



Substitute House Bill No. 5419

Public Act No. 10-103

AN ACT CONCERNING FARMS, FOOD AND JOBS.

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

Section 1. Subsection (a) of section 22-6r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section:

(1) "Farmers' market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season [, which] or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income;

(2) "Fresh produce" means fruits and vegetables that have not been processed in any manner;

(3) "Certified farmers' market" means a farmers' market that is

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authorized by the commissioner to operate;

(4) "Farmer's kiosk" means a structure or area located within a certified farmers' market used by a farm business to conduct sales of Connecticut-grown farm products;

(5) "Connecticut-grown" means produce and other farm products that have a traceable point of origin within Connecticut;

(6) "Farm" has the meaning ascribed to it in subsection (q) of section 1-1;

(7) "Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture", as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

Sec. 2. Section 22-137a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established, within available appropriations, the Connecticut Milk Promotion Board which shall be within the Department of Agriculture for administrative purposes only.

(b) The board shall consist of nine members: (1) One appointed by the majority leader of the Senate, who shall be a Connecticut licensed dairy producer and a member of a dairy cooperative; (2) one appointed by the president pro tempore of the Senate, who shall be a

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Connecticut licensed milk producer and a member of a dairy cooperative; (3) one appointed by the speaker of the House of Representatives, who shall be an independent Connecticut licensed milk producer; (4) one appointed by the minority leader of the House of Representatives, who shall be a Connecticut licensed milk producer and a member of a dairy cooperative; (5) one appointed by the minority leader of the Senate, who shall be a Connecticut licensed milk producer and a member of a dairy cooperative; (6) one appointed by the majority leader of the House of Representatives, who shall be a member of a state-wide health and nutrition organization promoting consumer interests; (7) the Commissioner of Agriculture, or the commissioner's designee; and (8) the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to agriculture, who shall be ex-officio members without the right to vote. The board shall elect a chairperson and a vice-chairperson from among its members. Any person absent from (A) three consecutive meetings of the commission, or (B) fifty per cent of such meetings during any calendar year shall be deemed to have resigned from the board, effective immediately. Vacancies on the board shall be filled by the appointing authority. Members of the board serve without compensation but shall, within the limits of available funds, be reimbursed for expenses necessarily incurred in the performance of their duties. The board shall meet as often as deemed necessary by the chairperson or a majority of the board.

(c) The board shall: (1) Develop, coordinate and implement promotional, research and other programs designed to promote Connecticut dairy farms and milk consumption; and (2) prepare and submit to the joint standing committee of the General Assembly having cognizance of matters relating to agriculture an annual report concerning its activities.

(d) The board may use such funds as may be available from federal,

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state or other sources and may enter into contracts to carry out the purposes of this section. Any money collected by the board pursuant to the provisions of this section shall not be deemed state funds and shall be deposited pursuant to section 4-33, in a qualified public depository in Connecticut. Such funds shall be expended by the board for expenses incurred in administering the budget recommended by the board.

(e) The board may, subject to the provisions of chapter 67, employ any necessary staff within such available funds or appropriations.

Sec. 3. Section 21a-24a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2011*):

(a) As used in this section:

(1) "Acidified food product" means a food item, with a pH value of 4.6 or less upon completion of the recipe for such product, including, but not limited to, pickles, salsa and hot sauce produced on the premises of a residential farm. "Acidified food products" 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.

[(1)] (2) "Jam" means a food, with a pH value of 4.6 or less, made by cooking fruit or vegetables with sugar to a thick mixture.

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

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

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

(b) Notwithstanding the provisions of sections 21a-91 to 21a-120, inclusive, and section 19-13-B40 of the regulations of Connecticut state agencies, the preparation and sale of acidified food products, jams, jellies or preserves on a residential farm shall be allowed in a room used as living quarters and exempt from inspection by any state or local agency, provided such acidified food products, jams, jellies or preserves are prepared with fruit or vegetables grown on such farm and in the case of acidified foods, provided (1) the water supply of such residential farm comes from a public water supply system or, if from a private well, is tested and tests negative for coliform bacteria, (2) a pH test of such foods is performed by a laboratory after completion of the recipe for such product, (3) use of the kitchen where such foods are prepared is restricted from non-processing individuals, pets, children or any other potential contaminants during such preparation, and (4) the preparer of such foods (A) possesses documentation of such preparer's successful completion of an examination concerning safe food handling techniques administered by an organization approved by the Department of Public Health for qualified food operators, or possesses documentation indicating successful completion of an approved course concerning safe food processing techniques administered by an organization approved by the Department of Consumer Protection, and (B) such documentation is made available to the local health department or the Department of Consumer Protection upon request. If the local health department or the Department of Public Health has reason to believe that a private well used pursuant to subdivision (1) of this subsection may be contaminated with coliform bacteria, such department may require such private well to be retested for the presence of coliform bacteria. Each container of acidified food products, jam, jelly or preserves

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offered for sale on such farm shall have on its label, in ten-point type: "Not prepared in a government inspected kitchen".

Sec. 4. (NEW) (*Effective from passage*) (a) For purposes of this section:

(1) "Poultry" has the same meaning as provided in section 22-326s of the general statutes; and

(2) "Producer" means any person, firm or corporation engaged in the breeding, raising or keeping of not more than five thousand turkeys or twenty thousand poultry of all species in a calendar year for the purpose of food production.

(b) The Commissioner of Agriculture shall be the state official in charge of inspecting any producer and any producer that also operates as a poultry processing facility. Any inspection conducted pursuant to this subsection shall be consistent with the requirements of the federal Poultry Products Inspection Act and any applicable provision of the Code of Federal Regulations, including, but not limited to, any health, sanitary and safety related provision. Poultry processing facilities that meet the applicable criteria for federal Food Safety and Inspection Services exemptions and that have passed Department of Agriculture facility inspections pursuant to this subsection shall be designated as approved food sources for household consumers, restaurants, hotels and boarding houses.

Approved June 2, 2010