

Regulations of Connecticut State Agencies

TITLE 22. Agriculture. Domestic Animals

Agency

Department of Agriculture

Subject

Honey and Maple Syrup

Inclusive Sections

§§ 22-54u-1—22-54u-10

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Honey and Maple Syrup

Sec. 22-54u-1. Definitions.

(a) As used in this section and sections 22-54u-2 to 22-54u-6, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Adulterated product” means food that is adulterated, as described in the federal Food, Drug and Cosmetic Act, 21 USC 342, as amended from time to time.

(2) “CFR” means the Code of Federal Regulations.

(3) “Commissioner” means the Commissioner of Agriculture and their designated agents.

(4) “Department” means the Connecticut Department of Agriculture.

(5) “Misbranded product” means food that is misbranded, as described in the federal Food, Drug and Cosmetic Act, 21 USC 343, as amended from time to time.

(6) “Produce” means to keep bees and harvest honey, or manufacture maple syrup.

(7) “Producer” means any person, firm, entity, partnership, or corporation in this state who keeps bees and harvests honey, or who manufactures maple syrup.

(8) “Product” means honey produced or harvested, or maple syrup manufactured, in this state.

(b) The definitions in 21 CFR 117.3, as amended from time to time, shall be applicable to sections 22-54u-2 to 22-54u-6, inclusive, of the Regulations of Connecticut State Agencies.

(Effective February 10, 2023)

Sec. 22-54u-2. Registration for License by Producers, Exempt Producers, Fees.

(a) Each honey or maple syrup producer that has annual gross revenues of more than \$25,000 from the sale of a product or products shall register annually for a license with the department, on a form provided by the department, and provide, at a minimum, the following information:

(1) Name of the producer;

(2) Business address of the producer;

(3) Address of each location where a product or products will be harvested, produced or manufactured; and

(4) Description of the product or products.

(b) Each producer that has annual gross revenues of \$25,000 or less from the sale of a product or products is exempt from the licensure requirements of this section. Any such exempt producer may submit a declaration to the department on a form to be provided by the department. Such declaration shall not be binding on the department for any determination of whether such producer is required to be licensed under this section.

(c) Any producer applying for an initial license or renewal of a license shall pay a non-refundable license fee of \$50.00.

(d) Each license issued pursuant to this section shall expire on December 31st in the year of issuance, and annually thereafter, if renewed. Any license not renewed within 60 days after the expiration date shall be deemed expired and a new application shall be required.

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A license issued pursuant to this section is not transferrable.

(e) Each producer who receives a license pursuant to this section shall notify the department of any changes to the information supplied on the application for such license no later than 10 business days after any such change.

(Effective February 10, 2023)

Sec. 22-54u-3. Standards for Harvesting, Producing, Processing, Labeling, Packing and Holding a Product or Products.

(a) Each producer required to be licensed by the department shall harvest, produce, process, pack and hold all products in accordance with the requirements for produce set forth in 21 CFR Part 117, as amended from time to time.

(b) If a producer required to be licensed by the department produces, processes, packs or holds a product or products in a private residence, it shall be in a room, separate from living quarters, with a separate outside entrance.

(c) Each producer shall label any product or products, if in packaged form, in accordance with 21 CFR Part 101, as amended from time to time, including the following information:

(1) The common or usual name of the product or products;

(2) A declaration of responsibility, the name of the producer, manufacturer, or packer, as applicable, and their business address. The producer, manufacturer, or packer business address may be omitted if the business address can be found in a telephone directory or by an internet search;

(3) Net Contents – such as Net weight or volume, in both English and Metric values are required. Example: 1 oz. (28 grams) or ½ Gallon (1.89 L); and

(4) A statement concerning whether the product or products needs refrigeration to maintain safety or quality, such as “Keep Refrigerated” or “Keep Refrigerated after Opening,” as is appropriate for the product or products.

(d) As is applicable, each producer may include a statement on its label that the product or products meet a United States Department of Agriculture standard for grade and color such as “U.S. Grade-A Amber” or other applicable United States Department of Agriculture grade and color standard.

(Effective February 10, 2023)

Sec. 22-54u-4. Adulterated and Misbranded Products.

(a) No producer shall sell, offer for sale, or provide or exchange, an adulterated product or a misbranded product in the state.

(b) The commissioner shall receive allegations from any source of adulterated product or products, misbranded product or products, or illness or injury alleged to have been caused by a product that is produced in Connecticut by in person communication, telephone, mail or other electronic communication to the department. The commissioner shall investigate any allegation of an adulterated product or products, misbranded product or products, or illness or injury alleged to have been caused by a product that is produced in Connecticut.

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Such investigation may include inspection of any area, including equipment, tools, and of any building under the producer's control where a product is produced, harvested, processed, packed, or held, but shall not include a private residence. Such investigation may include obtaining samples and specimens for laboratory analysis.

(c) A certificate of analysis from a laboratory of the Connecticut Department of Public Health, the Connecticut Agricultural Experiment Station, the United States Food and Drug Administration, the United States Department of Agriculture or other accredited laboratory acceptable to the commissioner, shall be considered prima facie evidence of the ingredients and constituents of any sample or specimen submitted for analysis by the commissioner.

(Effective February 10, 2023)

Sec. 22-54u-5. Inspections of Producers.

(a) The commissioner may inspect any lot, location, equipment, or building used to produce, harvest, process, pack, or hold a product, excluding a private residence, at a frequency to be determined by the commissioner. Such inspection may include obtaining samples and specimens for laboratory analysis. A producer not required to be licensed shall be exempt from the provisions of this subsection except when such producer's product is the subject of a complaint to the commissioner.

(b) If, after an inspection, the commissioner finds any violation of sections 22-54u-2 to 22-54u-4, inclusive, of the Regulations of Connecticut State Agencies, the producer shall be notified in writing of such finding of a violation, specifying the corrective actions required to be taken, and the time period within which such corrective actions shall be taken.

(Effective February 10, 2023)

Sec. 22-54u-6. Enforcement and Penalties.

(a) If, as determined by the commissioner, a producer does not implement the corrective action required to be taken pursuant to section 22-54u-5(b) of the Regulations of Connecticut State Agencies to correct a violation of sections 22-54u-2 to 22-54u-4, inclusive, of the Regulations of Connecticut State Agencies, within the specified time period that the corrective action is required to be taken, or to respond to a condition that may present a public health hazard, the commissioner may issue any order necessary including orders for the embargo or destruction of any potentially adulterated or misbranded product. An order shall become effective upon service, and remain in effect during any appeal of such order to the commissioner. The following shall apply to such an order:

(1) No person shall remove, dispose of, sell or offer for sale such product subject to an embargo, destruction or quarantine order without the permission of the commissioner. Any person aggrieved by any order of the commissioner issued to correct a violation of sections 22-54u-2 to 22-54u-4, inclusive, of the Regulations of Connecticut State Agencies or an order to respond to a condition that may present a public health hazard may appeal to the commissioner. Such appeal request shall be in writing to the commissioner, and shall be received by the commissioner not more than fifteen days after the date of issuance of such

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order. Such appeal shall specify any findings to which the person objects, and any other grounds for contesting the order. A hearing shall be conducted not later than five business days after the receipt of the appeal. If no timely appeal is made pursuant to this subsection the order shall be deemed a final order of the commissioner, upon expiration of the appeal deadline.

(2) Not later than thirty days following any hearing requested pursuant to subdivision (1) of this subsection, the commissioner or the commissioner's duly appointed hearing officer shall issue a final decision as to whether the product subject to an order complies with sections 22-54u-2 to 22-54u-4, inclusive, of the Regulations of Connecticut State Agencies, and is safe for use as a food. If the commissioner or the commissioner's duly appointed hearing officer determines the product is unsafe or unfit for use as food, the commissioner or the commissioner's duly appointed hearing officer may affirm or modify an order issued pursuant to this subsection for such product as they deem proper. The commissioner shall supervise the destruction or other disposition of such product. If the commissioner or the commissioner's duly appointed hearing officer finds the product is safe for use as food and is not detrimental to public health, or finds such product can be properly packaged, marked or otherwise brought into compliance with the provisions of sections 22-54u-2 to 22-54u-4, inclusive, of the Regulations of Connecticut State Agencies, the commissioner or the commissioner's appointed hearing officer may revoke or modify an order issued pursuant to this subsection for such product as they deem proper to be so packaged, marked or otherwise brought into compliance and may thereafter authorize the release of such product. The owner of product that is released or destroyed shall pay all of the costs of storage, handling, and destruction.

(b) Any person aggrieved by a final decision issued pursuant to subsection (a) of this section may appeal therefrom to the Superior Court in New Britain pursuant to chapter 54 of the Connecticut General Statutes.

(c) A certificate of analysis from a laboratory of the Connecticut Department of Public Health, the Connecticut Agricultural Experiment Station, the United States Food and Drug Administration, the United States Department of Agriculture or other accredited laboratory acceptable to the commissioner, shall be considered prima facie evidence of the ingredients and constituents of any sample or specimen submitted for analysis by the commissioner.

(d) Nothing in this section shall be construed to limit the commissioner's authority to issue a cease and desist order pursuant to section 22-4d of the Connecticut General Statutes or any other action authorized by law.

(e) Nothing in this section shall be construed to prevent the commissioner from entering into a stipulated agreement or any other remedy with a producer which resolves a disputed violation or order.

(f) If the department finds that a producer that is required to be licensed has failed to obtain a license pursuant to section 22-54u-2 of the Regulations of Connecticut State Agencies, the commissioner may issue a civil penalty pursuant to section 22-7 of the Connecticut General Statutes.

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(g) The commissioner may issue a civil penalty pursuant to section 22-7 of the Connecticut General Statutes to any producer who violates any provision of sections 22-54u-2 to 22-54u-4, inclusive, of the Regulations of Connecticut State Agencies.

(Effective February 10, 2023)

Sec. 22-54u-7. Reserved

(Effective February 10, 2023)

Sec. 22-54u-8. Reserved

(Effective February 10, 2023)

Sec. 22-54u-9. Reserved

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Sec. 22-54u-10. Reserved

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