

Secretary of the State File Number

6372

Regulation of the
Department of Agriculture
Concerning

Honey and Maple Syrup

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **February 10, 2023**

EFFECTIVE DATE

February 10, 2023

Approved by the Attorney General on

December 22, 2022

Approved by the Legislation Regulation Review Committee on

January 24, 2023

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

February 6, 2023

Form ICM-ECOPY (NEW 6/2015)
State of Connecticut
Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed *on and after March 23, 2015*.

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Department of Agriculture
Concerning
Honey and Maple Syrup Regulations

Approved by the Legislative Regulation Review Committee: **January 24, 2023**

eRegulations System Tracking Number: **PR2020-006**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on **February 3, 2023**.

A handwritten signature in black ink, appearing to read "Bryan P. Hurlburt", written over a horizontal line.

Bryan P. Hurlburt
Commissioner
Department of Agriculture

**State of Connecticut
Regulation of
Department of Agriculture
Concerning
Honey and Maple Syrup**

Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 22-54u-1 to 22-54u-10, inclusive, as follows:

(NEW) 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.

(NEW) 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. 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.

(NEW) 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.

(NEW) 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. 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.

(NEW) 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.

(NEW) 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 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.

(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.

(NEW) Secs. 22-54u-7 --- 22-54u-10. Reserved

Statement of Purpose

Public Act 19-18 transferred the responsibility to regulate the production and sale of Honey and Maple Syrup from the Connecticut Department of Consumer Protection to the Connecticut Department of Agriculture.

Honey and Maple Syrup are products covered by the federal Food, Drug and Cosmetic Act as amended by the Food, Safety Modernization Act (FSMA). and the Food and Drug Administration's (FDA) Current Good Manufacturing Practice, Risk Based Preventive Controls for Human Food rules. The FDA rules are published as Title 21, Part 117 of the Code of Federal Regulations.

Note: FSMA has provisions built into the federal rule that provide for certain exemptions from the requirement to have a food safety plan. The exemptions are based on the relative risk of the food being produced, and/or income from the sale of food.

Because honey and maple syrup are considered low risk foods for microbial contamination and other hazards, producers of honey and maple syrup are exempted from certain requirements of Title 21, Part 117 of the Code of Federal Regulations, notably the requirement for a hazard analysis and written food safety plan. Additionally, a vast majority of honey and maple syrup producers in this state either qualify as small businesses with sales of less than 1 million dollars in food or sales of less than 500,000 thousand dollars in food with > 50% of those sales being made to qualified end users, also exempting these producers from the requirement for a hazard analysis and written food safety plan.

Section 1 of the regulations defines additional terms used in these regulations. Section 2 of these regulations contains the provisions for registration and requires a \$50.00 annual registration fee for producers of honey and maple syrup with annual gross revenues over \$25,000. Honey and maple syrup producers required to register have to comply with Current Good Manufacturing Practices, including subpart B of Title 21, Part 117, incorporated into section 3(a) of the proposed regulations.

All producers of honey and maple syrup (as any food manufacturer) will be required to comply with the labeling requirements of Title 21, Part 101 of the Code of Federal Regulations, incorporated in section 3(c) of these proposed regulations.

Section 4 prohibits the sale of adulterated or misbranded product, and authorizes the commissioner to investigate any such complaints. Section 5 authorizes the commissioner to inspect any product and any building, lot, location, and equipment under a producer's control used to process, pack, or hold product, excluding private residences. Section 6 establishes enforcement by issuance of orders pursuant to the commissioner's powers in Connecticut General Statute section 22-4c and a hearing process for those aggrieved by an order and civil penalties for violations of these regulations, and sections 7-10 are reserved for future use.

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

AGENCY CERTIFICATION**Department of Agriculture**

Proposed Regulation Concerning

Honey and Maple SyrupeRegulations System Tracking Number **PR2020-006****I hereby certify the following:**

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **22-54u of the Connecticut General Statutes**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **(not applicable - not a technical amendment)**.

For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **July 14, 2020**.

(4) *(Complete one)* No public hearing held or was required to be held. **OR** One or more public hearings were held on: **(not applicable)**.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **March 2, 2021**.

(6) *(Complete one)* No comments were received. **OR** Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **March 2, 2021**.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **March 2, 2021**.

(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

When posted to the eRegulations System website by the Secretary of the State.

OR On _____

(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)


SIGNED + Bryan P. Hurlburt

Commissioner
OFFICIAL TITLE

December 21, 2021
DATE

**OFFICE OF THE ATTORNEY GENERAL
REGULATION CERTIFICATION**

Agency: Department of Agriculture

REGULATION NUMBER: PR2020-006

This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes § 4-169.

DATE: 12/22/2022

**Signed: /s/ Matthew I. Levine
Matthew I. Levine
Deputy Associate Attorney General and
Section Chief for Environment
*Duly Authorized***

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator John Kissel
Senate Chair



Representative Lucy Dathan
House Chair

Official Record of Committee Action

January 24, 2023

Agency: Department of Agriculture
Description: Honey and Maple Syrup
LRRC Regulation Number: 2021-007B
eRegulation Tracking Number: PR2020-006

The above-referenced regulation has been

Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Catherine M. Thomas
Committee Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Regulation of the Department of Agriculture concerning Honey and Maple Syrup
eRegulations System Tracking Number PR2020-006
Legislative Regulation Review Committee Docket Number 2021-007B

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on February 6, 2023.

Said regulation is assigned Secretary of the State File Number 6372.

The effective date of this regulation is February 10, 2023.

A handwritten signature in blue ink, appearing to read "Stephanie Thomas".

Stephanie Thomas
Secretary of the State
February 10, 2023

By:

/s/ Christopher R. Drake
Christopher R. Drake
Director, Business Services
Division