



# House of Representatives

General Assembly

**File No. 363**

February Session, 2010

House Bill No. 5287

*House of Representatives, April 7, 2010*

The Committee on Public Health reported through REP. RITTER of the 38th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***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 Section 21a-24a of the general statutes is repealed and the  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 October 1, 2010*):

3 (a) As used in this section:

4 (1) "Acidified food product" means a food item that is produced on  
5 the premises of a residential farm and that has a pH value of 4.6 or less  
6 upon completion of the recipe for such product. Acidified food  
7 product (A) includes, but is not limited to, pickles, salsa and hot sauce,  
8 and (B) does not include food consisting in whole or in part of milk or  
9 milk products, eggs, meat, poultry, fish, shellfish, edible crustacean  
10 ingredients or other ingredients, including synthetic ingredients, in a  
11 form capable of supporting rapid and progressive growth of infectious  
12 or toxigenic 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>October 1, 2010</i>	21a-24a
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**PH**      *Joint Favorable*

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.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which exempts certain acidified foods from a labeling requirement and adds vegetables grown on a residential farm as permissible ingredients in an item offered for sale on the farm, does not result in a fiscal impact to the Departments of Consumer Protection and Public Health.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 5287*****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. It 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 10-point type: "Not prepared in a government inspected kitchen." The bill adds "acidified foods" to this exemption and labeling requirement. It establishes the following 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 a residential farm. It 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.

EFFECTIVE DATE: October 1, 2010

**BACKGROUND**

***Related Bill***

sHB 5419, favorably reported by the Environment Committee on March 19, contains the same acidified food provisions.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 31    Nay 0    (03/24/2010)