



General Assembly

January Session, 2017

## Amendment

LCO No. 8559



Offered by:

REP. DUBITSKY, 47<sup>th</sup> Dist.  
REP. DEMICCO, 21<sup>st</sup> Dist.  
REP. RITTER M., 1<sup>st</sup> Dist.  
REP. ALBIS, 99<sup>th</sup> Dist.  
REP. HARDING, 107<sup>th</sup> Dist.  
REP. BOYD, 50<sup>th</sup> Dist.

REP. ACKERT, 8<sup>th</sup> Dist.  
REP. ZAWISTOWSKI, 61<sup>st</sup> Dist.  
REP. RYAN, 139<sup>th</sup> Dist.  
REP. ROJAS, 9<sup>th</sup> Dist.  
REP. MCCARTY, 38<sup>th</sup> Dist.  
REP. CHEESEMAN, 37<sup>th</sup> Dist.

To: House Bill No. 6333

File No. 44

Cal. No. 62

**"AN ACT ESTABLISHING THE DEPARTMENT OF AGRICULTURE  
AS THE LEAD AGENCY FOR THE ENFORCEMENT OF THE FOOD  
SAFETY MODERNIZATION ACT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2017*) (a) For the purposes of this  
4 section:

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

6 (2) "Department" means the Department of Agriculture;

7 (3) "Farm" means any place that farming, as defined in subsection  
8 (q) of section 1-1 of the general statutes, occurs;

9 (4) "Federal act" means the federal Food, Drug and Cosmetic Act, as  
10 amended by the Food Safety Modernization Act, as amended from  
11 time to time;

12 (5) "Produce" means produce, as defined in 21 CFR 112.3; and

13 (6) "Produce farm" means any farm where the growing, harvesting,  
14 packing or holding of produce intended for human consumption  
15 occurs.

16 (b) The department may enforce the rules adopted under the federal  
17 act for standards for produce farms provided nothing in this section  
18 shall be construed to limit or interfere with the authority of the  
19 department or the commissioner pursuant to title 22 of the general  
20 statutes or chapters 491 and 492 of the general statutes. The  
21 commissioner may consult and collaborate with any federal or state  
22 agency, municipality or political subdivision of the state concerning  
23 application of the provisions of the federal act and the rules adopted  
24 pursuant to the federal act, as may be necessary to carry out the  
25 provisions of this section, and may enter into cooperative agreements  
26 with any such federal or state agency, municipality or political  
27 subdivision of the state as the commissioner deems necessary to carry  
28 out the provisions of this section.

29 (c) (1) The department may enter upon and inspect a produce farm  
30 that is subject to the requirements of the federal act at a reasonable  
31 hour for the purpose of ensuring compliance with (A) the rules  
32 adopted under the federal act for produce farms, or (B) any regulation  
33 adopted pursuant to this section.

34 (2) Following any inspection conducted pursuant to subdivision (1)  
35 of this subsection, the department may issue an inspection certificate to  
36 the produce farm that was the subject of such inspection that shall  
37 indicate the date and place of such inspection in addition to any other  
38 information that the commissioner deems necessary or appropriate.  
39 The department may coordinate with any state or federal agency or  
40 organization, municipality or political subdivision of the state to carry

41 out any such inspection during reasonable hours on a produce farm.

42 (d) The department may conduct an inspection of a produce farm  
43 that is not subject to the requirements of the federal act upon request of  
44 the owner or operator of such produce farm. Such request for  
45 inspection shall authorize the commissioner to inspect such produce  
46 farm in accordance with the provisions of the federal act and issue a  
47 certificate in accordance with the provisions of subparagraph (2) of  
48 subsection (c) of this section.

49 (e) The department may issue orders necessary to effectuate the  
50 purposes of this section, including, but not limited to, orders for the  
51 embargo, destruction, quarantine and release of produce, provided  
52 nothing in this section shall be construed to limit or interfere with the  
53 authority of the Commissioner of Consumer Protection pursuant to  
54 chapters 417 and 418 of the general statutes or the department or the  
55 commissioner pursuant to title 22 of the general statutes or chapters  
56 491 and 492 of the general statutes. Any person aggrieved by any such  
57 order may request a hearing in accordance with the provisions of  
58 chapter 54 of the general statutes.

59 (f) Nothing in this section shall be construed to limit the  
60 commissioner's authority to issue an emergency order pursuant to  
61 section 22-4d of the general statutes in order to respond to an  
62 emergency that may present a public health hazard.

63 (g) The owner or operator of a produce farm subject to the  
64 requirements of the federal act, or any owner or operator who requests  
65 a hearing pursuant to subsection (d) of this section, shall maintain  
66 records required by the federal act, any rule or regulation adopted  
67 pursuant to such federal act concerning produce farming and any  
68 regulation adopted pursuant to this section. The owner or operator of  
69 such produce farm shall make such records available to the  
70 department upon request of the commissioner or the commissioner's  
71 agent.

72 (h) The commissioner, in consultation with the Commissioners of

73 Public Health and Consumer Protection, may adopt regulations, in  
74 accordance with the provisions of chapter 54 of the general statutes,  
75 that the commissioner deems necessary to implement the provisions of  
76 this section and any corresponding requirements under the federal  
77 act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	New section