



General Assembly

Substitute Bill No. 6318

January Session, 2013



AN ACT CONCERNING THE CULTIVATION OF SEAWEED.

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

1 Section 1. Section 22-11i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Aquaculture producer" means any person who engages in the
5 controlled rearing, cultivation and harvesting of aquatic animals or
6 plants in land-based or marine-based culture systems, tanks,
7 containers, impoundments, floating or submerged nets or pens and
8 ponds.

9 (2) "Aquatic animals" means fresh or saltwater finfish, crustaceans
10 and other forms of aquatic life, including jellyfish, sea cucumber and
11 sea urchin, and the roe of such animals, and all mollusks, which are
12 intended for human consumption. "Aquatic animals" does not include
13 birds or mammals.

14 (3) "Aquatic plants" means fresh or saltwater algae and plants,
15 including, but not limited to, aquatic macrophyte, microalgae and
16 macroalgae (seaweed) species intended for sea vegetable, biofuel,
17 animal feed, fertilizer, medical, industrial or other commercial
18 applications.

19 (4) "Seaweed" means any species of marine macroalgae approved by
20 the Commissioner of Agriculture for cultivation in the waters of Long
21 Island Sound.

22 (5) "Seaweed producer" means any person who engages in the
23 controlled rearing, cultivation and harvesting of seaweed.

24 (b) The Commissioner of Agriculture shall license and inspect
25 aquaculture producers. The commissioner may prescribe the length of
26 term, fee and application for such license. To receive an aquaculture
27 producer license from the commissioner, each aquaculture producer
28 shall: (1) Possess a registration with the United States Food and Drug
29 Administration as a food facility, (2) meet all processing standards and
30 inspection procedures for seafood processing facilities, including, but
31 not limited to, compliance with the provisions of 21 CFR 123--Fish and
32 Fishery Products, Subpart A and the United States Food and Drug
33 Administration's Food Code, as from time to time amended, and (3)
34 pass an inspection conducted by the Department of Consumer
35 Protection prior to the issuance of such license by the commissioner.
36 The provisions of subdivision (2) of this subsection shall not apply to
37 any seaweed or aquatic plant producer who possesses a valid license
38 issued by the commissioner.

39 (c) Prior to receiving a license from the commissioner to be a
40 seaweed or aquatic plant producer, an applicant shall receive species
41 approval from the commissioner.

42 [(c)] (d) The Commissioner of Agriculture, in accordance with
43 chapter 54 and in consultation with the Commissioner of Consumer
44 Protection, may adopt regulations to implement the provisions of this
45 section.

46 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of
47 Agriculture may issue a nontransferable license, in the name of the
48 state, under such policies as the commissioner may prescribe and for a
49 period of not greater than five years and an annual license fee of

50 twenty-five dollars per acre, for the planting and cultivating of
51 seaweed in any area within Connecticut's coastal waters. Any person
52 who has a shellfishing ground lease authorized pursuant to section 26-
53 194 or 26-257a of the general statutes shall not be required to remit
54 such annual license fee. Any person licensed pursuant to this section
55 may buy, possess, ship, transport or sell seaweed that meets the
56 applicable requirements of sections 22-11h and 22-11i of the general
57 statutes, as amended by this act, and any regulation adopted pursuant
58 to said sections 22-11h and 22-11i. For the purpose of this section,
59 "seaweed" means seaweed, as defined in section 22-11i of the general
60 statutes, as amended by this act.

61 (b) The General Joint Aquaculture Programmatic Permit Process
62 Review of the Department of Agriculture's Bureau of Aquaculture, the
63 Department of Energy and Environmental Protection's Office of Long
64 Island Sound Programs, and the Army Corps of Engineers may subject
65 any such licensee to the requirements of sections 22a-359 to 22a-363f,
66 inclusive, of the general statutes.

67 (c) Any such license or license renewal, issued pursuant to this
68 section, shall require the licensee to make a good faith effort to
69 cultivate and harvest seaweed from the licensed area. Any licensee
70 who fulfills all of his or her obligations pursuant to said license, upon
71 the expiration of said license, shall be given preference by the
72 commissioner in the relicensing of such ground for a like term and
73 purpose as that granted in the original license. The commissioner shall
74 not renew the license of any licensee who fails to remit the license fee
75 required pursuant to this section. No application for the renewal of a
76 license pursuant to this section shall be granted without notice or
77 advertisement of the pendency thereof by the commissioner. No
78 renewal of a license for grounds previously leased pursuant to this
79 section shall be granted when the commissioner, for cause, determines
80 to cease licensure of such grounds for seaweed culture.

81 (d) In no instance shall the Commissioner of Agriculture grant a
82 license to cultivate seaweed pursuant to this section such that the grant

83 of such license interferes with an established right of fishing or an
84 established right of shellfishing. Any license issued pursuant to this
85 section that interferes with an established right of fishing or an
86 established right of shellfishing shall be void.

87 (e) Any person who interferes with, annoys or molests another in
88 the enjoyment of any license issued pursuant to this section shall be
89 fined not more than five hundred dollars or imprisoned not more than
90 six months or both.

91 (f) The Commissioner of Agriculture may adopt regulations,
92 pursuant to chapter 54 of the general statutes, to implement the
93 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-11i
Sec. 2	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*