



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **COMMISSION SALES STABLES**

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **Connecticut Department of Agriculture**

Liaison: George E. Krivda, Jr.

Phone: 860-713-2573

E-mail: George.Krivda@ct.gov

Lead agency division requesting this proposal: **Bureau of Regulation and Inspection**

Agency Analyst/Drafter of Proposal: **Jason E. Bowsza, George E. Krivda, Jr.**

Title of Proposal: AN ACT CONCERNING CERTAIN REQUIREMENTS OF COMMISSION SALES STABLES

Statutory Reference: CGS Sec. 22-277

Proposal Summary:

Sec. (a) revises the required methods of official animal identification to be consistent with that of the USDA Animal Disease Traceability Rule and requires that all animals offered for dairy or breeding purposes, regardless of age, be identified; provides for animals consigned only for slaughter to be slaughtered immediately or within 72 hours of sale; and eliminates the requirement that all female dairy and breeding cattle over six months of age be calfhood vaccinated for brucellosis in order to be consistent with the state's current cattle importation requirements. Sec. (c) requires licensees to keep certain records on the identification, origin and destination of animals sold. It also requires that copies of such records or access to such records be made available to the Commissioner or his designated agent for inspection within 24 hours of notice for the purpose of tracing the origin and destination of animals in the event of a disease outbreak in conformance with the state's enforcement of USDA's Animal Disease Traceability Rule. It creates a fine for failure to comply with the intentions of the section. Sec (d) prohibits the sale of certain animal species, the sale of some of which would require a pet shop license; it requires licensees to comply with the statutory requirements of public equine auctions; and it requires that licensees comply with the statutory requirements for importation of poultry and poultry dealer licensing requirements. Sec. (e) provides that the Commissioner may adopt regulations to carry out the provisions of this section.

PROPOSAL BACKGROUND

◇ Reason for Proposal



Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **Yes. USDA Animal Traceability standards have changed, and this legislation seeks to bring Connecticut statute into compliance with new federal law.**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **Similar proposals will be introduced in states that are not yet in compliance with new federal standards.**
- (3) Have certain constituencies called for this action? **No.**
- (4) What would happen if this was not enacted in law this session? **Connecticut would be out of sync with USDA concerning animal disease traceability requirements. There is the possibility that future USDA cooperative agreement funding may be withheld from Connecticut until state statutes were brought into compliance.**

Click here to enter text.

Origin of Proposal **New Proposal** Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package? **Last session’s bill was too complicated and as a result the bill failed.**
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? **Yes. Internally within the Department.**
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **The CT Department of Agriculture.**
- (4) What was the last action taken during the past legislative session? **The bill was referred to committee and never heard from again.**

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PROPOSAL IMPACT

AGENCIES AFFECTED (please list for each affected agency)

Agency Name: N/A

Agency Contact (name, title, phone): Click here to enter text.

Date Contacted: Click here to enter text.

Approve of Proposal **YES** **NO** **Talks Ongoing**

Summary of Affected Agency’s Comments

N/A

Will there need to be further negotiation? **YES** **NO**

FISCAL IMPACT (please include the proposal section that causes the fiscal impact and the anticipated impact)



Municipal <i>(please include any municipal mandate that can be found within legislation)</i> None
State No additional fiscal impact as a result of proposed revisions.
Federal None
Additional notes on fiscal impact Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Click here to enter text.

[Insert fully drafted bill here](#)

AN ACT CONCERNING REQUIREMENTS OF COMMISSION SALES STABLES

Sec. 22-277. Licensing and supervision of commission sales stables. Branding and **official** identification of animals. Bond required. **Record keeping.**

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



corporation under the provisions of this section, such suspension or revocation shall constitute just cause for revocation under this section. All dairy animals to be sold at such auction shall be segregated from beef animals prior to such sales. The sale of dairy animals shall precede the sale of those assigned for slaughter. All bovines more than three hundred pounds in weight, except dairy and breeding animals, that are delivered to a sale shall be branded with the letter "S" in a conspicuous place or identified in a manner acceptable to the commissioner or the commissioner's designee by the operator of the sale or the operator's representative. All dairy and breeding animals from within the state arriving at a sale shall be from a herd that: (1) is under state supervision for the control of brucellosis and tuberculosis and that has been tested for brucellosis and tuberculosis less than fourteen months before the sale, (2) has been tested for tuberculosis less than fourteen months before the sale and is regularly tested under the brucellosis ring test program of the Department of Agriculture, or (3) is certified to be brucellosis-free under the program established pursuant to section 22-299a. All dairy and breeding animals arriving at a sale from outside the state shall comply with section 22-304 and be accompanied by a health certificate issued by the livestock official of the state of their origin and by [a] an import permit from the commissioner. All animals offered for dairy or breeding purposes [over six months of age] shall be identified by an official ear tag [, a tattoo] or by a breed registration number if accompanied by the corresponding breed registration [papers] certificate. [All female dairy or breeding animals over six months of age shall have been calfhood vaccinated against brucellosis.] Animals consigned for slaughter shall be sold only to owners or agents of slaughtering establishments and moved directly to such slaughtering establishments for immediate slaughter or within 72 hours of the time of sale. All stables and sales rings shall be kept clean and shall be suitably disinfected prior to each sale. The provisions of this section shall not apply to the sale of an individual herd at an auction conducted by the owner thereof. Any person, or any officer or agent of any corporation, who violates any provision of this section or who obstructs or attempts to obstruct the Commissioner of Agriculture or the commissioner's deputy or assistants in the performance of their duty, shall be guilty of a class D misdemeanor.

(b) Any person, firm or corporation licensed pursuant to subsection (a) of this section shall make, execute and thereafter maintain on file with the Commissioner of Agriculture a bond to the state, satisfactory to the commissioner, to secure the performance of obligations incurred in this state or in lieu thereof, and a bond filed with the United States Department of Agriculture in the amount as required herein, pursuant to the provisions of the Packers and Stockyards Act (7 USC 181 et seq.). The amount of each such bond shall be based on the amount of one average sale of such person, firm or corporation. One average sale shall be computed by dividing the total yearly gross receipts from the sale of all livestock during the preceding twelve months by the number of sales during



such time, provided the number of sales used to compute one average sale shall not be greater than one hundred thirty. If the amount of one average sale is ten thousand dollars or less the amount of the bond shall be ten thousand dollars. If the amount of one average sale is more than ten thousand dollars but not more than twenty-six thousand dollars, the amount of the bond shall be not less than the next multiple of two thousand dollars above such amount. If the amount of one average sale is more than twenty-six thousand dollars but not more than thirty thousand dollars, the amount of such bond shall be thirty thousand dollars. If the amount of one average sale is more than thirty thousand dollars, the amount of the bond shall be not less than the next multiple of five thousand dollars above such amount.

(c) Any person, firm or corporation licensed pursuant to subsection (a) of this section shall maintain accurate records of the name and address of the seller and buyer of livestock; the name of the livestock dealer, broker or transporter and any other party involved in each transaction; the official identification for each animal; and the destination or other disposition for each animal entering the premises of the commission sales stables. Such records shall be maintained at the commission sales stable for a period of three years from the date of sale. Such records or copies of such records shall be made available to the Commissioner or his/her designated representative for inspection within twenty four hours of notice to the licensee. Failure to provide requested documentation to the commissioner or his designated agent(s), or for obstructing or providing false or misleading information to the commissioner or his designated agent(s) while carrying out their duties, shall result in a fine not to exceed one hundred dollars per day until the requested, accurate and complete information is provided.

(d) The sale of wild animals, captive cervidae, pets and companion animals including pet birds and all Psittacine birds is prohibited. The sale of equines shall comply with chapter 438a including obtaining any required licenses. The sale of poultry shall comply with chapter 434 including obtaining any required licenses.

(e) The commissioner may adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of this section. Such regulations may include but not be limited to requirements for access to on-site inspections by the Commissioner or his designated agent; records to be kept and maintained and access to such records upon notice by the Commissioner or his designated agent; animal identification standards; livestock and domestic poultry originating from out of state; animal segregation; animal health, care and handling standards; sanitation standards; facility design and construction; animals raised for food or fiber production other than livestock as defined in this section; and penalties prescribed for any violation of the provisions of this section.



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **POULTRY**

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **Connecticut Department of Agriculture**

Liaison: George E. Krivda, Jr.

Phone: 860-713-2526

E-mail: George.Krivda@ct.gov

Lead agency division requesting this proposal: **Bureau of Regulation and Inspection**

Agency Analyst/Drafter of Proposal: **Jason E. Bowsza; George E. Krivda, Jr.**

Title of Proposal: AN ACT CONCERNING POULTRY

Statutory Reference: [Click here to enter text.](#)

Proposal Summary: C.G.S 22-6r(b); C.G.S. 22-322; C.G.S. 22-323; C.G.S. 22-326s(a)

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **NO**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **NO**
- (3) Have certain constituencies called for this action? **NO**
- (4) What would happen if this was not enacted in law this session? **The statutes would continue to be outdated and unclear**

[Click here to enter text.](#)

◇ Origin of Proposal

New Proposal

Resubmission

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package? **This was one of DoAg's legislative submissions from last session. It did not pass because time ran out in the Senate. There was no known substantial opposition to the bill. It passed out of committee 24-4, and passed the House of Representatives 140-2.**
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? **n/a**
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **DoAg was the primary proponent of this legislation. The intention of the submission was to better prepare the department to address the possibility of a High Pathogen Avian Influenza incident.**
- (4) What was the last action taken during the past legislative session? **Tabled for the Senate Calendar. The bill passed out of committee and out of the House of Representatives.**



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PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: CT Department of Agriculture Agency Contact (name, title, phone): George E. Krivda, Jr.; Chief of Staff and Legislative Program Manager, 860-713-2573 Date Contacted: N/A
Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments The Department of Agriculture supports the resubmission of this concept.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> NONE
State Potential revenue gain (under \$500)
Federal NONE
Additional notes on fiscal impact NONE



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◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

The bill alters poultry and egg laws under the Department of Agriculture (DoAg), which is expected to generate less than \$500 annually associated with registration fees and fines. It establishes a voluntary registration program for poultry flock owners, which could result in a revenue gain of under \$350 (the annual fee to register a flock of 100 or more is \$50, and annual fee to register a flock of less than 100 birds is \$25). The bill also prohibits people who sell eggs from selling falsely labeled or contaminated eggs, and subjects violators to fines. This is anticipated to result in a revenue gain of less than \$150 annually. Lastly, the bill allows DoAg to adopt regulations and makes minor changes to the poultry dealer licensing statute definitions. These provisions do not result in a fiscal impact (as the agency currently has expertise to adopt these regulations). House "A" altered the original bill by prohibiting the sale of, or labeling, contaminated eggs at farmers' stands which does not change the fiscal impact described above. The out years annualized the ongoing fiscal impact identified above would continue into the future subject to the number of flock registrations and violations.

[Insert fully drafted bill here](#)

AN ACT CONCERNING POULTRY

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

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

(a) As used in this section "Commissioner" means the Commissioner of Agriculture. "Dealer" means [a producer who is a wholesaler, distributor or hauler of live poultry or hatching eggs or] any person, firm or corporation engaged in the business of (A) buying, receiving, selling, bartering, exchanging, negotiating or soliciting the sale, resale or exchange of live poultry or hatching eggs, or (B) the transportation, transfer or shipment of any live poultry or hatching eggs. "Hauler" means any person, firm or corporation that transports live poultry or hatching eggs from premises to premises, to a distributor, to a live bird market or to a dealer. "Live bird market" means a [facility at which live poultry or hatching eggs are congregated for sale or to be slaughtered and dressed for sale to the public or restaurants or to be sold live for any purpose] retail establishment that sells live poultry directly to an end consumer or restaurant and that slaughters such live poultry on-site for such consumer or restaurant. "Poultry" means any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas,



cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale. "Producer" means any person, firm or corporation engaged in the breeding, raising or keeping of poultry for the purpose of food production, [hatching] table egg production or for [show or exhibition] showing or exhibiting such poultry.

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

The owner of any flock of poultry [of one hundred fowls or more may apply to the Commissioner of Agriculture to have such flock examined, and may place it under the supervision of said commissioner, for the purpose of eradicating infectious and contagious diseases therein, and, if he complies with the regulations promulgated by said commissioner relating to the eradicating of any such disease, the commissioner or any assistant or agent appointed by him may make an examination and conduct blood or other tests of such flock, without expense to the owner except the pro-rata cost of laboratory tests as determined by the department of pathobiology at The University of Connecticut, with the approval of the commissioner. Such costs shall be collected by said department of pathobiology and may be waived by the commissioner when birds are owned by fanciers of poultry under the age of eighteen or over the age of sixty-five. Each fowl which reacts upon such examination or test shall be condemned, removed, destroyed or quarantined subject to the direction of the commissioner, his assistant or agent, and the premises occupied by any such fowl shall be immediately cleaned and disinfected by the owner thereof, under the direction of the commissioner, his assistant or agent, at such owner's expense. The commissioner shall then issue to such owner a report or certificate of the condition of such flock in accordance with the findings upon such examination and test or tests. No person shall have any claim against the state for any fowl so condemned, removed, destroyed or quarantined. The commissioner shall publish annually, or more frequently if he deems advisable, a report of all flocks tested or examined. The owner of any flock of poultry of less than one hundred fowls may, subject to the foregoing provisions, apply to the commissioner to have such flock examined, tested and certified, provided the laboratory cost as determined in accordance with this section shall be borne by such owner. When any flock has been examined and accredited in accordance with the provisions of this section, no further examination or test shall be made of such flock by the commissioner or his assistant or agent, except at the owner's expense.] may register such flock with the Commissioner of Agriculture for the purpose of placing such flock in the National Poultry Improvement Plan program. The annual fee to register a flock of less than one hundred fowls shall be twenty-five dollars and for any flock of one hundred or more fowls, fifty dollars. The commissioner shall waive any such registration fee for flock owners who are eighteen years of age or younger. The owner of any registered flock shall be responsible for all laboratory fees charged for any testing necessary to comply with the National Poultry Improvement Plan program standards or to qualify such flock for an avian disease status. Nothing in this section shall be construed to apply to any flock tested solely to qualify for entry into fairs, shows or exhibitions. Whenever a flock fails to comply with the National Poultry Improvement Plan program standards



or fails to qualify for an avian disease status, the owner of such flock shall not sell or offer for sale any poultry until such standards or status are met, as determined by the commissioner or the commissioner's designated agent. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

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

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

Sec. 4. Subsection (b) of section 22-6r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) A farmer's kiosk at a certified farmers' market shall be considered an extension of the farmer's business and regulations of Connecticut state agencies relating to the sale of farm products on a farm shall govern the sale of farm products at a farmer's kiosk, except that at such farmer's kiosk, no farmer shall falsely label any egg or offer for sale any egg that is adulterated, as defined in section 22-45.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22-326s(a)
Section 2	<i>October 1, 2017</i>	22-322
Section 3	<i>October 1, 2017</i>	22-323
Section 4	<i>from passage</i>	22-6r(b)



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **HERD SHARES**

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **Connecticut Department of Agriculture**

Liaison: George E. Krivda, Jr.

Phone: 860-713-2526

E-mail: George.Krivda@ct.gov

Lead agency division requesting this proposal: **Bureau of Regulation and Inspection**

Agency Analyst/Drafter of Proposal: **George E. Krivda, Jr.; Jason E. Bowsza**

Title of Proposal: AN ACT REPEALING HERD SHARES WITHIN THE PRODUCTION OF MILK AND RAW MILK PRODUCTS

Statutory Reference: Sec. 22-129 Prohibitions on sale offering for sale, barter, exchange, distribution or processing. (Milk and Milk Products)

Proposal Summary: This proposal will eliminate the exemption that allows for the exchange or transfer of raw milk among people engaged in an animal ownership arrangement. (PA-15-101)

[Click here to enter text.](#)

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **No.***
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **Yes. Data from those states indicate an increase in foodborne illness related to the consumption of raw milk from herd sharing programs (MI, TN).***
- (3) *Have certain constituencies called for this action? **No.***
- (4) *What would happen if this was not enacted in law this session? **A public health threat will remain in place.***

[Click here to enter text.](#)

◇ Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package? **We are attempting to reverse the bill that passed unanimously in the 2015 session**
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? **No. Public Act 15-101 should be eliminated.**
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **Soon to be former Sen. Clark Chapin.**
- (4) What was the last action taken during the past legislative session?

No action was planned until a new Legislature was elected.

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)

<p>Agency Name: None</p> <p>Agency Contact (name, title, phone): Click here to enter text.</p> <p>Date Contacted: Click here to enter text.</p> <p>Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency’s Comments</p> <p>N/A</p>
<p>Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<p>Municipal (please include any municipal mandate that can be found within legislation)</p> <p>NONE</p>
<p>State</p> <p>NONE</p>
<p>Federal</p> <p>NONE</p>
<p>Additional notes on fiscal impact</p>



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◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

None

Insert fully drafted bill here

Sec. 22-129. Prohibitions on sale, offering for sale, barter, exchange, distribution or processing. Exceptions. Penalties. (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: (1) 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.], or (2) the transfer or exchange of raw milk between persons who are parties to the same shared animal ownership agreement. For purposes of this subsection, "shared animal ownership agreement" means any contractual arrangement in which a person: (A) Acquires an ownership interest in a milk-producing animal, (B) agrees to pay or reimburse another person or otherwise accept financial responsibility for the care and boarding of such milk-producing animal, and (C) is entitled to receive a share of the raw milk produced by such milk-producing animal.]

(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.