



House of Representatives

File No. 859

General Assembly

January Session, 2011

(Reprint of File No. 97)

House Bill No. 6156
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2011

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*) (a) For purposes of this
2 section: (1) "Certified farmers' market" has the same meaning as
3 provided in section 22-6r of the general statutes, and (2) "food service
4 establishment" has the same meaning as provided in section 19-13-B42
5 of the regulations of Connecticut state agencies.

6 (b) Any permit or license to operate a food service establishment
7 that is issued by a municipal health department or health district to a
8 farmer for the purpose of such farmer's participation in a certified
9 farmers' market within the jurisdiction of said municipal health
10 department or health district shall be valid for the purpose of
11 operating a food service establishment at any certified farmers' market
12 in the state, provided (1) such operation is in accordance with the
13 menu items and food preparation processes approved by said issuing
14 municipal health department or health district, or (2) such operation
15 utilizes menu items or food preparation processes that are

16 substantially similar to the menu items and food preparation processes
17 approved by said issuing municipal health department or health
18 district. Not later than fourteen days prior to commencing the
19 operation of a food service establishment in a municipality that is
20 within the jurisdiction of a municipal health department or health
21 district that did not issue a permit or license to such farmer, a notice of
22 intent to commence such operation shall be sent by such farmer to the
23 municipal health department or health district with such jurisdiction.
24 Such notice shall contain a copy of the municipal health department or
25 health district permit or license issued in accordance with this section
26 and a copy of any food service plan developed as part of the
27 application for such permit or license. Any permit or license issued in
28 accordance with the provisions of this section shall be valid for the
29 duration of the calendar year in which such permit or license was
30 issued.

31 (c) Any local director of health may take any regulatory action such
32 director deems necessary against any farmer who operates a food
33 service establishment within the jurisdiction of such health department
34 or district, as applicable, in order to ensure that such farmer is in
35 compliance with the Public Health Code, provided no local director of
36 health shall require any farmer to apply for or purchase a permit or
37 license to operate a food service establishment if such farmer holds a
38 valid permit or license issued by another municipal health department
39 or health district and is in compliance with the provisions of
40 subsection (b) of this section.

41 (d) Any farmer who operates a food service establishment in a
42 certified farmers' market in accordance with this section and the menu
43 items and food preparation processes approved by the municipal
44 health department or health district that issued such permit or license,
45 or who utilizes menu items or food preparation processes that are
46 substantially similar to the menu items and food preparation processes
47 approved by said issuing municipal health department or health
48 district, shall be exempt from the provisions of any ordinance of any
49 municipality or health district concerning the operation of a food

50 service establishment. No municipal health department or health
51 district shall require any farmer who applies for a permit or license to
52 operate a food service establishment at a certified farmers' market to
53 submit information regarding such farmer's ability to comply with any
54 ordinance of any municipality or health district concerning the
55 operation of such food service establishment.

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

58 (a) For purposes of this section:

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

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

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

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

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

77 (6) "Farm" has the meaning ascribed to it in subsection (q) of section
78 1-1;

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

90 (b) A farmer's kiosk at a certified farmers' market shall be
91 considered an extension of the farmer's business and regulations of
92 Connecticut state agencies relating to the sale of farm products on a
93 farm shall govern the sale of farm products at a farmer's kiosk.

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

97 (d) A food service establishment, as defined in section 19-13-B42 of
98 the regulations of Connecticut state agencies, may purchase farm
99 products that have been produced and are sold in conformance with
100 the applicable regulations of Connecticut state agencies at a farmers'
101 market, provided such establishment requests and obtains an invoice
102 from the farmer or person selling farm products. The farmer or person
103 selling farm products shall provide to the food service establishment
104 an invoice that indicates the source and date of purchase of the farm
105 products at the time of the sale.

106 (e) Section 22-6g or this section shall not supersede the provisions of
107 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

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

The bill results in an annual revenue loss estimated at less than \$5,000 to 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.

House "A" struck the language in the underlying bill and replaced it with language resulting in the fiscal impact indentified above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6156 (as amended by House "A")******AN ACT CONCERNING FARMERS' MARKETS.*****SUMMARY:**

Under existing law, a farmer offering farm products for sale at a certified farmers' market must be licensed to sell his or her products. This bill makes a farmer's permit or license to operate a food service establishment portable from health district to health district under specified conditions. It requires the farmer to notify a local health department or district in advance if he or she will begin operating a food service establishment within that jurisdiction.

*House Amendment "A" adds various conditions and enforcement provisions.

EFFECTIVE DATE: Upon passage

FARMERS' MARKET***Portable Permit or License***

The bill makes any food service establishment permit or license issued by a municipal health department or district to a farmer to participate in a certified farmers' market in that jurisdiction valid for operating a food service establishment at any certified farmers' market in the state. The operation must (1) be in accordance with the approved menu items and food preparation processes or (2) use menu items or food preparation processes that are substantially similar to those approved.

A permit or license is valid for the calendar year in which it is issued.

Notice to Health Department or District

Within 14 days before operating a food service establishment in a town that did not issue a permit or license to the farmer, the farmer must send a notice of intent to begin the operation to that town’s health department or district. The notice must include a copy of the farmer’s permit or license and any approved food service plan.

Health Director Authority

A local health director may take regulatory action against a farmer who operates a food service establishment within the health director’s jurisdiction to ensure that the farmer complies with the public health code. But a local health director cannot require a farmer to apply for or purchase a permit or license to operate a food service establishment if the farmer (1) already holds a valid one from another district and (2) complies with the bill.

Exemption from Local Ordinance

A farmer who operates a food service establishment in a certified farmers’ market and whose menu items and food preparation processes were approved by a health department or district, or who uses menu items or food preparation processes that are substantially similar, is exempt from any local ordinance concerning the operation of a food service establishment. A local health department or district cannot require a farmer who applies for a permit or license to operate a food service establishment at a certified farmers' market to submit information on his or her ability to comply with any such local ordinance.

COMMITTEE ACTION

Environment Committee

Joint Favorable
Yea 26 Nay 0 (03/09/2011)

Public Health Committee

Joint Favorable

Yea 21 Nay 0 (04/19/2011)