

**Reason for Proposal (Include significant policy and programmatic impacts)**

To provide a clear public policy that adulteration of milk and milk products or offering adulterated milk and milk products for sale is prohibited. Current statute allows for civil penalties only. This measure will give the department additional criminal tools to act quickly in cases where public health is jeopardized.

A growing nationwide problem is ethnic cheeses manufactured in homes or unlicensed facilities. Typically these cheeses are manufactured in bathtubs and distributed locally with no label or markings. In January 2008 the department issued a cease and desist order to an individual in the New Haven area who was illegally manufacturing approximately 430 pounds cheese a week. The individual was making a soft Mexican style cheese using approximately 400 gallons of milk a week surreptitiously purchased from a local dairy farm (with cooperation from the farm) and sold the illegally manufactured cheese. Illegally manufactured cheeses have been implicated in several food borne illness outbreaks across the country. It is often manufactured without the proper equipment and facilities to properly process and package these foods. Nationwide this appears to be a growing trend and as the Department of Agriculture sees several reports of illnesses each year and other states Department's of Agriculture and/or Health report similar findings.

The CT Department of Agriculture has cooperated with the New York State Department of Agriculture and Markets during their investigations to locate the source of milk used to illegally manufacture cheeses or to locate the source of such cheeses. This problem is a particularly prevalent in urban areas such as New York City, Southern California and Chicago. Due to the pathogens that may be present in unpasteurized milk coupled with improper handling, cooling, packaging and processing techniques these soft fresh cheeses pose a very high risk to consumers. This risk includes Tuberculosis, as there have been several confirmed cases of Tuberculosis in New York City, Chicago and Texas associated with the consumption of these cheeses.

**Significant Fiscal Impacts**

**Municipal:** None

**Federal:** None

**State:** Minimal

*An Act Concerning the Sale of  
Adulterated Milk and Milk Products*

1 Section 1. Sec. 22-127. Definitions. The terms defined in this section shall, as used in  
2 this chapter, have the meanings set forth in this section unless otherwise clearly  
3 indicated in the context.

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5 (1) "Adulterated" means any milk, milk product, retail raw milk or cheese which (A)  
6 bears or contains any poisonous or deleterious substance which may render it injurious  
7 to health; but, if the substance is not an added substance, such milk, milk product, retail  
8 raw milk or cheese shall not be considered adulterated if the quantity of such substance  
9 in such milk, milk product, retail raw milk or cheese would not ordinarily render it  
10 injurious to health; or (B) the milk, milk product, retail raw milk or cheese bears or

11 contains any added poisonous or added deleterious substance which is unsafe; or (C)  
12 the milk, milk product, retail raw milk or cheese consists in whole or in part of any  
13 diseased, contaminated, filthy, putrid or decomposed substance or if it is otherwise unfit  
14 for food; or (D) the milk, milk product, retail raw milk or cheese has been produced,  
15 prepared, packed or held under insanitary conditions whereby it may have become  
16 contaminated with filth, or whereby it may have been rendered diseased, unwholesome  
17 or injurious to health; or (E) the packaging or container is composed in whole or in part  
18 of any poisonous or deleterious substance which may render the contents injurious to  
19 health;

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21 [(1)](2) "Bulk tank unit" means a dairy farm or group of dairy farms from which raw milk is  
22 collected for pasteurization for which a single entity sanitation compliance rating is  
23 issued.

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25 [(2)](3) "Commissioner" means the Commissioner of Agriculture.

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27 [(3)](4) "Cheese manufacturer" means any person, firm, corporation or cooperative  
28 association engaged in the production, receiving or handling of milk or milk products,  
29 which milk products, in whole or in part, are intended to be manufactured into cheese for  
30 distribution or sale in or outside this state.

31  
32 [(4)](5) "Dealer" means any person, firm, corporation or cooperative association engaged  
33 in the receiving, handling, purchasing, distribution or sale of fluid milk or milk products,  
34 which fluid milk or milk products, in whole or in part, are intended for bottling,  
35 manufacturing, processing, distribution or sale in this state.

36  
37 [(5)](6) "Filled milk" means any combination of nonmilk fat or oil and milk, whether or not  
38 it is fresh, cultured, reconstituted or modified by the addition of nonfat milk solids, with or  
39 without milkfat, so that the product, including stabilizers, emulsifiers or flavoring,  
40 resembles milk or any other fluid milk product, and contains less than six per cent  
41 nonmilk fat or oil.

42  
43 [(6)](7) "Handler" means any person, firm, corporation or cooperative association  
44 engaged in the receiving, handling, distribution or sale of fluid milk or milk products,  
45 which fluid milk or milk products, in whole or in part, are intended for bottling,  
46 manufacturing, processing, distribution or sale in this state.

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48 (8) "Misbranded" means the use of any label, written or printed advertising, or graphic  
49 upon or accompanying products or containers of milk, milk products or cheese, including  
50 signs, electronic displays, electronic communication, placards or other means of  
51 communication intended to provide information to consumers, which is false or  
52 misleading or which violates any applicable municipal, state or federal labeling  
53 requirements.

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55 [(7)](9) "Nonstandardized milk products" means milk-based products modified so they do  
56 not meet the definition of optional ingredients established in 21 CFR 131.110, contain  
57 milk and milk products, are intended to replace or be a substitute for standardized fluid  
58 milk products. Nonstandardized milk products may contain safe and suitable ingredients  
59 not present in standardized milk products.

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61 [(8)](10) "Pasteurization" or "pasteurized" has the same meaning, as defined in section 1  
62 of the Pasteurized Milk Ordinance as promulgated by the United States Food and Drug  
63 Administration.

64

65 [(9)](11) "Producer" means any person, firm or corporation that operates a dairy farm  
66 that provides, sells or offers milk to any dealer, person, handler, company or cooperative  
67 for sale.  
68

69 [(10)](12) "Public eating places" means places where meals are served to the general  
70 public, including, but not limited to, public or private schools and colleges, hotels,  
71 restaurants, clubs, lunchrooms, bars, fountains or any place of public entertainment.  
72

73 [(11)](13) "Raw milk" or "milk for pasteurization" means normal lacteal secretion that is  
74 practically free of colostrum and that is obtained by the complete milking of one or more  
75 healthy hooved mammals.  
76

77 [(12)](14) "Raw milk cheese" means aged hard cheese that meets the sanitary  
78 provisions of this chapter and that is produced from retail raw milk.  
79

80 [(13)](15) "Retail raw milk" means normal lacteal secretion that is practically free of  
81 colostrum, that is obtained by the complete milking of one or more healthy goats, sheep  
82 or cows, that is intended for human consumption in the unpasteurized state and that  
83 meets the sanitary standards of this chapter.  
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85 [(14)](16) "Retail raw milk producer" means any person, firm, corporation or cooperative  
86 association engaged in the production, handling, distribution or sale of retail raw milk.  
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88 [(15)](17) "Retail raw milk cheese manufacturer" means any person, firm, corporation or  
89 cooperative association engaged in the production, handling, distribution or sale of  
90 cheese manufactured from retail raw milk.  
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92 [(16)](18) "Safe and suitable ingredients" are food ingredients generally recognized as  
93 safe, as referenced in 21 CFR 184[.1.] and 21 CFR 186.  
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95 [(17)](19) "Standardized milk and milk products" or "milk or milk products" means  
96 products for which a standard of identity has been established pursuant to 21 CFR  
97 131.110.  
98

99 Section 2. Sec. 22-129 Sale and distribution prohibited. (a) The Commissioner of  
100 Agriculture or the commissioner's duly authorized agent shall prohibit the sale or offering  
101 for sale or distribution of any cheese, milk or other milk product which is insanitary or  
102 detrimental to health, and which has not been produced, processed, cared for or  
103 handled in the manner prescribed in this chapter and in chapter 431 and by the  
104 regulations of the Milk Regulation Board.  
105

106 (b) The following acts and the causing thereof shall be prohibited: (1) The sale, offering  
107 for sale or, offering for barter or exchange any milk, milk product or cheese that is  
108 adulterated; or (2) the adulteration of any milk, milk product or cheese.  
109

110 (c) The following acts and the causing thereof shall be prohibited: selling, offering for  
111 sale, offering for barter or exchange, manufacturing, distributing or processing any milk,  
112 milk product or cheese from any facility not licensed pursuant to section 22-229.  
113

114 (d) The following acts and the causing thereof shall be prohibited: selling, offering for  
115 sale, distributing, offering for barter or exchange any milk for pasteurization, retail raw  
116 milk or retail raw milk cheese from any dairy farm not registered pursuant to section 22-  
117 172 or 22-173a.  
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119 (e) Any person who violates a prohibition of sale order issued pursuant to subsections  
120 (a) or (b) of this section or subsections (c) or (d) of this section shall, for a first violation,

121 have committed an infraction and, for a second or subsequent violation committed within  
122 one year of a prior violation, be guilty of a class A misdemeanor.

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124 (f) Nothing in this section shall prevent the Commissioner from seeking any other  
125 remedy provided by law.

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127 (g) The production of milk, milk products and the manufacture of cheese for personal  
128 consumption or for consumption by immediate family shall be exempt from this section.

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131 Section 3. Sec. 22-211a. Regulations. The Commissioner of Agriculture may adopt, and  
132 from time to time revise and amend, regulations, in accordance with the provisions of  
133 chapter 54, necessary and appropriate to effectuate the policy and provisions of this part  
134 or any ruling or order issued hereunder. The commissioner shall have power to exempt  
135 from any regulation issued hereunder all dealers selling not more than three hundred  
136 quarts of milk per month. [The commissioner may adopt regulations which incorporate  
137 by reference the provisions of the federal Pasteurized Milk Ordinance promulgated by  
138 the United States Food and Drug Administration provided such regulations shall be  
139 consistent with any regulations adopted under section 22-133, and further provided such  
140 regulations may by reference specifically incorporate any future amendment to said  
141 ordinance.] All milk dealers processing, handling, storing, distributing, transporting,  
142 selling or offering for sale, offering for barter or exchange any milk, milk product or  
143 cheese shall comply with the sanitation, handling, storage and processing laws and  
144 regulations of chapter 430.

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