OLR Bill Analysis
sSB 233 (File 47, as amended by Senate “A”)*

AN ACT CONCERNING COTTAGE FOOD PRODUCTS AND THE PRODUCTION OF HONEY AND MAPLE SYRUP.

SUMMARY

This bill exempts all in-state maple syrup and honey production, including its preparation, packaging, labeling, and sale, from regulation under the state’s Food, Drug and Cosmetic Act (FDCA) and cottage food law, which the Department of Consumer Protection (DCP) oversees. It also exempts the producers from the requirement to obtain a DCP food manufacturing license.

The bill instead subjects maple syrup and honey producers to licensing, inspection, and enforcement by the Department of Agriculture (DoAg) commissioner and his authorized agents. It requires the commissioner to adopt regulations for overseeing maple syrup and honey production, but it does not set a date by which he must do so.

Under the bill, DoAg’s regulations may include provisions establishing (1) a license for maple syrup and honey producers and (2) required best practices to limit pathogenic microorganism growth or toxin formation (e.g., harmful bacteria).

Existing law, unchanged by the bill, already exempts maple syrup prepared and sold on residential farms from the state FDCA and allows the maple syrup to be prepared and sold in any room used as living quarters. The operation is exempt from state inspection, but each container offered for sale must state that the product was not prepared in a government-inspected kitchen. DCP enforces this law (CGS § 21a-24b).

Lastly, the bill explicitly adds honey production to the state’s general definition of “agriculture” and “farming.”
“Senate Amendment “A” (1) eliminates provisions in the underlying bill transferring from DCP to DoAg certain enforcement authority over maple syrup prepared and sold on residential farms and honey labeling; (2) exempts maple syrup and honey production from the state’s FDCA, cottage food law, and food manufacturer requirements; and (3) generally subjects maple syrup and honey producers to DoAg oversight.

EFFECTIVE DATE: October 1, 2019

MAPLE SYRUP AND HONEY OVERSIGHT EXEMPTIONS

Uniform Food, Drug and Cosmetic Act

The bill exempts in-state maple syrup and honey production, including preparation, packaging, labeling, and sale, from the state FDCA but not its federal counterpart.

The state FDCA provides DCP with enforcement authority over such things as adulterated or misbranded food products and deceptive advertising and marketing. The federal FDCA primarily regulates certain products, including food, in interstate commerce and is enforced by the federal Food and Drug Administration. The bill charges the DoAg commissioner and his authorized agents with licensing, inspecting, and enforcing requirements for maple syrup and honey producers.

But food producers must still abide by the state law on honey labeling, which DCP enforces. Specifically, the law prohibits anyone who sells, exposes, or offers for sale products made from honey and any other substance, compound, or mixture to have “honey” in the same size type as the product’s other ingredients (CGS § 21a-24).

Cottage Food Law

The bill also exempts maple syrup and honey from DCP regulation under the state’s cottage food law, which licenses individuals who (1) produce certain foods only in their private residential dwelling’s home kitchen and for sale directly to the consumer and (2) do not operate as a food service establishment, food retailer, distributor, or
manufacturer.

**Food Manufacturing License**

The bill also exempts maple syrup and honey producers who produce their goods for sale to other establishments from being licensed and inspected by DCP as food manufacturers. By law, a food manufacturing establishment must be designed, constructed, and operated as DCP requires (CGS § 21a-152).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea  29  Nay  0  (02/25/2019)