



House of Representatives

File No. 1016

General Assembly

January Session, 2009

(Reprint of File No. 369)

Substitute House Bill No. 5819
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2009

***AN ACT ALLOWING THE PRODUCTION AND SALE OF ACIDIFIED
FOOD PRODUCTS ON RESIDENTIAL FARMS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 21a-24a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2010*):

3 (a) As used in this section:

4 (1) "Acidified food product" means a food item, with a pH value of
5 4.6 or less upon completion of the recipe for such product, including,
6 but not limited to, pickles, salsa and hot sauce, produced on the
7 premises of a residential farm. Acidified food products do not include
8 food consisting in whole or in part of milk or milk products, eggs,
9 meat, poultry, fish, shellfish, edible crustacean ingredients or other
10 ingredients, including synthetic ingredients, in a form capable of
11 supporting rapid and progressive growth of infectious or toxigenic
12 microorganisms.

13 ~~[(1)]~~ (2) "Jam" means a food, with a pH value of 4.6 or less, made by

14 cooking fruit or vegetables with sugar to a thick mixture.

15 [(2)] (3) "Jelly" means a food, with a pH value of 4.6 or less, made by
16 cooking fruit or vegetable juice that has been boiled with sugar.

17 [(3)] (4) "Preserves" means a food, with a pH value of 4.6 or less,
18 consisting of fruit or vegetables preserved whole by cooking with
19 sugar.

20 [(4)] (5) "Residential farm" means property (A) being utilized as a
21 farm, as defined in subsection (q) of section 1-1, and (B) serving as the
22 primary residence of the owner of such property.

23 (b) Notwithstanding the provisions of sections 21a-91 to 21a-120,
24 inclusive, and section 19-13-B40 of the regulations of Connecticut state
25 agencies, the preparation and sale of acidified food products, jams,
26 jellies or preserves on a residential farm shall be allowed in a room
27 used as living quarters and exempt from inspection by any state or
28 local agency, provided such acidified food products, jams, jellies or
29 preserves are prepared with fruit or vegetables grown on such farm
30 and in the case of acidified foods, provided (1) the water supply of
31 such residential farm comes from a public water supply system or, if
32 from a private well, is tested annually, and tests negative for, coliform
33 bacteria, (2) a pH test of such foods is performed by a laboratory after
34 completion of the recipe for such product, (3) use of the kitchen where
35 such foods are prepared is restricted during such preparation, and (4)
36 the preparer of such foods (A) possesses documentation of such
37 preparer's successful completion of an examination concerning safe
38 food handling techniques administered by an organization approved
39 by the Department of Public Health for qualified food operators, and
40 (B) such documentation is made available to the local health
41 department or the Department of Consumer Protection upon request.
42 Each container of acidified food products, jam, jelly or preserves
43 offered for sale on such farm shall have on its label, in ten-point type:
44 "Not prepared in a government inspected kitchen".

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	21a-24a

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

House "A" (LCO 8743) was technical and/or had no fiscal impact.

OLR Bill Analysis**sHB 5819 (as amended by House "A")******AN ACT ALLOWING THE PRODUCTION AND SALE OF ACIDIFIED FOOD PRODUCTS ON RESIDENTIAL FARMS.*****SUMMARY:**

Current law allows the sale of jams, jellies, or preserves on a residential farm that were prepared (1) with fruit grown on the farm and (2) in a room on the farm that is used as living quarters and exempts their preparation from any state or local agency inspection.

The law requires each jam, jelly, or preserves container offered for sale on the farm to have on its label, in ten-point type: "Not prepared in a government inspected kitchen." The bill adds "acidified foods" to this exemption and labeling requirement. It establishes the following specific preparation criteria acidified food must meet for the exemption.

1. The farm's water supply must come from a public water supply system or a private well that is tested annually, and tests negative for, coliform bacteria.
2. A laboratory performs a pH test of the food product after the product recipe is completed.
3. Use of the kitchen where the acidified food is prepared is restricted during preparation.
4. The food preparer (a) has successfully completed an examination of safe food handling techniques administered by an organization approved by the Department of Public Health for qualified food operators and has documentation to show

this and (b) the documentation is made available to the local health department or the Department of Consumer Protection upon request.

The bill defines “acidified food product” as a food item with a pH value of 4.6 or less upon completion of the recipe making the product, including pickles, salsa and hot sauce, produced on the premises of a residential farm, and that does not include food consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Finally, the bill redefines jam, jelly, and preserves to include products made with vegetables.

*House Amendment “A” eliminates the requirement in the original bill (File 369) that acidified foods be canned; redefines jam, jelly, and preserves to include products made with vegetables; and adds the acidified food production criteria.

EFFECTIVE DATE: January 1, 2010

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 29 Nay 0 (03/13/2009)

General Law Committee

Joint Favorable
Yea 17 Nay 1 (04/14/2009)

Public Health Committee

Joint Favorable
Yea 27 Nay 2 (04/28/2009)

