
OLR Bill Analysis

sHB 6385

AN ACT CONCERNING ENHANCEMENTS TO CERTAIN AGRICULTURAL PROGRAMS.

SUMMARY

This bill makes changes to various agricultural laws and programs. Specifically, the bill does the following:

1. allows participants of the Connecticut farmers' market nutrition programs for women, infants, and children (WIC) and seniors to redeem program vouchers for chicken eggs;
2. increases the value of the farmers' market nutrition programs' vouchers to at least \$20 (currently they are \$15 for WIC and \$18 for seniors);
3. allows farmers to advertise products grown or produced in Connecticut as "CT-Grown," revises sign requirements for these products at farmers' markets, and restricts who must furnish the state with proof of a farm product's point of origin;
4. revises the penalties for violating produce safety and seed requirements;
5. allows participants of the Connecticut farmers' market WIC nutrition program to have a proxy pick up and redeem program vouchers, revises voucher signature requirements, and extends the duration of a market vendor certification from one to three years;
6. expands the purposes of the farm viability matching grant program to include the development of urban and nontraditional farming practices; and
7. repeals the Connecticut Market Authority since ownership of

the Hartford regional market transferred to the Capital Region Development Authority in 2019.

EFFECTIVE DATE: Upon passage, except the increase in farmers' market voucher value is effective July 1, 2021, and the provisions on adding chicken eggs to the farmers' market nutrition programs, changes to the Connecticut-grown program, and revisions to penalties for violating produce safety and seed laws are effective October 1, 2021.

§§ 1, 2 & 6 — CONNECTICUT FARMERS' MARKET NUTRITION PROGRAMS

The bill adds chicken eggs to the definition of "fresh produce" for purposes of the Connecticut farmers' market WIC and senior nutrition programs. Under current law, fresh produce includes unprocessed fruits and vegetables. The programs, which the Department of Agriculture (DoAg) administers, provide eligible participants vouchers redeemable for fresh produce at designated farmers' markets.

The bill also requires the program vouchers that DoAg issues to have a value of at least \$20. Currently, WIC and senior participants receive \$15 and \$18 in vouchers, respectively.

§ 3 — CONNECTICUT-GROWN PROGRAM CHANGES

The bill allows farm products grown or produced in Connecticut to be marketed as "CT-Grown" as well as "Connecticut-Grown." By law, if farm products are grown or produced in the state or within a 10-mile radius of the point of sale, they may be labeled as "native," "native-grown," "local," or "locally-grown."

The bill restricts who has to furnish proof of a farm product's point of origin within 10 days of sale to the DoAg commissioner or his designee upon request. Under current law, anyone who advertises farm products with any of the above terms must furnish this proof. The bill eliminates this requirement for producers using the terms "native," "native-grown," "local," or "locally-grown." It also extends the requirement of furnishing proof to anyone labeling, as well as advertising, farm products with the terms "Connecticut-Grown" or

“CT-Grown.” A person who violates these provisions is fined up to \$100 for each product label in violation.

By law, when a person sells a farm product at a farmers’ market as “Connecticut-Grown,” he or she must place a sign in the immediate proximity of the product. The bill also requires a sign if selling a product as “CT-Grown” and revises the sign’s content. Instead of including the business’s address, the sign must include the town for the farm of origin. A person who violates this requirement receives a warning for the first violation and a \$100 fine for subsequent violations.

§ 4 — PRODUCE SAFETY LAW VIOLATIONS

The bill revises the penalties for violating the state’s produce safety laws and applies them to violations of the federal Food Safety Modernization Act’s produce safety rule. Currently, the law sets a range of fines as penalties (i.e., from \$25 to \$50 for a first offense and from \$100 to \$200 for a subsequent offense). The bill instead sets specific dollar fines as follows: \$50 for a first offense and \$200 for a subsequent offense.

By law, in addition to fines, the DoAg commissioner may deny, suspend, or revoke any license issued under the produce safety laws for violations. The bill also allows him to deny, suspend, or revoke any permit certificate or registration issued under the laws. The bill specifically requires the commissioner to take any such action in accordance with the state’s Uniform Administrative Procedure Act.

The bill also eliminates as a violation obstruction or hindrance of the Department of Consumer Protection (DCP) commissioner’s actions under the produce safety rules. By law, DoAg enforces the rules, not DCP.

§ 5 — SEED LAW VIOLATIONS

The bill reduces the penalty for violating Connecticut’s seed law (e.g., labeling, sales, and record keeping requirements). Currently the penalty is a class D misdemeanor with a specified fine of \$100 for a

first offense and \$200 for a subsequent offense. A class D misdemeanor is punishable by up to 30 days' imprisonment, a fine, or both. The bill removes the class D misdemeanor penalty, leaving the specified monetary fines in place.

§§ 7-9 — FARMERS' MARKET WIC NUTRITION PROGRAM PROXIES AND VENDORS

The bill allows for a Connecticut farmers' market WIC nutrition program participant to use a proxy to pick up and redeem program vouchers, revises voucher signature requirements, and extends the duration of a market vendor certification.

By law, a WIC participant must sign the voucher in the presence of DoAg staff when the vouchers are distributed. The bill allows a participant's proxy to acknowledge receipt of the vouchers by the participant's or proxy's written, electronic, or verbal communication.

Under current law, a proxy is not allowed, except for a parent or guardian acting on behalf of a child or a husband acting on behalf of his wife. Under the bill, any adult may act as a proxy for a WIC participant as long as the participant designates the adult as his or her proxy in writing.

Currently, a WIC participant must countersign a program voucher in the presence of a farmers' market certified vendor when redeeming it. The bill instead requires the participant to countersign the voucher before using it.

Under the WIC nutrition program, vendors cannot accept vouchers from participants unless DoAg certifies the vendors to do so. Currently, vendor certification expires at the end of each year. Under the bill, certification instead remains valid for three years.

§ 10 — FARM VIABILITY MATCHING GRANT PROGRAM

The bill expands the purposes of DoAg's farm viability matching grant program to include "the development of urban and nontraditional farming practices."

Under existing law, the grants may be used to (1) fund capital projects fostering agricultural viability (e.g., farmers' markets and processing facilities); (2) develop and implement land use regulations and farmland protection strategies that sustain and promote local agriculture; (3) develop new marketing programs and venues for products grown in the state; and (4) develop and implement programs and services to promote farm and farmland access and farm transfers. Farm viability grants are available to nonprofit agricultural organizations, municipalities, groups of municipalities, and regional councils of government.

§§ 11-13 — CONNECTICUT MARKETING AUTHORITY REPEAL

The bill eliminates the Connecticut Marketing Authority from within DoAg and related statutes. The authority was primarily responsible for the Connecticut regional market in Hartford, but ownership of the market transferred to the Capital Region Development Authority in January 2019 under PA 18-154.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 1 (02/26/2021)