



House of Representatives

General Assembly

File No. 97

January Session, 2011

House Bill No. 6156

House of Representatives, March 21, 2011

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING FARMERS' MARKETS.

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

1 Section 1. (NEW) (*Effective from passage*) Any farmer who holds a
2 current food service permit and who seeks to participate in a farmers'
3 market that is not within the jurisdiction of the public health district
4 that issued such food service permit may present a copy of such food
5 service permit and a copy of such farmer's most recent inspection
6 report to the health district with jurisdiction of the farmers' market for
7 which such farmer seeks participation in lieu of purchasing any
8 additional food service permit.

9 Sec. 2. Section 22-6r of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective from passage*):

11 (a) For purposes of this section:

12 (1) "Farmers' market" means a cooperative or nonprofit enterprise or
13 association that consistently occupies a given site throughout the

14 season or that occupies a given site for any given day or event and that
15 operates principally as a common marketplace for a group of farmers,
16 at least two of whom are selling Connecticut-grown fresh produce, to
17 sell Connecticut-grown farm products in conformance with the
18 applicable regulations of Connecticut state agencies and where the
19 farm products sold are produced by the participating farmers with the
20 sole intent and purpose of generating a portion of household income;

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

23 (3) "Certified farmers' market" means a farmers' market that is
24 authorized by the commissioner to operate;

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

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

30 (6) "Farm" has the meaning ascribed to it in subsection (q) of section
31 1-1;

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

43 (b) A farmer's kiosk at a certified farmers' market shall be
44 considered an extension of the farmer's business and regulations of

45 Connecticut state agencies relating to the sale of farm products on a
46 farm shall govern the sale of farm products at a farmer's kiosk.

47 (c) [A] Except as provided in section 1 of this act, a farmer offering
48 farm products for sale at a certified farmers' market shall obtain and
49 maintain any license required to sell such products.

50 (d) A food service establishment, as defined in section 19-13-B42 of
51 the regulations of Connecticut state agencies, may purchase farm
52 products that have been produced and are sold in conformance with
53 the applicable regulations of Connecticut state agencies at a farmers'
54 market, provided such establishment requests and obtains an invoice
55 from the farmer or person selling farm products. The farmer or person
56 selling farm products shall provide to the food service establishment
57 an invoice that indicates the source and date of purchase of the farm
58 products at the time of the sale.

59 (e) Section 22-6g or this section shall not supersede the provisions of
60 any state or local health and safety laws, regulations or ordinances.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	22-6r

ENV *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.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Revenue Loss	Less than \$5,000	Less than \$5,000

Explanation

An annual revenue loss estimated at less than \$5,000 would result for local departments/districts of health in communities hosting farmers' markets to the extent that food service fees would no longer have to be paid by farmers holding permits from other jurisdictions. These fees are established by local ordinance, and may range from \$1 to \$350.

The Out Years

The annualized ongoing fiscal impact would vary as the number of participating farmers fluctuates, and/or in response to local fee changes.

OLR Bill Analysis**HB 6156*****AN ACT CONCERNING FARMERS' MARKETS.*****SUMMARY:**

Under existing law, if a local ordinance requires it, a farmer must obtain a food service permit from the local public health district in order to participate in a farmers' market. This bill makes a food service permit portable from health district to health district. Thus, under the bill, a farmer who holds a current food service permit in one jurisdiction and wants to participate in a farmers' market in another jurisdiction may present a copy of the food service permit and his or her most recent inspection report to the health district with jurisdiction over the farmers' market instead of having to purchase another food service permit.

Under current law, a farmer selling farm products at a certified farmers' market must be licensed to sell the products in certain circumstances (e.g., poultry dealers). The bill appears to remove this requirement for a farmer who holds a current food service permit in one jurisdiction and seeks to participate in a farmers' market in another jurisdiction, as described above. However, the same farmer could not sell the product for which a license is required in the original jurisdiction.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 26 Nay 0 (03/09/2011)