  
Bureau of Regulation and Inspection  
165 Capitol Avenue  
Hartford, CT 06106

- (b) The standards set forth in this section shall only apply to interstate dealers.

Sec. 22-203c-8. Intrastate dealers and retail raw milk producers. Testing of milk for the presence of drug residues or other inhibitory substances.

- (a) All retail raw milk producers and intrastate dealers with a herd of ten (10) or fewer milking aged animals shall keep records of the administration of any drug(s) including dry animal treatments, to milking age animals. Records shall be in a form and kept in a manner acceptable to the commissioner or the commissioner's designated agent. The record shall be kept on the premises for twelve (12) months and shall be available for inspection. The record shall include:
  - (1) The name of the drug(s);
  - (2) Date of the treatment;
  - (3) Name of person administering the treatment;
  - (4) The identification of the animal(s) treated;
  - (5) Milk withholding period;
  - (6) Date the milk was offered for sale after the withholding period has ended; and
  - (7) When the manufacturer of a drug does not provide directions for use or the withholding time or the drug is restricted to use by prescription only, the record shall also include the name of the prescribing veterinarian, the veterinarian's prescribed withholding time, any cautionary statements and the veterinarian's prescribed directions for use.



- (b) All retail raw milk producers and intrastate dealers with a herd of more than ten (10) milking aged animals and intrastate dealers who receive milk from a farm or farms other than their own, shall comply with the following:
- (1) Each tank of milk shall be tested before any unloading or processing has begun;
  - (2) The test used to detect the presence of drug residues or other inhibitory substances shall be approved by the commissioner and capable of detecting drug(s) or other inhibitory substance(s) at and above the tolerance levels established by the US Food and Drug Administration;
  - (3) Testing areas shall have adequate lighting, be clean and well ventilated;
  - (4) Records shall include the date of the test, name of person conducting the test, identification of the tank, bulk truck or trailer or the producer, results of the test, and the disposition of the milk. Records shall be in a format acceptable to the commissioner, shall be kept for twelve (12) months on the premises and shall be available for inspection;
  - (5) The commissioner shall be notified of any positive test result within four hours of the test. Notification of positive test results may be by telephone, facsimile or other means acceptable to the commissioner;
  - (6) All test materials and test instructions shall be kept in the testing area and shall be available for inspection; and
  - (7) All test equipment and supplies shall be properly stored according to the manufacturer's instructions.

Sec. 22-203c-9. Producers of milk for pasteurization. Testing of milk for the presence of drug residues or other inhibitory substances. Whenever the commissioner requires a producer to test for the presence of drug residues or other inhibitors the milk producer shall:

- (1) Before offering for sale, test each bulk tank of milk or test each animal treated with a drug before milk from such animal is introduced into the bulk tank;
- (2) Use a test approved by the commissioner that is capable of detecting the drug(s) or other inhibitory substances in use on the farm, at and above the tolerance levels established by the US Food and Drug Administration;
- (3) Provide that testing areas shall have adequate lighting, be clean and well ventilated;
- (4) Keep records of testing in ledger format, such records shall include the date of the test, name of the person testing the milk, identification of the tank being tested, test results and disposition of the milk;
- (5) Keep test records for twelve months on the premises and available for inspection;
- (6) Keep all test materials and test instructions in the testing area and available for inspection; and
- (7) Properly store all test materials according to the manufacturer's instructions.

Sec. 22-203c-10 Milk producer, intrastate dealer, interstate dealer, retail raw milk producer or retail raw milk cheese manufacturer. Drug residues or other inhibitory substances found.

- (a) Pursuant to subsection (c) of section 4-182 of the Connecticut General Statutes, the commissioner may suspend any license, permit or registration issued by the department to an intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer whose milk or milk product is found to contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration. The suspension shall remain in effect until such time as the commissioner or the commissioner's designated agent determines that all cheese, milk or milk products, retail raw milk or retail raw milk cheese, produced, processed or offered for sale no longer contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration. Before resumption of producing, processing or manufacturing of cheese, milk or milk products, retail raw milk or retail raw milk cheese, the intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer shall comply with the testing requirements found in sections 22-203c-7 or 22-203c-8(b) of the Regulations of Connecticut State Agencies.
- (b) The confirmed presence of drug residues or other inhibitory substances at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration in cheese, milk or milk products, retail raw milk or retail raw milk cheese offered for sale to the final consumer shall be considered an imminent public health threat. The commissioner shall prevent the sale and cause to be destroyed all contaminated milk or milk product in accordance with section 22-129 and 22-129a of the Connecticut General Statutes. The intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer may be required to initiate a product recall. The intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer shall make available to the commissioner or the commissioner's designated agent the names and contact information of all known consumers, distributors and retail sales outlets.
- (c) Pursuant to subsection (c) of section 4-182 of the Connecticut General Statutes, the commissioner may suspend any license, permit or registration issued by the department to a milk producer. The commissioner shall prevent the sale and cause to be destroyed all contaminated milk or milk product in accordance with section 22-129 and 22-129a of the Connecticut General Statutes. Before resumption of selling or offering for sale milk or milk product, commissioner may require compliance with section 22-203c-9 of the Regulations of Connecticut State Agencies.

## Bulk Milk Tanker Standards

Section 22-203h-1. Bulk milk pickup tanker. Standards.

- (a) The following are incorporated by reference: Section 5 and Appendix B of the Grade A Pasteurized Milk Ordinance (PMO), Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time. The material incorporated by reference in this subsection is available for public inspection and copying during business hours by contacting:
- Connecticut Department of Agriculture  
Bureau of Regulation and Inspection  
165 Capitol Avenue  
Hartford, CT 06106
- (b) The commissioner or the commissioner's designated agent may inspect each permitted bulk milk pickup tanker annually. The inspection may take place at any location the tanker is found to be picking up milk, unloading milk, being washed or where the tanker is housed.
- (c) After each inspection the commissioner or the commissioner's designated agent may affix a decal to each bulk milk pickup tanker found to be in compliance with this section. The decal shall indicate the month and year the inspection period expires. Those bulk milk pickup tankers that are not in compliance with this section may be issued a notice of non-compliance and may be required to submit proof of compliance to the commissioner within sixty (60) days from the date of the notice of non-compliance.
- (d) Bulk milk pickup tankers housed outside this state that do not carry a valid inspection certificate from another state may be inspected by the commissioner or the commissioner's designated agent, provided that an inspection fee of ten (10) dollars is paid to the commissioner. Those out-of-state bulk milk pickup tankers found to be in compliance with this section may have a decal affixed to them which shall indicate the month and year the inspection period expires.
- (e) Bulk milk pickup tankers housed outside this state that do not carry a valid inspection certificate from another state and whose owners or operators choose not to have such bulk milk pickup tankers inspected shall be issued a notice of non-compliance and shall be required to submit proof of compliance to the commissioner within sixty (60) days from the date of the notice of non-compliance.
- (f) Those bulk milk pickup tankers for which proof of compliance has not been submitted to the commissioner pursuant to subsection (c) or (e) of this section shall be barred from transporting milk or milk products from or to any person, firm or company in this state.
- (g) Whenever the commissioner or the commissioner's designated agent determines that a violation of this section may put the public health or safety at risk, or may allow contamination of the milk or milk products being transported, the commissioner or the commissioner's designated agent may order that immediate action be taken to abate such violation, including, but not limited to, prohibiting a bulk milk pickup tanker from transporting milk or milk products from or to any person, firm or company in this state until the violation is corrected. An inspection by the commissioner or the commissioner's designated agent or other proof of correction of the violation shall be required before transportation of milk or milk products resumes.

Section 22-203h-2. Bulk milk pickup tanker. Reporting.

- (a) Annually in the month of April or upon acquisition of a new or replacement bulk milk pickup tanker, each person, firm or company located in this state which picks up or transports milk or milk products into or out of this state shall provide the commissioner an accounting of all such bulk milk pickup tankers transporting milk and milk products. Such accounting shall include the vehicle identification number (VIN), license plate number and state, owner assigned number, make, model, year and capacity of such bulk milk pickup tankers.
- (b) Each person, firm or company operating a bulk milk pickup tanker within the state shall apply to the commissioner for a permit to operate such tanker. The application shall be upon forms provided by the department. The permit shall be in effect for one year from the date of application shall be renewed yearly.

## ***Connecticut General Statutes regarding the production, manufacture and sale of milk and milk products.***

### **Sec. 22-127 Definitions.**

(1) "Adulterated" means any milk, milk product, retail raw milk or cheese: (A) Which bears or contains any poisonous or deleterious substance which may render it injurious to health, provided if the substance is not an added substance, such milk, milk product, retail raw milk or cheese shall not be considered adulterated if the quantity of such substance in such milk, milk product, retail raw milk or cheese would not ordinarily render it injurious to health, (B) which bears or contains any added poisonous or added deleterious substance which is unsafe, (C) which consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or is otherwise unfit for food, (D) which has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered diseased, unwholesome or injurious to health, or (E) whose packaging or container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

(2) "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.

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

(4) "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.

(5) "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.

(6) "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.

(7) "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.

(8) "Misbranded" means the use of any label, written or printed advertising or graphic upon or accompanying a product or container of milk, milk products or cheese, including, but not limited to, signs, electronic displays, electronic communication, placards or other means of communication intended to provide information to consumers, which is false or misleading or which violates any applicable municipal, state or federal labeling requirement.

(9) "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.

(10) "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.

(11) "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.

(12) "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.

(13) "Raw milk" or "milk for pasteurization" means normal lacteal secretion that is practically free of colostrum and that is obtained by the complete milking of one or more healthy hooved mammals.

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

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

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

(17) "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.

(18) "Safe and suitable ingredients" are food ingredients generally recognized as safe, as referenced in 21 CFR 184 and 21 CFR 186.

(19) "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. 22-128. Powers and duties of commissioner.** Access to premises. Removal or abatement of insanitary condition. Civil penalty. (a) The commissioner may employ such agents and assistants as are necessary to enforce the provisions of this chapter and the provisions of the regulations of the Milk Regulation Board and the orders of the commissioner as authorized by said board, and he and his deputy or agents and assistants, for the purpose of examining into any suspected violation of the provisions of this chapter, shall have free access, at all reasonable hours, to all places and premises, apartments of private families keeping no boarders excepted, in which he suspects that the laws relating to milk or any other milk product under his jurisdiction are being violated.

(b) The agents of any dealer, cooperative or other transportation agencies having knowledge or record of any consignment of milk and cream shall inform the commissioner or his deputy, agent or assistant of such consignment and the name of the consignee when requested by the commissioner or his deputy, agent or assistant.

(c) The commissioner or his deputy, agent or assistant shall make an examination of the premises of any farm or dairy, or any place in which cattle, dairy stock or other domestic animals are kept within this state, in which any insanitary condition liable to affect the products of such farm or dairy exists, or is reported or suspected to exist. When any such condition is found by him, he shall notify the owner or occupant of the premises upon which such condition exists to remove or abate the same at the expense of such owner or occupant, within such time as the commissioner or his deputy, agent or assistant directs; and he may, by notice in writing to the owner or occupant, prohibit the sale of any milk or milk products produced on any farm or in any dairy, the owner or occupant of which fails to comply with any order of the commissioner or his deputy, agent or assistant to remove or abate any insanitary condition existing on such premises which is liable to affect the products of such farm or dairy, until such insanitary condition is removed or abated to the satisfaction of the commissioner or his deputy, agent or assistant, and such prohibition shall be terminated by him in writing, but such prohibition may remain in effect five days at the discretion of the commissioner.

(d) Any person who refuses the access provided for herein to the commissioner, his deputy, agent or assistant, or who sells any milk or milk products of any farm or dairy, the sale of which has been prohibited as herein provided, shall be assessed a civil penalty in accordance with the provisions of section 22-7.

Sec. 22-128a. Schedule of fees. The Commissioner of Agriculture shall adopt regulations in accordance with the provisions of chapter 54 establishing a schedule of fees sufficient to cover the reasonable cost of reviewing and acting upon an application for, and monitoring of compliance with, the terms and conditions of any approval, examination, license or permit concerning the production and marketing of milk and milk products.

**Sec. 22-129. Sale and distribution prohibited.**

(a) The Commissioner of Agriculture or the commissioner's duly authorized agent shall prohibit the sale or offering for sale or distribution of any cheese, milk or other milk product which is insanitary or detrimental to health, and which has not been produced, processed, cared for or handled in the manner prescribed in this chapter and in chapter 431 and by the regulations of the Milk Regulation Board.

(b) The following are prohibited: (1) The sale, offering for sale or offering for barter or exchange any milk, milk product or cheese that is adulterated, (2) the adulteration of any milk, milk product or cheese, (3) the sale, offering for sale, offering for barter or exchange, manufacturing, distributing or processing any milk, milk product or cheese from any facility not licensed pursuant to section 22-229, or (4) the sale, offering for sale, distributing, offering for barter or exchange any milk for pasteurization, retail raw milk or retail raw milk cheese from any dairy farm not registered pursuant to section 22-172 or 22-173a.

(c) The provisions of this section shall not apply to the production of milk, milk products, raw milk or raw milk products and the manufacture of cheese for personal consumption or for consumption by immediate family members.

(d) Nothing in this section shall prevent the commissioner from seeking any other remedy provided by law.

(e) Any person who violates any order issued by the commissioner or the commissioner's duly authorized agent pursuant to this section shall, for a first violation, have committed an infraction and, for a second or subsequent violation committed within one year of a prior violation, be guilty of a class A misdemeanor.

**Sec. 22-129a. Seizure and quarantine.**

(a) The Commissioner of Agriculture or the commissioner's duly authorized agent may seize, destroy, dispose of or embargo any milk, milk product or cheese that does not comply with the provisions of this chapter, chapter 431 or regulations adopted hereunder or pursuant to chapter 431 and is deemed to be unfit or unsafe for use as a food or is a threat to public health.



(b) Whenever the commissioner finds or has probable cause to believe that any milk, milk product or cheese is adulterated, misbranded or deleterious to health, the commissioner or the commissioner's duly authorized agent may affix to such milk, milk product or cheese a tag or other appropriate marking, giving warning that such milk, milk product or cheese is or is suspected of being adulterated or misbranded. No person shall remove or dispose of such milk, milk product or cheese by sale or otherwise without the express permission of the commissioner or the commissioner's duly authorized agent. Not later than twenty-four hours after such tagging or marking, the commissioner or the commissioner's duly authorized agent shall notify the owner or custodian of such milk, milk product or cheese of the commissioner's or the commissioner's agent's findings, or of any violations or proposed disposition and of the right to a hearing. Any person aggrieved by an order of the commissioner may request a hearing before the commissioner not more than five days after the issuance of such order. The hearing shall be conducted not later than twenty days after the tagging or marking of any milk product or cheese and not later than ten days after the tagging or marking of any perishable fluid milk.

(c) Following such hearing the commissioner shall make a determination as to whether such milk, milk product or cheese complies with the provisions of this chapter, chapter 431 and any regulations adopted pursuant to this chapter or chapter 431 and is safe for use as a food. If the commissioner determines the milk, milk product or cheese is unsafe or unfit for use as food, the commissioner may order the owner or custodian to destroy or dispose of such milk, milk product or cheese. The commissioner or the commissioner's duly authorized agent shall supervise the destruction or other disposition of such milk, milk product or cheese. If the commissioner finds the milk, milk product or cheese is safe for use as food and is not detrimental to public health, or can be properly packaged, marked or otherwise brought into compliance with the provisions of this chapter, chapter 431, or any regulations adopted pursuant to this chapter or chapter 431, the commissioner may order such milk, milk product or cheese to be so packaged, marked or otherwise brought into compliance and may thereafter authorize the release of such milk, milk product or cheese. The owner or custodian of such milk, milk product or cheese shall pay the costs of storage, handling and other incidental expenses.

(d) A certificate of analysis from a laboratory of the Department of Public Health, the Agricultural Experiment Station, the United States Food and Drug Administration, the United States Department of Agriculture or The University of Connecticut Veterinary Medical Diagnostic Laboratory or other certified laboratory acceptable to the commissioner shall be considered prima facie evidence of the ingredients and constituents of a sample of milk, milk product or cheese.

(e) Any person aggrieved by the determination of the commissioner may appeal therefrom in accordance with the provisions of section 4-183.

(f) The commissioner shall not be liable for any damages caused by the seizure, embargo, destruction, tagging or marking of any milk, milk products or cheese pursuant to this section unless a court finds there was no probable cause for such tagging or marking.

Sec. 22-130. Authority of commissioner limited. The powers and duties of the Commissioner of Agriculture under this chapter shall not be construed to include the inspection of cheese foods and chocolate drinks.

### **Sec. 22-133 Milk Regulation Board.**

Sec. 22-133. Regulations of Milk Regulation Board. To assure the consumers of the state milk products of at least standard quality, and to assure to the residents of Connecticut an adequate and regular supply of such milk at all times, the Milk Regulation Board shall adopt regulations in accordance with the provisions of chapter 54, which may include, but not be limited to, definitions, standards of identity, production, transportation, processing, handling, sampling, examination, grading, labeling, regarding and sale of milk and milk products. The Milk Regulation Board may adopt regulations which incorporate by reference the provisions of the federal Pasteurized Milk Ordinance promulgated by the United States Food and Drug Administration provided such regulations shall be consistent with any regulations adopted under section 22-211a, and further provided such regulations may by reference specifically incorporate any future amendment to said ordinance. The board may by regulation establish standards for inspection of the facilities and processes necessary for the production, handling, storage and manufacture of retail raw milk, retail raw milk cheese, butter, cheese, dry milk, whey, concentrated milk, condensed milk, single service fluid milk enclosures and milk products. In exercising its authority, the board shall consider (1) the welfare of the milk producer, the milk dealer and the consuming public, and the need to maintain a constant and adequate supply of fluid milk of at least standard quality; (2) the recommended methods promulgated by recognized authorities for the production, handling and transportation of fluid milk and milk products, and additional methods for the production, handling and transportation of milk and milk products; (3) the recommended methods promulgated by recognized authorities for dairy plant operations in the handling, storage, processing, bottling and labeling of all grades and types of milk, cream and milk products, together with the quality of the dairy products and materials, if any, used in the processing of such products; (4) the healthfulness and quality of all grades and types of milk, cream milk products, cheese and nonstandardized milk products, when said board may be guided by recommendations promulgated by recognized authorities on health and nutrition; (5) whether or not the various grades, such as grade A milk, and types, such as homogenized, pasteurized, vitamin D and vitamin-mineral-fortified milk, flavored milks, low-fat milk or skimmed milk, handled by a dealer, may be handled, processed, advertised, offered for sale or sold without false advertising, deception, fraud or misrepresentation; and (6) ingredient and nutrition labeling requirements, the necessity for clearly distinguishing retail raw milk,

cheeses, nonstandardized milk products, whole milk, low-fat milk and skimmed milk in the labeling of such milk so as to prevent confusion, deception and misrepresentation.

Sec. 22-134. Violation of regulations of board or orders of commissioner. Civil penalty. No person shall engage in the production, care, marketing or sale of milk or cream unless he has complied with the regulations of said board. Any person who violates any provision of this section or of any regulation established by said board or of any order of said commissioner duly authorized shall be assessed a civil penalty in accordance with the provisions of section 22-7.

### **Sec. 22-136 Licensing of weighers, samplers and testers.**

Sec. 22-136. Licensing of weighers, gagers, samplers and testers of milk and cream. Examination fees. Revocation of license. (a) The Milk Regulation Board shall adopt regulations, in accordance with the provisions of chapter 54, for the examination and licensing of persons who may engage in the weighing, sampling or testing of milk or cream which is to be bought or sold on the basis of the butterfat content, milk components or the bacterial count, or for the purpose of determining the butterfat content, the presence or absence of antibiotics or other inhibitors, milk components or bacterial count for publication or for advertising purposes, or for use as the basis of reports to any person other than their employers or payment to a producer.

(b) The commissioner shall administer the regulations. Applications for examinations shall be made in writing to the commissioner. Any fees for such applications shall be established by the commissioner pursuant to section 22-128a. The commissioner shall designate the time and place of holding the examinations, and may issue, to any person who has complied with the regulations for the examination and has passed the same to the satisfaction of the commissioner, a license to weigh or gage, sample or test any milk or cream.

(c) The license shall be valid for two years and may be renewed for a period of two years upon written application to the commissioner accompanied by a fee established by the commissioner pursuant to section 22-128a.

(d) The license may be revoked by the commissioner, after hearing and upon notice to the licensee, for dishonesty, incompetency, inaccuracy or violation of any provision of this section or sections 22-138 to 22-141, inclusive.

(e) No person shall take any sample or test any milk or cream for the purpose of determining its butterfat content, its milk components or its bacterial count except as provided in this section, and nothing in this section shall be construed to prevent private testing and sampling for plant purposes. Any person not holding a license may take any unbroken package of milk or cream as a sample.

Sec. 22-138. Fraudulent manipulation of samples or test; falsification of records. Civil penalty. No person, firm or corporation, or agent or employee thereof, engaged in the business of buying milk or cream on the basis of the percentage of butterfat contained therein, shall underread, overread or otherwise fraudulently manipulate the samples or the test used for determining the percentage of such fat in such milk or cream, or falsify the record thereof. Any person, firm or corporation, or agent or employee thereof, violating any provision of this section shall be assessed a civil penalty in accordance with the provisions of section 22-7.

Sec. 22-139. Tests to be made by licensed tester. (a) Each person, firm or corporation, or agent or employee thereof, engaged in the business of receiving or buying milk or cream on the basis of the percentage of butterfat contained therein as determined by any test approved by the Milk Regulation Board of samples taken in accordance with the regulations of the Milk Regulation Board, shall have the test or tests made only by a licensed tester, who shall be responsible for the same.

(b) Each licensed tester shall post his license in plain view in the testing room in which he is employed.

(c) The commissioner may suspend or revoke such license for failure to post it as required under this section. Each such license which has been revoked shall be returned to the commissioner.

**Sec. 22-140. Samples to be taken by licensed samplers.** (a) Each person, firm or corporation engaged in the business of buying milk or cream on the basis of the percentage of butterfat contained therein, as determined by any test approved by the Milk Regulation Board of samples taken in accordance with the regulations of the Milk Regulation Board, shall have the samples taken by a person holding a license to sample milk or cream.

(b) Each licensed sampler shall carry upon his person or post his license in plain view in the plant in which he is employed.

(c) The commissioner may revoke such license for failure to carry or post it as required under this section or for any other just cause. Each such license which has been revoked shall be returned to the commissioner.

**Sec. 22-141. Weighing or gaging to be by licensed weigher or gager.** (a) Each person, firm or corporation engaged in the business of buying milk or cream by weight shall have such milk or cream weighed by a licensed weigher when such milk or cream is purchased or gaged by a licensed gager when such milk or cream is bought from or at a dairy farm, using a bulk milk cooling tank approved by the commissioner and currently calibrated for the measurement of milk quantity by the Commissioner of Consumer Protection.

(b) Each licensed weigher or gager shall have his license in his possession, or available for inspection, during working hours.

(c) The Commissioner of Agriculture may revoke any such weigher's license or gager's license for just cause. Each such license which has been revoked shall be returned to the commissioner.

Sec. 22-146. Examination of records and apparatus. The commissioner and his agents are authorized to enter the premises and to examine the test and weight records and testing apparatus of any person, firm or corporation for the purpose of carrying out the provisions of sections 22-136 to 22-150, inclusive.

Sec. 22-147. Appeal. Any person, firm or corporation aggrieved by any decision of the commissioner regarding the enforcement of the provisions of sections 22-136 to 22-150, inclusive, may appeal therefrom in accordance with the provisions of section 4-183.

Sec. 22-148. Proceedings for violation. For the violation of any provision of sections 22-136 to 22-147, inclusive, proceedings may be instituted against either the owner or manager who is responsible for the business transacted, or the licensed tester of such milk or cream or the person weighing and sampling the same, or against all of such persons.

### **Sec. 22-150a Milk Laboratories**

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

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

(c) Each registered certified milk laboratory, milk screening laboratory or component testing laboratory shall comply with the standards for milk laboratories set forth in the Grade-A Pasteurized Milk Ordinance Recommendations of the United States Public Health Service/Food and Drug Administration and shall be subject to periodic inspection by the commissioner, or the commissioner's designee, including inspection of all records necessary to carry out the purposes of this section.

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

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

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

Sec. 22-152. Standard quality of milk. Any milk which is sold or exchanged or offered for sale or exchange shall be deemed to be sold, exchanged or offered as of standard quality, unless otherwise expressly stated at the time of such sale, exchange or offer. Milk of standard quality shall contain not more than eighty-eight and one-half per cent of watery fluid, not less than eleven and one-half per cent of milk solids, not less than eight and one-quarter per cent of solids not fat and not less than three and one-quarter per cent of butterfat, and the certificate of the director of the Connecticut Agricultural Experiment Station or chemist in charge thereof, or of the director of the laboratory of the Department of Public Health, shall be evidence of the composition of any milk.

**Sec. 22-153. Misbranded or adulterated milk.** Civil penalty.

(a) No person shall, by himself, his employee or agent, sell or exchange, or offer for sale or exchange, or have in his possession with intent to sell or exchange any milk which is misbranded or any milk, milk product or cheese diluted with water or adulterated by any foreign substance, or shall knowingly sell, distribute, exchange or offer for sale any milk, milk product or cheese not produced in compliance with the provisions of this chapter or chapter 431.

(b) No municipality or subdivision thereof shall require a dealer to place on any bottle, container or label any words, designs or illustrations which are not approved, required or permitted by the Milk Regulation Board.

(c) Milk, milk products or cheese shall be deemed to be misbranded when they are not labeled with the name and address of the dealer, the common name of the product and any other labeling prescribed by the general statutes or the regulations of the Milk Regulation

Board. The display or appearance of words, designs or illustrations on the label which are not so approved or prescribed shall also constitute misbranding.

(d) No milk dealer licensed pursuant to section 22-229 shall accept milk, milk products or cheese from any person, firm or corporation whose license or permit to produce, distribute or process milk, milk products or cheese is suspended or has been revoked.

(e) Any person who violates any provision of this section may be assessed a civil penalty in accordance with the provisions of section 22-7.

**Sec. 22-160. Milk powder, evaporated milk or cream. Foreign milk powder.** (a) No person shall sell or exchange, or offer for sale or exchange, or have in his possession with intent to sell or exchange, any milk powder or evaporated milk or cream except in the original packages in which the same are packed by the manufacturer or maker thereof, and each such package shall be plainly marked so as to show the contents thereof, the ingredients composing such contents and identification of the processing plant.

(b) No person shall sell or exchange, or offer for sale or exchange, or have in his possession with intent to sell or exchange, any milk powder in this state originating from any country or area outside the United States unless such country or area is certified to be free from rinderpest, African swine fever and foot and mouth disease by the United States Department of Agriculture and the Commissioner of Agriculture.

**Sec. 22-165 Samples of milk, cream and milk products.**

(a) The commissioner and his deputy, agents and assistants may take samples of milk, cream or milk products from any producer, dealer, vendor, processor or manufacturer upon tender of the market price thereof, and shall seal and mark such samples, and, upon request of such producer, dealer, vendor, processor or manufacturer, or his agent, shall seal and mark duplicate samples and leave the duplicate samples with such persons. The official analysis of such samples shall be made by the Connecticut Agricultural Experiment Station or the Laboratory Division of the Department of Public Health, or any other laboratory approved for making such examinations.

(b) The commissioner shall collect from the dairy plant, producer, retail raw milk producer or milk dealer permittee a fee or fees established by the commissioner pursuant to section 22-128a, sufficient to cover the actual cost of bio-assays and chemical tests made on samples of milk and milk products. Such fees shall be deposited in the General Fund. The dairy plant, producer, retail raw milk producer or milk dealer permittee shall only be required to pay fees for samples taken to verify product safety when required routine testing has shown the product to be in violation of this chapter. The commissioner may suspend any license or permit issued pursuant to this chapter or chapter 431 to any dairy plant, producer, retail raw milk producer, cheese or yogurt manufacturer, dry milk manufacturer or dealer who fails to

pay such fees within sixty days after being billed by the commissioner.

**Sec. 22-166. Sale of milk from emaciated or diseased animals. Civil penalty.** Any person who sells or exposes for sale milk, or any product of milk, from an animal which has reacted to the tuberculin test or which is emaciated or which shows physical symptoms of disease, which disease may, or may be reasonably suspected to, affect the healthfulness of such milk or any product thereof, after such animal has been adjudged by the commissioner or his deputy or agent to be so emaciated or diseased, shall be assessed a civil penalty in accordance with the provisions of section 22-7.

**Sec. 22-167. Local regulations for the sale of milk.** No provision of section 22-133 shall affect the authority of any town, city or borough to enact ordinances concerning the sale or distribution, within its limits, of milk which may be detrimental to public health. In any town, city or borough where no local system of milk and cream control is provided for by charter, the local director of health or board of health may present, at a meeting of the electors warned and held for such purpose, proposed rules and regulations concerning the inspection of dairies and the production, care, handling, marketing or sale of milk or cream, the protection of the public from the use of milk or cream which may be detrimental to the public health and the granting of licenses to milk dealers. Upon approval by the town, city or borough, such rules and regulations shall be enforced in the town, city or borough by the director of health. Amendments of such rules and regulations shall be made in accordance with the procedure provided for their adoption. Such local directors of health or boards of health may revoke any license granted in accordance herewith after due notice and hearing for violation of any such rules and regulations. Any person who produces, handles, markets or sells milk or cream within the limits of any town, city or borough in which such rules and regulations are in effect, without a license as hereinbefore provided, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both. Any person aggrieved by the failure of the local director of health or board of health to grant a license in accordance with the foregoing provisions or by the action of such director of health or board in revoking a license may appeal from the action of such director of health or board to the Milk Regulation Board in accordance with the provisions of sections 22-169 and 22-170.

Sec. 22-168. Damages. Each local official issuing an order prohibiting the sale of milk shall ascertain the average daily quantity of milk produced by the cows or goats of each person affected by such order of prohibition, and the municipality wherein such sale is prohibited shall pay damages for the value of the milk which such person has been unable to sell because of such order, during the period of prohibition, upon proof that, at the time such order was issued, such milk was fit for such consumption and the premises where such milk was produced were free from contagious disease. Any person aggrieved by such order, in the event of failure to agree with the municipality as to the value of the milk produced during such period, may collect the value thereof from such municipality.



Sec. 22-169. Appeals from local authorities. Any person aggrieved by an order issued by any local official authorized to prohibit the sale of milk or cream in any town, city or borough may appeal from such order to the Milk Regulation Board. Such appeal shall be taken by filing in the office of said board a copy of the order prohibiting such sale, with a brief statement of such grievance. Said board shall, within one week after the receipt of such appeal, ascertain the methods employed by the person taking such appeal in producing, handling or distributing milk or cream, and shall cause an inspection of all implements and equipment used in the production and handling of the same, the cows from which, and barn and premises where, such milk or cream is produced or procured and, after such inspection, shall forthwith affirm, modify or rescind such order, but the original order shall remain in force pending such appeal.

Sec. 22-170. Appeal from board. Any person aggrieved by any order made by said board may appeal therefrom in accordance with the provisions of section 4-183.

## **Sec. 22-172 Registration of producers.**

(a) Any person, firm or corporation engaged in the production of milk for pasteurization in Connecticut, which milk or the products thereof are to be used or disposed of elsewhere than on the premises where such milk is to be produced shall register with the Commissioner of Agriculture in a manner prescribed, and on forms furnished by the commissioner for such registration.

(b) Milk shall not be used, sold, offered for sale or disposed of away from any dairy farm located in Connecticut without a permit from the commissioner.

(c) Such permits may be renewed annually upon written application to the commissioner, shall be designated "Dairy Farm Permit" or "Milk Producer Permit" and may be suspended or revoked by the commissioner for cause.

## **Sec. 22-173a. Registration of retail raw milk producers and retail raw milk cheese manufacturers. Denial, suspension and revocation of permits. Cheese manufacturing. Regulations.**

(a) No person, firm or corporation shall engage in the production of retail raw milk or the manufacture of retail raw milk cheese, which milk or retail raw milk cheese or the products thereof are to be used or disposed of elsewhere than on the premises where such milk or retail raw milk cheese is produced, without first registering with the Commissioner of Agriculture in a manner prescribed and on forms furnished by the commissioner for such registration. Such registration may be renewed annually not later than the thirtieth day of June. The commissioner shall establish fees for such registration pursuant to section 22-128a.

(b) Registrations required pursuant to subsection (a) of this section shall be designated "Retail Raw Milk Producer Permit" or "Raw Milk Cheese Manufacturer Permit" and may be denied, suspended or revoked by the commissioner for cause.

(c) Retail raw milk shall only be offered for sale in its unprocessed state, with no ingredients added or removed.

(d) The manufacturing of cheese from unpasteurized milk shall be conducted only on premises and by firms or individuals authorized by the commissioner to produce retail raw milk.

(e) The Milk Regulation Board shall adopt regulations, in accordance with the provisions of chapter 54, establishing standards for sanitation, production, sale, labeling, handling and storage of retail raw milk and the manufacture of raw milk cheeses.

Sec. 22-181. Application for permit by new producer. Any new producer shall make

application to the commissioner for a permit at least seven working days prior to the time he desires to ship milk to a Connecticut dealer.

Sec. 22-182a. Duties of commissioner if Federal Milk Order suspended or terminated.

Wherever in sections 22-176, 22-177 and 22-182 reference is made to the Federal Milk Order applicable to Connecticut, if such order is suspended or terminated, the Commissioner of Agriculture shall substitute a computation based on reports to him of the receipts and uses of milk by all dealers with plants approved for the sale of milk in Connecticut.

Section 22-183 Right to inspection.

Whenever approval to ship milk to Connecticut markets has been given to a dairy farm or milk plant, the commissioner shall not thereafter refuse to inspect nor shall the commissioner revoke or suspend such approved status except for failure to produce and deliver milk, under the conditions specified in this chapter, which will meet the quality standards and other requirements set forth in this chapter.

Sec. 22-186. Statements pertaining to receipt and disposition of milk and cream. Information to producers. Termination of Federal Milk Order. Assessment on producers. (a) Upon the request of the commissioner and within ten days after the close of each month's business, each person, firm or corporation which bottles, manufactures, processes, sells or distributes milk or cream within the state shall make and forward to the commissioner a sworn statement, on forms prescribed by the commissioner, in regard to the quantity of milk or cream received, sold, distributed or manufactured by such person, stating where such milk or cream was produced and specifying the number of quarts of milk sold or disposed of in fluid form, the quantity of milk which has been used to produce cream sold in fluid form and the quantity of milk which has been used to produce manufactured products. Each such statement shall provide such other information pertaining to the receipts, sale, use or disposition of milk, cream and milk products as the commissioner requires. The commissioner shall, upon request of the producer or producers directly affected thereby, transmit information pertaining to the receipts of milk from various sources by a particular dealer and the uses made of it by such dealer.

(b) If the Federal Milk Order applicable to Connecticut is terminated, the commissioner or his designated agent shall have power to examine, copy and audit, from time to time, as he deems necessary and proper, the books, papers, records and accounts of all dealers with plants approved for the sale of milk in Connecticut and others for the purpose of effectuating the policy and provisions of this chapter or any order, ruling, regulation or direction promulgated hereunder. The commissioner or his designated agent shall have access to and may enter and inspect at all reasonable hours all places, equipment and vehicles where milk and milk products are being received, purchased, stored, bottled, manufactured, sold or handled and where books, papers, records or accounts relating thereto are kept.

(c) The commissioner may levy an assessment on all milk producers, at a rate to be determined by the commissioner, after public hearing, which shall not exceed one cent for each hundredweight of milk produced. Assessment funds received from milk producers shall be paid by the commissioner to the State Treasurer to the account of the General Fund, and all moneys so paid are appropriated to the commissioner for the administration of this section.

Sec. 22-187. Appeal. Any person aggrieved by the performance by the commissioner of any administrative act provided for in sections 22-172 to 22-186, inclusive, may appeal therefrom in accordance with the provisions of section 4-183.

Sec. 22-192a. Sale of milk as from tested cows. No person, firm or corporation shall sell or advertise milk or cream as coming from tuberculin-tested cows or herds unless all raw milk sold or offered for sale by such person, firm or corporation is produced from tuberculin-tested cows or herds officially tested by the Commissioner of Agriculture, or unless such person, firm or corporation has an accredited herd certificate issued within twelve months. No person, firm or corporation shall sell or advertise milk or cream as coming from brucellosis-tested cows unless such cows are in a herd or herds maintained under the Connecticut plan for the eradication of brucellosis executed under authority of said commissioner.

**Sec. 22-193 Milk sold at public eating places.**

No person shall bottle, pour, dip or measure any milk, cream, low-fat milk, skimmed milk or buttermilk for sale at retail in any vehicle upon any street, or in any other place than a milk room or place approved by the commissioner. Milk, when served by any hotel, restaurant, lunchroom, fountain or other place of public entertainment, shall be served in the original bottle, the cap of which shall not be removed except in the presence of the consumer or patron, but this provision shall not apply to cream so served or to mixed beverages of which milk forms a part, or to pasteurized homogenized milk or cream with or without flavoring dispensed from a refrigerated dispensing machine approved by the commissioner, if the location, maintenance and operation of the machine, in the opinion of the commissioner, provide full and adequate sanitary protection for the milk. Only pasteurized milk and milk products shall be served to consumers in any hotel, restaurant, cafeteria, hospital, lunchroom, school, public eating place or at any fountain or public eating place, whether served as milk and low fat milk and cream or as a part of a mixed beverage.

Sec. 22-194. Pasteurized milk and milk products. (a) The term "pasteurized", or any similar term, when used in connection with milk or milk products, means such milk or product which has been subjected to the process of pasteurization, as defined in section 22-127.

(b) The Milk Regulation Board shall designate suitable laboratory tests, and standards based thereon, which shall be used upon representative samples to determine whether or not

milk or milk products have been pasteurized. All pasteurized milk and cream shall be placed in final containers, which shall be clean and free from foreign material, immediately after cooling and stored at a temperature of forty degrees Fahrenheit or below.

(c) On delivery vehicles the temperature of milk and milk products shall be maintained at not more than forty-five degrees Fahrenheit.

### **Sec. 22-197b Labeling.**

Each person, handler, firm or corporation shall clearly mark each container of milk or milk product, cream, yogurt, cream cheese, cottage cheese, ricotta cheese, soft cheese, eggnog or sour cream offered for retail sale 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. 22-203a Testing of milk and milk products for drug residues or other inhibitory substances. Maintenance of records.**

Sec. 22-203a. (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(a).

Sec. 22-203d. Drug residue and other inhibitory substance levels for milk. Prohibition of sale or distribution. Permit suspension. Penalty.

(a) No milk processor issued a license under section 22-229 shall accept for processing milk containing drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration. The commissioner shall prohibit the sale or distribution of such milk, packaged milk or milk products that are found to contain such drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration. The milk processor responsible for accepting for processing milk at or above tolerance levels recommended by the United States Food and Drug Administration shall stop the sale of such milk and cause such milk to be destroyed in a manner acceptable to the commissioner. The commissioner may: (1) Suspend the milk processor's license until the drug residues or other inhibitory substances are below the tolerance levels, (2) initiate a product recall of the milk and cause it to be destroyed in a manner acceptable to the commissioner, or (3) in the event of a second violation within any twelve-month period, revoke the milk processor's license and initiate action to assess a civil penalty pursuant to section 22-7.

(b) Whenever milk from a milk producer issued a permit under section 22-172 is found to contain drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration, the commissioner shall prohibit the sale or distribution of such milk. The milk producer responsible for producing such milk shall stop the sale of the milk and cause the milk to be destroyed in a manner acceptable to the commissioner. The commissioner may: (1) Suspend the milk producer's permit until such time as the drug residues or other inhibitory substances are below the tolerance levels, and (2) in the event of a third violation within any twelve-month period, the commissioner may revoke the milk producer's permit and initiate action to assess a civil

penalty pursuant to section 22-7.

(c) Whenever milk from a retail raw milk producer issued a permit under section 22-173a is found to contain drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration, the commissioner shall prohibit the sale or distribution of such retail raw milk. The retail raw milk producer responsible for the production of such retail raw milk shall stop the sale of the retail raw milk and cause the retail raw milk to be destroyed in a manner acceptable to the commissioner. The commissioner may: (1) Suspend the retail raw milk producer's permit until such time as the drug residues or other inhibitory substances are below the tolerance levels, (2) initiate a product recall of the retail raw milk and cause it to be destroyed in a manner acceptable to the commissioner, or (3) in the event of a second violation within any twelve-month period, revoke the retail raw milk producer's permit and initiate action to assess a civil penalty pursuant to section 22-7.

### **Sec. 22-203f. Transportation of milk by bulk milk pickup tanker. Permit.**

(a) No person may engage in the transportation of milk or milk products by bulk milk pickup tanker to or from a farm, milk plant, receiving station or transfer station in this state unless: (1) The owner of the bulk milk pickup tanker has a valid permit for such tanker and a current inspection report; and (2) the permit and inspection report accompany the tanker.

(b) The Commissioner of Agriculture may stop any bulk milk pickup tanker engaged in the transportation of milk or milk products to or from a farm, milk plant, receiving station or transfer station in this state to: (1) Determine whether a valid permit and inspection report accompany the tanker; or (2) conduct a safety and sanitation inspection. If the commissioner conducts a safety and sanitation inspection pursuant to such a stop, the commissioner may issue a new safety and sanitation inspection report. If an inspection conducted under this section reveals construction or repair defects or the need for significant cleaning, the commissioner may order a tanker removed from service until such deficiencies are corrected. If a tanker inspected under this section has a permit issued by another state, the commissioner may forward the results of the inspection to the issuing state.

Sec. 22-203g. Application for permit. Validity. (a) Each person seeking a permit for a bulk milk pickup tanker shall make application on forms prescribed by the Commissioner of Agriculture.

(b) The commissioner shall issue a permit to an applicant upon evidence satisfactory to the commissioner that the tanker is in compliance with the milk handling requirements of this chapter.

(c) A permit issued under this section shall be valid for one year from the date of issuance

and may be renewed upon application to the commissioner on forms prescribed by the commissioner.

Sec. 22-203h. Regulations. The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of sections 22-203f and 22-203g.



## ***Milk Dealer, Cheese Manufacturer, Yogurt Manufacturer Licensing***

### Sec. 22-205 Definitions

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 as to the prices at which it sells, markets or bargains to sell milk to dealers and others; (4) "dealer" means milk dealer, including any person, store, subdealer or producer-dealer, who purchases, receives, distributes or handles fluid milk or milk products for sale, but "dealer" does not include a producer who delivers milk to a dealer alone, retail raw milk producers, raw milk cheese manufacturers or cooperative marketing association as herein defined. A cooperative marketing association as defined in this section shall be deemed a producer if such association sells milk to stores or consumers. It shall be deemed a dealer as to such operations and shall be governed by the provisions of this part applicable thereto; (5) "licensee" means a licensed dealer; (6) "marketing area" means any city, town, borough, or state, or two or more cities, towns, boroughs, or states, or parts thereof and territory contiguous thereto, so designated by the Commissioner of Agriculture and having reasonable uniformity or similarity of marketing conditions among producers or dealers; (7) "milk" means fluid milk and cream, all products defined in sections 22-127, as amended, and 22-133, as amended, fresh, sour or storage, skimmed milk, buttermilk and flavored milk or milk drink; and reference in this part to quantity of milk shall be construed to include its whole milk equivalent; (8) "person" means any individual, firm, corporation, limited liability company, partnership or association; (9) "producer" means a person producing milk and includes cooperative marketing associations; (10) "producer-dealer" means a dealer who is also a producer; (11) "store" means a grocery store, hotel, restaurant, drug store, dairy products store or any similar mercantile establishment which sells milk, except "store" does not include any establishment that sells milk only for consumption on the premises; (12) "subdealer" means any person, firm or corporation that sells fluid milk or milk products in their finished form for human consumption within the state to stores, other dealers or subdealers, restaurants, manufacturers or any place where the final sale of such fluid milk or milk products takes place in the same containers in which such person, firm or corporation purchased it from other dealers; (13) "cheese manufacturer" means any person, firm, corporation or dealer within the state that purchases fluid milk, or receives or handles fluid milk for the purpose of manufacturing cheese; (14) "yogurt manufacturer" means a milk

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

**Sec. 22-206. Powers and duties of Commissioner of Agriculture.** The Commissioner of Agriculture shall have the power to investigate and regulate all phases of the milk industry in this state, including the production, handling, transportation, manufacture, storage, distribution, purchase and sale of milk and milk products; provided nothing herein shall affect other statutes pertaining thereto except as herein specified.

Sec. 22-207. Employees. The Commissioner of Agriculture may, subject to the provisions of chapter 67, appoint such assistants and employees as may be necessary for the discharge of his duties. Legal services and the services of other experts shall, upon request of the Commissioner of Agriculture, be performed as far as reasonably possible by any or all state departments and institutions.

Sec. 22-208. Official seal. The Commissioner of Agriculture may, for the authentication of his records, process and proceedings, adopt and use a seal, of which judicial notice shall be taken in all courts of the state. All acts, proceedings, orders, rulings, regulations, directions, papers, findings and other records of the commissioner and all reports or documents filed with him may be proved in any court of this state by a copy thereof, certified by the commissioner, with his seal attached thereto; and certification under seal that an order or regulation has been posted, filed and publicized as provided for herein shall constitute evidence of compliance with all formalities in respect thereto.

Sec. 22-211a. Regulations. The Commissioner of Agriculture may adopt, and from time to time revise and amend, regulations, in accordance with the provisions of chapter 54, necessary and appropriate to effectuate the policy and provisions of this part or any ruling or order issued hereunder. The commissioner shall have power to exempt from any regulation issued hereunder all dealers selling not more than three hundred quarts of milk per month.

Sec. 26. PA 09-229 (NEW) (Effective October 1, 2009) All milk dealers processing, handling, storing, distributing, transporting, selling or offering for sale, barter or exchange any milk, milk product or cheese shall comply with the sanitation, handling, storage and processing provisions of chapter 430 of the general statutes and any regulations adopted thereunder.

**Sec. 22-212. Coordination with other authorities.** In order to effectuate the policies and provisions of this part and, when deemed necessary, to obtain uniformity in the

formulation, administration and enforcement of any order, ruling or regulation issued hereunder or promulgated by the duly constituted authorities of the United States, other states and the state of Connecticut, pertaining to the regulating or the handling of milk and milk products, the Commissioner of Agriculture shall have power to confer, cooperate and enter compacts with such authorities; to avail himself of records and facilities of, and to make available records and facilities to, such authorities; to conduct joint investigations and hold joint hearings; to issue orders, rulings or regulations jointly or concurrently with, or complementary to those issued by, such authorities; to administer or assist in the administration of any joint, concurrent or complementary orders relating to Connecticut milk markets whether issued by the duly constituted authorities of the United States, other states or the state of Connecticut; to collaborate with such authorities and others in the development and operation of measures for the encouragement of increased milk consumption or equitable disposition of milk surpluses originating within the state and to designate a joint agent or joint agencies when necessary to effectuate or enforce the foregoing.

Sec. 22-213. Encouragement of cooperative marketing. The Commissioner of Agriculture shall accord such recognition and encouragement to cooperative marketing associations as will be in harmony with the policy toward such associations set forth in existing acts of this state and as will tend to promote efficient methods of marketing and distribution. The commissioner shall seek to achieve the purposes of this part as far as possible by promoting and encouraging cooperation among producers, dealers and consumers, for whose benefit the commissioner shall prepare and disseminate information and statistics concerning the dairy industry and operation of any provision of this part or of any orders and regulations issued by him hereunder.

**Sec. 22-224. Information and records. Dealers** shall furnish to the Commissioner of Agriculture such information as he deems necessary, from time to time, to effectuate the policy and provisions of this part or any order, ruling, regulation or direction issued thereunder; and such information shall be furnished upon such forms or reports as the commissioner prescribes. Dealers shall keep within the state such books, records and accounts of their operations as the commissioner deems necessary for correctly furnishing information required hereunder; and such data shall be preserved for not less than two years unless the commissioner otherwise provides. Such information, books, records and accounts may pertain to or include: (1) The quantities, butterfat test and sources of milk or milk products produced, received or purchased and contracts with respect thereto; (2) the quantities used, sold or otherwise disposed of, stating the butterfat test and outlets in the various classes, grades and products of milk; (3) the prices paid and charged for such milk and milk products; (4) the cost of handling or distributing milk and milk products, including transportation or hauling costs; (5) all other matters relevant thereto or otherwise necessary to effectuate the policy and provisions of this part or any order, ruling, regulation or direction promulgated thereunder.

Sec. 22-226. Statements of purchases from producers. The Commissioner of Agriculture shall have power to require periodically from each dealer receiving or purchasing milk from producers a statement of the sums paid and owed each producer, including quantity, butterfat test and utilization of such milk. Each dealer shall furnish to each producer from whom milk is received or purchased a complete statement of his account at least monthly, on or before such day of the following month as is designated by the commissioner. Such statement may specify the sums paid or owed for milk received or purchased, including quantity, butterfat test and utilization, and shall be in such form as the commissioner prescribes.

Sec. 22-227. Inspection and audit. The Commissioner of Agriculture or his designated agent shall have power to examine, copy and audit, from time to time, as he deems necessary and proper, the books, papers, records and accounts of dealers and others for the purpose of effectuating the policy and provisions of this part or any order, ruling, regulation or direction promulgated hereunder. The commissioner or his designated agent shall have access to and may enter and inspect at all reasonable hours all places, equipment and vehicles where milk and milk products are being received, purchased, stored, bottled, manufactured, sold or handled and where books, papers, records or accounts relating thereto are kept. The commissioner may make known the findings of such examination, inspection or audit to the producers directly interested therein when, in his judgment, such action will best effectuate the policy and provisions of this part or any order, ruling or regulation promulgated hereunder.

**Sec. 22-228. Subpoena; punishment for contempt.** The Commissioner of Agriculture shall have power to subpoena dealers and others, and such books, papers, records, accounts and other data as in his judgment may be necessary to effectuate the policy and provisions of this part or any order, ruling, regulation or direction promulgated hereunder. The commissioner or his designated agent may issue subpoenas and administer oaths to witnesses. Witnesses so required to attend shall be entitled to the same fees and mileage as are paid to witnesses required to appear in the Superior Court. If any person fails to appear in response to such subpoena, to produce matter required thereunder or to answer any question addressed to him by the commissioner or his designated agent, the superior court for any judicial district or, if the person is not located in this state, the superior court for the judicial district of Hartford, or any judge thereof when such court is not in session, upon application made to it or to him alleging such failure, may make an order requiring such person to appear before the commissioner or his agent and answer any material question and produce the matter required; provided, when any testimony is refused upon a valid claim of privilege to prevent self-incrimination, such testimony may be required but shall not be used in any criminal proceeding to incriminate the witness claiming such privilege. If any person fails to comply with any requirement of such order, the court or judge shall commit such person to a community correctional center until he complies therewith, but not for a longer

period than sixty days.

**Sec. 22-229. Dealers required to be licensed.** No dealer shall receive or purchase milk from producers or others within the state for storage, manufacture, processing, sale, distribution or handling within or without the state, or sell or distribute milk within the state, unless such dealer is licensed as provided herein. No dealer shall buy milk from, or sell milk to, a dealer within the state who is unlicensed, or deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of this part or any order, ruling or regulation issued hereunder. The license period shall be from July first to June thirtieth following, inclusive.

Sec. 22-230. License applications. (a) An application for a license to do business as a dealer, subdealer, cheese manufacturer, dry milk manufacturer or yogurt manufacturer shall be made to the commissioner. Any person who desires to enter business as a dealer, subdealer, cheese manufacturer, dry milk manufacturer or yogurt manufacturer shall file application not less than fifteen days prior to the date for which he is applying to engage in such business. Application for renewal of a license shall be made no later than July first of each year.

(b) In order to be complete, each application shall be accompanied by the license fee provided for by sections 22-235a and 22-236. An applicant who fails to apply for renewal of a license on or before July first of each license year shall be assessed a late filing fee of fifty dollars and in the case of a store the late filing fee shall be fifteen dollars. Such late filing fee shall be in addition to any fees normally due for renewal of a license.

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

(d) Licenses shall not be transferable.

(e) The licensing period shall be from the first day of July through the thirtieth day of June of the following year. The reporting period shall be the first day of April through the thirty-first day of March of the following year. During the month of March, the commissioner shall send a notice to each milk dealer, subdealer, cheese manufacturer, dry milk manufacturer and yogurt manufacturer, regarding their license renewal date and licensing reporting requirements.

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

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

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

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

### **Sec. 22-231 Grounds for refusal, suspension and revocation.**

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

without either reasonable cause or reasonable advance notice, milk delivered by or on behalf of a producer in ordinary continuance 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; (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; (9) has violated any stipulation or written agreement entered into with the commissioner in the course of any proceeding under this part; (10) has made a false material statement in his application; or (11) has failed to provide information required under this chapter.

Sec. 22-232. Revocation of license; prior violations. The issuance or renewal of a license hereunder shall not preclude the Commissioner of Agriculture from suspending or revoking such license for a violation committed by the licensee prior thereto, unless the commissioner had proceeded against the licensee for such violation and any valid ruling thereon has been complied with by the licensee.

Sec. 22-233. Conditional licenses. A license may be granted, renewed, continued in effect, suspended or revoked subject to any reasonable condition which effectuates the provisions of this part; provided such condition pertains to the subject matter of a hearing held under this part. In any case in which an appeal has been taken from a ruling of the Commissioner of Agriculture revoking or refusing to renew or transfer a license and a stay has been obtained as hereinafter provided for, nothing herein shall preclude the commissioner from renewing or transferring the license of such dealer for a subsequent license period, conditioned that if such appeal is not sustained the license shall thereby be automatically terminated.

Sec. 22-234. Hearings; service of rulings. Before refusing to grant or renew, or before suspending, revoking or refusing to transfer, a license, the Commissioner of Agriculture shall afford the applicant or licensee an opportunity to be heard before him or his designated agent. A citation shall be directed to such applicant or licensee by registered or certified mail to his last-known address, giving at least five days' notice of such hearing and a statement of the matters complained of. After such hearing and upon entry of any ruling thereon, the commissioner shall forthwith serve a certified copy of such ruling upon the applicant or licensee at his place of business or by registered or certified mail to his last-known address. The original, and a statement in writing of the findings of fact in support thereof, shall be filed in the office of the commissioner.

Sec. 22-235a. License fees for all milk dealers, except stores, shall be based upon the volume of milk and milk products sold in the state during the reporting period. The Commissioner of Agriculture shall adopt regulations, in accordance with the provisions of chapter 54, necessary to carry out the provisions of this section.

**Sec. 22-236. License fees.**

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

(b) The license fee for each cheese manufacturer shall be fifty dollars.

(c) The license fee for each dry milk manufacturer shall be fifty dollars.

(d) The license fee for each store shall be thirty dollars.

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

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

Sec. 22-237. Issuance and display of certificate. Upon granting or renewing a license, the commissioner shall issue a suitable certificate which shall be displayed conspicuously in the dealer's place of business.

Sec. 22-238. Exemptions. The Commissioner of Agriculture may exempt from any or all of the provisions of sections 22-229 to 22-237, inclusive, any dealer whose daily sales of milk do not exceed ten quarts of milk or its equivalent.

**Sec. 22-239. Commissioner may require bonds or other security of milk dealers.** (a) The Commissioner of Agriculture shall have power, when he finds such action necessary for the protection of producers, to require a dealer holding a permit issued under section 22-173 or 22-184 to provide a bond or other security, satisfactory to the commissioner, payable to the state of Connecticut for the benefit of such producers. Such bond, with sufficient surety, or other security, properly assigned to the commissioner, shall be filed with the commissioner, in such form as he prescribes, and conditioned upon full and prompt payment for all milk received or purchased from producers by such dealer during the license year or remainder thereof.

(b) Such other security may be: (1) Cash deposited with a bank or trust company and held under an escrow agreement with the Commissioner of Agriculture, (2) United States government interest-bearing obligations and negotiable bonds for the United States deposited with the commissioner or (3) the assignment of assets such as the cash surrender value of life insurance policies owned by the dealer; stock or bonds or other marketable securities the value of which has been determined by the market quotation listed in The Wall



Street Journal on the first calendar day of each quarter, or real property the value of which has been determined by an appraisal filed with the commissioner.

Sec. 22-240. Amount of bond or other security. The amount of any bond or other security required under section 22-239 shall be at least equal to the average monthly value of the total amount of milk so received or purchased by such dealer during the twelve-month period preceding the filing of the bond or other security and shall be filed within ten days after notice from the commissioner of the requirement. In any case in which the dealer did not receive or purchase milk from producers during at least six months of the year preceding such requirement, the commissioner shall determine the amount of the bond or other security based on current receipts or purchases. The amount of the bond or other security so required may be revised within six months after the filing thereof.

Sec. 22-241. Standards for determining bond as security requirement. In determining whether it is necessary for the protection of producers that a dealer file a bond or other security as provided in section 22-239 the Commissioner of Agriculture shall consider the amount of money owed by such dealer to producers and others, the financial condition of such dealer and his record for full and prompt payments to producers.

Sec. 22-242. Default. Upon default under any condition of such bond or other security, the Commissioner of Agriculture may give reasonable notice to producers to file verified claims, fixing a reasonable time within which such claims shall be filed. The commissioner shall examine each claim so filed and shall determine and certify the amount due thereon. He may bring an action upon the bond or take such other action as may be appropriate or necessary to convert the other security for the use of such producers and, for the purpose of such action, the certificate of the amount due shall be prima facie evidence of the facts therein stated. If the recovery upon the bond or other security is not sufficient to pay all claims filed and established, the amount recovered shall be prorated among the claimants.

Sec. 22-242a. Bond of subdealer of milk. (a) The Commissioner of Agriculture shall have power, when he finds such action necessary for the protection of processing dealers, to require a subdealer of milk to provide a bond payable to the state of Connecticut for the benefit of such processing dealers. Such bond shall be filed with the commissioner, upon such form as he prescribes, with sufficient surety and approved by the commissioner, conditioned for full and prompt payment for all milk received or purchased from processing dealers by such subdealer during the license year or remainder thereof, provided, if at the time of the default, such processing dealer or dealers are indebted or in arrears in payments to producers, the proceeds of such bond shall be held for the account of such dealer or dealers for the benefit of such producers. In determining whether it is necessary for the protection of processing dealers that a subdealer file a bond hereunder, the commissioner shall consider the amount of money owed by such subdealer to processing dealers and

others, the financial condition of such subdealer and his record for full and prompt payments to processing dealers.

(b) Such bond shall be in an amount not exceeding double the value of the total amount of milk so received or purchased by such subdealer during any one month of the year preceding the requirement thereof and shall be filed within ten days after notice of requirement. In any case in which the subdealer did not receive or purchase milk from processing dealers during at least six months of the year preceding such requirement, the commissioner shall determine the amount of the bond in a reasonable sum which shall not exceed double the value of the total amount of milk which it appears probable that such subdealer will receive or purchase from processing dealers during any one month of the year succeeding the requirement of such bond. The amount of the bond so required may be revised within six months after the filing thereof.

(c) Upon default under any condition of such bond, the commissioner may give reasonable notice to processing dealers to file verified claims, fixing a reasonable time within which such claims shall be filed. The commissioner shall examine each claim so filed and shall determine and certify the amount due thereon. He may bring an action upon the bond and, for the purpose of such action, the certificate of the amount due shall be prima facie of the facts therein stated. If the recovery upon the bond is not sufficient to pay all claims filed and established, the amount recovered shall be prorated among the claimants.

Sec. 22-242b. Payment by dealer for milk purchased from another dealer. All dealers, as defined in section 22-205, shall pay all accounts promptly and in full for milk or milk products purchased from one another but in no case later than ten days prior to the date on which final payments by dealers must be made to producers or an association of producers for milk purchased from producers or an association of producers as required by the Federal Milk Marketing Administration. If the milk dealer making such purchases fails or neglects to make payment within such period, the Commissioner of Agriculture may hold a hearing, upon at least ten days notice, on the revocation of the license of such dealer.

**Sec. 22-243. Unfair trade practices.** The Commissioner of Agriculture shall have power, after notice and hearing and as hereinafter provided, to prohibit unfair methods of competition and unfair trade practices in the receiving, purchase, transportation, handling, distribution or sale of milk or milk products upon finding that such methods of competition and trade practices are inimical to the welfare of the dairy industry and the public.

Sec. 22-244. Disruption of market. It shall be an unfair trade practice for any dealer in a marketing area to sell or otherwise dispose of milk at prices which the Commissioner of Agriculture finds, after notice and opportunity for hearing, before him or his designated agent, create a condition of emergency by disrupting and undermining or tending to disrupt and undermine the prices required hereunder to be paid by such dealer or by other dealers

for milk received or purchased from producers, or by imperiling the ability of such dealer or other dealers to make full and prompt payment for such milk.

**Sec. 22-245. Cease and desist directives. Corrective terms and conditions.** After such hearing and finding, the Commissioner of Agriculture may issue against such dealer or store a directive to cease and desist, and prescribe such corrective terms and conditions as he determines upon the hearing evidence to be in the public interest. Such corrective terms and conditions may include one or more of the following or parts thereof, and other reasonable and similar terms or conditions with like corrective purpose, subject to such regulations as the commissioner prescribes in aid of the effectiveness of such directive: (1) In cases in which prices are favoring, special or discriminatory, directing the revision of prices at which milk is so sold; or directing and specifying restoration of nondiscriminatory prices; or directing that no further sales be made to favored purchasers for a period not exceeding ninety days. Such provision may prohibit the sale or offer of reasonably similar quantities and qualities of milk under similar conditions to different purchasers at unreasonably different prices; or the sale or offer of milk of special properties or quality, or with an uncustomary amount of service or in an unusual container at prices which do not make allowance for differences in cost existing between such sales or offers and usual sales; (2) directing the revision of prices at which milk is sold; or directing and specifying restoration of normally prevailing resale prices for a period not exceeding ninety days considering comparable milk in the same locality at any reasonable preceding period of time in which resale price conditions were sufficiently stable to protect producers' prices, adjusting for any difference in producers' prices at such time and place; (3) prohibiting any dealer or store, directly or indirectly, from furnishing or receiving or offering to furnish or receive in connection with a sale or purchase of milk or offer to sell or purchase milk any rebate, discount, premium, gift or other thing of value, an unreasonable service or extension of credit, or an advertising allowance; from charging a combined price for milk, together with another commodity, or a service which is less, or is represented to be less, than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately; or from otherwise applying or attempting to apply any method or device intended to defeat the policy of this part, or to defeat or evade any provision of this part or of any order, ruling or regulation issued hereunder. Nothing in this section shall be construed to prevent a dealer from participating in any program sponsored or conducted by the commissioner or any other governmental authority, designed to make milk available at specially low prices to groups designated by appropriate public authorities for the purpose of increasing consumption. Hearings may be held and directions issued under this section affecting one or more dealers concurrently or independently; and may be held only on such notice as the emergency reasonably permits. Directions under this section may be served upon a dealer at his place of business or by registered or certified mail to his last-known address.

Sec. 22-247. Penalties; review. Any written or oral contract for the sale of milk under an

unfair trade practice shall be unenforceable by any dealer participating therein. Any dealer who fails to comply with any direction or regulation of the Commissioner of Agriculture issued hereunder shall have committed an unfair trade practice with respect to each transaction in violation thereof and each such unfair trade practice shall be a violation of this part. In any action against the license of such dealer, or in any other action to enforce such direction or to attempt to enforce a contract for the sale of milk in violation of such direction, the record of the unfair trade practice hearing or any relevant part thereof, the findings made and direction issued shall be admissible in evidence and thereby incorporated into the record of such action and shall be reviewable only as part thereof. Regulations issued under section 22-245 shall be reviewable only in the manner hereinafter provided respecting orders and regulations.

Sec. 22-248. Petition for reconsideration of order or regulation; appeal. Any person aggrieved by an order or regulation may, within forty-five days after the effective date thereof, file a written petition with the Commissioner of Agriculture stating that any such order or regulation or any provision thereof is not in accordance with law, praying for reconsideration and for revision, modification or revocation thereof. Such petition shall specify the objections to such order or regulation, and shall state facts and reasons in support of such objections, none of which objections, unless so specified and supported, shall be considered by the commissioner or included in any appeal petition subsequently filed or considered by the court upon appeal from such order or regulation. Any such person, within ten days after notice of decision by the commissioner denying such reconsideration or the relief sought, or within twenty days after the filing of such petition, if the commissioner fails to grant such reconsideration or the relief sought, may appeal from such order or regulation to the superior court for the judicial district of Hartford. No such appeal shall be permitted to act as a supersedeas except on special order of the court or, if such court is not in session, on special order of any judge thereof, issued upon application and after reasonable notice thereof to the commissioner; provided such special order shall require the appellant to file a bond with sufficient sureties in such sum as is determined by the court to be necessary for the protection of producers and others during the pendency of the appeal, or to comply with other adequate protective conditions therein provided.

Sec. 22-249. Appeal from rulings relating to application or license. An applicant or licensee aggrieved by any ruling of the Commissioner of Agriculture with respect to his application or license hereunder may appeal therefrom in accordance with section 4-183. Such appeal shall be privileged in respect to assignment of trial.

Sec. 22-254. Enforcement by injunction. Relief to enforce compliance with or to restrain violation of any provision of this part or any order, ruling, regulation or direction issued hereunder may be by injunction. The Commissioner of Agriculture may apply for such relief to the superior court for the judicial district of Hartford, or for the judicial district wherein

the dealer resides or has his principal place of business. In connection with such application the commissioner shall not be required to allege or prove that an adequate remedy at law does not exist.

Sec. 22-255. Civil penalty. Any person who violates any provision of this part, or of any order, ruling, regulation or direction issued hereunder, and any person who wilfully makes any false report to the Commissioner of Agriculture or makes any false entry upon any book, paper, report or statement required to be made or kept hereunder shall be assessed a civil penalty in accordance with the provisions of section 22-7.

Sec. 22-256. Penalties and remedies to be concurrent. The penalties and remedies prescribed in this part shall be deemed concurrent or independent, and the exercise or existence of any one remedy herein shall not preclude the Commissioner of Agriculture from exercising any other remedy hereunder.

Sec. 22-257. Bond for prosecution not required of commissioner. The Commissioner of Agriculture shall not be required to give or post a bond in any action to which he is a party, whether upon appeal or otherwise.

Sec. 22-258. Severability. If any provision, clause or phrase of this part or of any order, ruling, regulation or direction or any action of the Commissioner of Agriculture hereunder is adjudged by any court of competent jurisdiction to be invalid, or if the applicability thereof to any person or circumstance is held invalid, such judgment shall not invalidate the remainder, and the applicability thereof to other persons and circumstances shall not be affected thereby.

Sec. 22-259. Interstate commerce. No provision of this part or of any order, ruling or regulation thereunder shall apply or be construed to apply to interstate or foreign commerce, except so far as such provision may be effective pursuant to the Constitution of the United States and to the laws of the United States enacted thereunder.

## ***Animal Health***

Sec. 22-287. Tuberculin tests; disposition of reactors; addition to herds; surveillance tests. (a) The Commissioner of Agriculture may cause all neat cattle and all goats in the state to be tuberculin tested by a licensed accredited veterinarian at the expense of the state or by a veterinarian employed by the United States Department of Agriculture or by a veterinarian employed by the Department of Agriculture. The owner of any such herd to be so tested shall provide assistance and proper restraint for confining the animals for and during the application of said tests. When said commissioner has determined the condition of such animals by physical examination and tuberculin test performed by said veterinarians, each animal reacting to such test shall be immediately segregated from the animals not reacting to such test by the owner thereof and each animal reacting to such test shall be appraised as provided in section 22-288 and shall be disposed of and the premises upon which such animal has been kept shall be cleaned and disinfected within fifteen days thereafter, subject to the approval of the commissioner or his deputy or any authorized agent of the commissioner. No animals shall be added to the herd until such premises have been so cleaned and disinfected and inspected and approved by the commissioner or his deputy or any authorized agent of the commissioner. Any animal reacting to such test which has been disposed of as provided by this section shall be paid for by the Comptroller, provided funds shall be available for such purposes and provided the animal reacting to such test and disposed of shall have been approved by said commissioner as a proper addition to the herd.

(b) Surveillance tests may be performed by a technician trained by and under the supervision of the State Veterinarian and employed by the Livestock Division of the Department of Agriculture, provided, no condemnation shall be made on the basis of such surveillance tests. The owner of any herd to be so tested shall provide assistance and proper restraint for confining the animals for and during the application of said tests.

Sec. 22-298. Test for brucellosis. Branding. Quarantine. (a) The Commissioner of Agriculture may require and provide for the drawing and collecting of blood samples for the control of brucellosis from goats over three months of age and herds of bovine animals, including male bovine animals, six months of age or over, but not including steers, and may at his discretion decide not to test heifers which have been officially calfhood vaccinated, until they have calved or are eighteen months of age. All blood samples shall be submitted to a laboratory approved by the Commissioner of Agriculture and all milk samples shall be submitted to a laboratory approved by said commissioner for examination and the results of such tests shall be reported by the laboratories to the commissioner in a manner prescribed by him. Upon receipt of the laboratory reports on any such tests, the commissioner shall inform the owner or agent and the veterinarian of the result thereof. When the commissioner has determined the condition of such herd by such tests, all animals reacting positively to any test for brucellosis shall be identified by branding with a hot iron on the left jaw and a metal

number reactor tag in the left ear as approved by the commissioner. All such reactors shall be appraised, branded, tagged and slaughtered within fifteen days and the premises cleaned, disinfected and approved within thirty days after slaughter in order to qualify for indemnity under section 22-307. If the reaction of any animal to a test for brucellosis is suspicious, it may be identified and quarantined and shall not be disposed of without first obtaining written permission from the commissioner.

(b) The state shall not be liable for any damage incurred or alleged to have been incurred by any such test.

(c) No swine or goats used for breeding purposes shall be kept on the same premises as cattle unless such swine or goats are certified free from brucellosis. Any positive reactors shall be immediately slaughtered and the premises cleaned and disinfected.

(d) The drawing of blood samples for brucellosis tests shall be restricted to the State Veterinarian, veterinarians employed by the Department of Agriculture, veterinarians employed by the federal government and veterinarians licensed to practice in this state and assigned by the commissioner for that purpose.

Sec. 22-299a. Brucellosis class free areas. Quarantine. The Commissioner of Agriculture may make regulations to establish and maintain brucellosis class free areas in conformity with the uniform methods and rules established by the Animal and Plant Health Inspection Service, Veterinary Services, of the United States Department of Agriculture. Such regulations shall establish standards and procedures for the quarantine, testing, vaccination and identification of cattle, control of shipment of cattle into such areas, branding and disposal of reactors and disinfection of premises, for the control and eradication of brucellosis. The Brucella ring test shall be an official part of the state-federal cooperative brucellosis program, and the commissioner may exercise discretion in establishing intervals between herd tests with the Brucella ring test, based on the best interests of the eradication program. Brucella ring test antigens used in conducting such tests and test procedures employed shall be only those jointly approved by the cooperating agencies, the Department of Agriculture and the Animal and Plant Health Inspection Service, Veterinary Services, of the United States Department of Agriculture. Certified status of herds may be retained by annual retesting, request for which shall be made in writing to the commissioner, the expense of such tests to be borne by the state. Infected herds shall be quarantined. In such case the entire herd shall be confined to the premises and movement of all cattle shall be prohibited until the herd has passed at least three negative herd retests as required by the uniform methods and rules established by the Animal and Plant Health Inspection Service, Veterinary Services, of the United States Department of Agriculture following removal of reactors; except that cattle consigned for immediate slaughter under permit may be moved from the quarantined premises to the point where slaughter is to be effected if accompanied by such

permit. Any person purchasing such animals shall exercise all reasonable diligence in determining that a valid permit is received by him to move such animals from the premises directly to a point where immediate slaughter will be conducted and that such permit shall accompany such animals to slaughter.

**Sec. 22-301. Permit for sale of milk contingent on herd complying with statutes.**

No milk may be offered for sale in Connecticut unless produced from herds complying with sections 22-298, 22-299a, 22-303, 22-304, 22-306 and 22-307 and this section. Before a permit may be issued by the Commissioner of Agriculture for the sale of milk, information must be available from the Livestock Division or from the livestock official of the state where milk is produced that such herd producing milk for sale has reacted negatively to tests which meet Connecticut specifications for the control of tuberculosis and brucellosis.

Sec. 22-303. Brucellosis vaccination. (a) Each owner of bovine animals may have all of his female calves vaccinated for the control of brucellosis at ages the commissioner shall establish by regulation pursuant to the uniform methods and rules for brucellosis eradication of the United States Department of Agriculture Animal and Plant Health Inspection Service. Calves may be vaccinated at the owner's expense by an approved licensed veterinarian, an approved federal or state full-time employed veterinarian assigned directly and authorized by the Commissioner of Agriculture or by a livestock inspector employed and authorized by the commissioner.

(b) The state shall not be liable for any damages incurred or alleged to have been incurred by the use of any vaccine.

(c) No person, firm or corporation, and no agent or employee of any corporation, shall have in his possession any brucellosis vaccine or any product containing any *Brucella* organisms unless written permission has been obtained from the commissioner.

(d) No female bovine animal over the maximum vaccination age, as established by the commissioner in accordance with the uniform methods and rules for brucellosis eradication of the United States Department of Agriculture Animal and Plant Health Inspection Service, shall be vaccinated with *Brucella Abortus* vaccine. Brucellosis vaccine or any product containing any *Brucella* organisms shall not be shipped into the state except upon written permission of the commissioner.

Sec. 22-304. Control of disease in imported cattle. Disposal of reactors. (a) All imported female cattle shall be from (1) certified herds, (2) negative herds in a modified certified area or (3) herds under state-federal supervision for the control of brucellosis that are negative to official blood tests within ninety days of the exportation of the individual animals. Nonvaccinated female animals over six months of age and bulls over six months of age and official vaccinates over eighteen months of age at the time of importation shall be negative to



such tests as established by regulation, within thirty days before importation. Within thirty days after entering the state all such cattle shall be retested on the premises to which originally consigned by such test established by regulation, by a veterinarian licensed in this state and approved by the commissioner, by a veterinarian employed by the federal government or by a veterinarian or livestock inspector employed by the Department of Agriculture. Animals vaccinated when more than the maximum eligible age as established by the commissioner for imported cattle are not eligible for entry. If the reaction of any animal to such test is positive, it shall be branded and tagged and sold for slaughter; if the animal is a purebred, it may be reshipped under permit to the state of origin under federal regulations and quarantined; if suspicious, it may be held for two more tests at intervals of sixty days; if then not negative, it shall be slaughtered or returned to the state of origin under special permit subject to state and federal regulations. All retests made under this section shall be at the owner's expense. Permits for the importation of registered cattle or cattle eligible for registration, which have not been calfhood vaccinated but which are from brucellosis-free countries, states or counties, may be issued at the discretion of the Commissioner of Agriculture. Permits for the importation of cattle for immediate slaughter may be issued at the discretion of the commissioner.

(b) Female cattle imported from states that are not certified as free of brucellosis for at least one year shall be officially calfhood-vaccinated prior to importation. Female cattle which are not calfhood-vaccinated but are imported from a state that is certified as free of brucellosis and have been held in such state for at least thirty days may enter this state provided the owner of such cattle presents (1) a permit and health papers showing such cattle have passed a negative blood test for brucellosis within thirty days prior to entry if such cattle are six months of age or older or (2) documentation to show that such cattle originate from a brucellosis-free herd if such cattle are under six months of age.

Sec. 22-306. Enforcement. Regulations. Penalty. (a) The commissioner shall be responsible for the enforcement of the provisions of sections 22-298, 22-299a, 22-301 and 22-303 to 22-307, inclusive, and shall make such regulations as are necessary thereunder for the eradication of brucellosis, including the handling of the vaccine and method of vaccination, the effective identification of the vaccinated animals, the drawing of blood samples, the testing thereof and the identification of tested animals. Effective identification shall mean that all calves vaccinated with *Brucella* vaccine shall be permanently identified by the application of a tattoo in the right ear in a manner approved by the United States Livestock Sanitary Association and the Commissioner of Agriculture, except that tattoos applied under the regulations of any recognized breed association shall be considered sufficient identification. The commissioner may enter into cooperative agreements with the United States Department of Agriculture in furtherance of the purposes of said sections.

(b) Each veterinarian shall report each month, on forms furnished for that purpose by the

commissioner, a record of blood samples drawn and of animals vaccinated by him. Any veterinarian not complying with the regulations made by the commissioner for the control and eradication of brucellosis shall not be assigned any further state work.

(c) No person shall change wilfully or knowingly the identification of any animal by tampering with the ear tag, tattoo or brand or otherwise, for the purpose of concealing or falsifying any animal's history as recorded in the files of the state Department of Agriculture.

(d) Any person who violates any provision of said sections shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

**Sec. 52-572m. Product liability actions.** Definitions. As used in this section and sections 52-240a, 52-240b, 52-572n to 52-572q, inclusive, and 52-577a:

(a) "Product seller" means any person or entity, including a manufacturer, wholesaler, distributor or retailer who is engaged in the business of selling such products whether the sale is for resale or for use or consumption. The term "product seller" also includes lessors or bailors of products who are engaged in the business of leasing or bailment of products.

(b) "Product liability claim" includes all claims or actions brought for personal injury, death or property damage caused by the manufacture, construction, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging or labeling of any product. "Product liability claim" shall include, but is not limited to, all actions based on the following theories: Strict liability in tort; negligence; breach of warranty, express or implied; breach of or failure to discharge a duty to warn or instruct, whether negligent or innocent; misrepresentation or nondisclosure, whether negligent or innocent.

(c) "Claimant" means a person asserting a product liability claim for damages incurred by the claimant or one for whom the claimant is acting in a representative capacity.

(d) "Harm" includes damage to property, including the product itself, and personal injuries including wrongful death. As between commercial parties, "harm" does not include commercial loss.

(e) "Manufacturer" includes product sellers who design, assemble, fabricate, construct, process, package or otherwise prepare a product or component part of a product prior to its sale to a user or consumer. It includes a product seller or entity not otherwise a manufacturer that holds itself out as a manufacturer.

Sec. 52-572o. Comparative responsibility. Award of damages. Action for contribution. (a) In any claim under sections 52-240a, 52-240b, 52-572m to 52-572q, inclusive, or 52-577a, the comparative responsibility of, or attributed to, the claimant, shall not bar recovery but shall diminish the award of compensatory damages proportionately, according to the measure of responsibility attributed to the claimant.

(b) In any claim involving comparative responsibility, the court may instruct the jury to give answers to special interrogatories, or if there is no jury, the court may make its own findings, indicating (1) the amount of damages each claimant would receive if comparative responsibility were disregarded, and (2) the percentage of responsibility allocated to each party, including the claimant, as compared with the combined responsibility of all parties to the action. For this purpose, the court may decide that it is appropriate to treat two or more persons as a single party.

(c) In determining the percentage of responsibility, the trier of fact shall consider, on a comparative basis, both the nature and quality of the conduct of the party.

(d) The court shall determine the award for each claimant according to these findings and shall enter judgment against parties liable on the basis of the common law joint and several liability of joint tortfeasors. The judgment shall also specify the proportionate amount of damages allocated against each party liable, according to the percentage of responsibility established for such party.

(e) If a judgment has been rendered, any action for contribution must be brought within one year after the judgment becomes final. If no judgment has been rendered, the person bringing the action for contribution either must have (1) discharged by payment the common liability within the period of the statute of limitations applicable to the right of action of the claimant against him and commenced the action for contribution within one year after payment, or (2) agreed while action was pending to discharge the common liability and, within one year after the agreement, have paid the liability and brought an action for contribution.

## References and materials incorporated by reference.

Pasteurized Milk Ordinance and related documents

<http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/default.htm>

Code of Federal Regulations

- Labeling Regulations 21 CFR 101
- Good Manufacturing Practices 21 CFR 110
- Low Acid Canned Food (applies to aseptic milk products) 21 CFR 113
- Milk and milk products 21 CFR 131
- Cheese and Cheese foods 21 CFR 133
- Generally Recognized Safe and Suitable Ingredients 21 CFR 182, 21 CFR 184
- Butter 7 CFR 58

<http://www.gpoaccess.gov/cfr/index.html>

Connecticut Public Health Code

<http://www.ct.gov/dph/cwp/view.asp?a=3117&q=387824>

Food Code

<http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/default.htm>

Connecticut Legislative Document Search

[http://search.cga.state.ct.us/dtsearch\\_lpa.html](http://search.cga.state.ct.us/dtsearch_lpa.html)