

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

VIA: eRegulations system

January 12, 2023

Legislative Regulations Review Committee
Room 011, State Capitol
Hartford, CT 06106

RE: Model Food Code (PR2018-017)

Dear Senator Maroney, Representative Klarides-Ditria, and Committee Members:

In accordance with section 4-170(b) of the Connecticut General Statutes, the Connecticut Department of Public Health hereby submits to the Committee a substitute page for page 2 of the proposed regulation adopting the Model Food Code (PR 2018-017) currently pending the approval of the Committee and scheduled for review at the January 24, 2023 meeting of the Committee.

The substitute page is submitted in order to reflect a technical change in the Food and Drug Administration model code that was made in an edition issued after our proposed regulation was approved by the Attorney General as to legal sufficiency on December 5, 2002 and submitted to the Legislative Regulations Review Committee on December 6, 2022. The FDA issued the 2022 edition of the Food Code on December 28, 2022.

The changes made on the substitute page correct the definition of regulatory authority to refer to the correct paragraph under proposed Sec. 19a-36h-1(17)(A). In clause (x) of this subdivision, the original page stated "Section 8-103.12 except paragraph (B)". In the 2022 edition of the FDA Food Code, this is now paragraph (C) thus the substitute page corrects the reference to read "Section 8-103.12 except paragraph (C)" for accuracy.

If you have any questions concerning this substitute page to the proposed regulation, please do not hesitate to email Dante Costa at Dante.Costa@ct.gov. Thank you for your anticipated assistance and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Manisha Juthani".

Manisha Juthani, MD
Commissioner



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- (ii) Section 2-103.11;
- (iii) Section 3-301.11(E)(1) and (6);
- (iv) Section 3-401.11;
- (v) Section 3-502.11;
- (vi) Section 4-204.110;
- (vii) Section 4-501.114(D);
- (viii) Section 7-202.12;
- (ix) Section 8-103.10;
- (x) Section 8-103.12 except paragraph (C); and
- (xi) Section 8-201.13 except subparagraph (A)(3).

(B) In the following food code sections, regulatory authority means the commissioner and the director of health;

- (i) Section 3-301.11(E)(2);
- (ii) Section 8-101.10(A);
- (iii) Section 8-103.11;
- (iv) Section 8-202.10;
- (v) Section 8-203.10;
- (vi) Paragraphs (F), (H) (I) and (J) of section 8-304.11;
- (vii) Section 8-402.10;
- (viii) Section 8-402.11;
- (ix) Section 8-402.20;
- (x) Section 8-402.30;
- (xi) Section 8-402.40; and
- (xii) Section 8-501.10;

(C) In the following food code sections, regulatory authority means the commissioner or director of health, as required:

- (i) Section 8-103.12(B);
- (ii) Section 8-201.12;
- (iii) Section 8-201.13(A)(3);
- (iv) Section 8-201.14; and
- (v) Section 8-403.10.

(D) In all other sections of the food code, the regulatory authority means the director of health, except that in sections 3-403.11(C) and 3.501.17(G) of the food code regulatory authority shall mean other state and federal authorities.

(NEW) Sec. 19a-36h-2. Applicability and variance.

(a) Applicability.

(1) All food establishments shall comply with the requirements of the food code, as amended from time to time, any food code supplement published by the United States Food and Drug Administration, and the Connecticut General Statutes and the Regulations of Connecticut State Agencies, as applicable.

(b) Variance.

(1) The commissioner may, in consultation with the Commissioner of Consumer Protection, grant a variance for the requirements of the food code if the commissioner determines that such variance will not result in a health hazard or nuisance. The commissioner may impose conditions and requirements on the food establishment upon granting such variance. The commissioner shall provide the director of health and the owner or operator of the food establishment a copy of the