



# House of Representatives

General Assembly

**File No. 134**

January Session, 2021

Substitute House Bill No. 6385

*House of Representatives, March 25, 2021*

The Committee on Environment reported through REP. BORER of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING ENHANCEMENTS TO CERTAIN AGRICULTURAL PROGRAMS.**

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

1 Section 1. Subdivision (13) of section 22-6g of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2021*):

4 (13) "Fresh produce" means fruits and vegetables that have not been  
5 processed in any manner and chicken eggs;

6 Sec. 2. Section 22-6q of the general statutes is repealed and the  
7 following is substituted in lieu thereof (*Effective October 1, 2021*):

8 (a) There is established the Connecticut Farmers' Market/Senior  
9 Nutrition Program which shall be provided for from funds available to  
10 the commissioner and from other sources as such funds may become  
11 available. The program shall supply Connecticut-grown fresh produce  
12 to senior participants through the distribution of vouchers that are

13 redeemable only at designated Connecticut farmers' markets. For  
14 purposes of this section, a "senior participant" is defined as a person who  
15 is sixty years of age or older and is currently residing in elderly housing,  
16 or is a participant of a registered congregate meal site, or has been  
17 identified by a municipal elderly agent as being at nutritional risk. The  
18 program is designed to provide both a supplemental source of fresh  
19 produce for the dietary needs of seniors who are judged to be at  
20 nutritional risk and to stimulate an increased demand for Connecticut-  
21 grown produce at Connecticut farmers' markets. For purposes of this  
22 section, "fresh produce" means fruits and vegetables that have not been  
23 processed in any manner and chicken eggs.

24 (b) The program shall be administered by the Commissioner of  
25 Agriculture who shall maintain all conditions for its operations.

26 Sec. 3. Section 22-38 of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective October 1, 2021*):

28 (a) For purposes of this section, "farm products" means products  
29 resulting from the practice of agriculture or farming, as defined in  
30 section 1-1 and "Connecticut-Grown" or "CT-Grown" means produce  
31 and other farm products that have a traceable point of origin within  
32 Connecticut.

33 (b) Only farm products grown or produced in Connecticut shall be  
34 advertised or sold in Connecticut as "Connecticut-Grown" or "CT-  
35 Grown". Farm products grown or produced in Connecticut may be  
36 advertised or sold in Connecticut as "Native", "Native-Grown", "Local"  
37 or "Locally-Grown". Farm products grown or produced within a ten-  
38 mile radius of the point of sale for such farm products may be advertised  
39 or sold in Connecticut as "Native", "Native-Grown", "Local", or "Locally-  
40 Grown". Any person, firm, partnership or corporation advertising or  
41 labeling farm products as ["Native", "Native-Grown", "Local", "Locally-  
42 Grown", or] "Connecticut-Grown" or "CT-Grown" shall be required to  
43 furnish written proof within ten days of the sale of such products that  
44 such products were grown or produced in Connecticut or within a ten-  
45 mile radius of the point of sale, as applicable, if requested to do so by

46 the Commissioner of Agriculture or said commissioner's designee. Any  
47 person who violates any provision of this subsection shall be fined not  
48 more than one hundred dollars for each product label in violation of this  
49 subsection.

50 (c) In addition to the provisions of subsection (b) of this section, any  
51 person who sells any farm product as "Connecticut-Grown" or "CT-  
52 Grown" at a farmers' market in this state shall offer such product for sale  
53 in the immediate proximity of a sign that is: (1) Readily visible to  
54 consumers, (2) not less than three inches by five inches in size, and (3)  
55 in a form that is substantially as follows:

56 [THIS FARM PRODUCT IS] CONNECTICUT-GROWN FARM  
57 PRODUCT. [THIS FARM PRODUCT WAS GROWN OR PRODUCED  
58 BY THE FOLLOWING PERSON OR BUSINESS:] (INSERT THE NAME  
59 AND [ADDRESS OF PERSON OR BUSINESS]) THE TOWN FOR THE  
60 FARM OF ORIGIN).

61 The lettering on any such sign shall be of a size, font or print that is  
62 clearly and easily legible. Such a sign shall accompany each type of farm  
63 product that any such person sells as "Connecticut-Grown" or "CT-  
64 Grown". Any person who violates the provisions of this subsection shall  
65 receive a warning for the first violation and for any subsequent violation  
66 shall be fined one hundred dollars for each violation.

67 Sec. 4. Section 22-39f of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective October 1, 2021*):

69 Any person who fails to comply with the provisions of sections 22-  
70 39a to 22-39e, inclusive, section 22-39g, any regulation adopted pursuant  
71 to subsection (h) of section 22-39g or who obstructs or hinders the  
72 Commissioner of Agriculture or the [Commissioner of Consumer  
73 Protection or any of their] commissioner's authorized agents in the  
74 performance of their duties under the provisions of said sections, shall  
75 be fined [not less than twenty-five dollars or more than] fifty dollars for  
76 the first offense and [not less than one hundred dollars or more than]  
77 two hundred dollars for each subsequent offense. In addition to such

78 fine, the Commissioner of Agriculture is authorized to deny, suspend or  
79 revoke [the] any license, permit, certificate or registration provided for  
80 in said sections issued to such person, in accordance with the provisions  
81 of chapter 54.

82 Sec. 5. Section 22-61j of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective October 1, 2021*):

84 Any person who violates the provisions of sections 22-61c to 22-61f,  
85 inclusive, [shall be guilty of a class D misdemeanor and] shall be fined  
86 one hundred dollars for the first offense and two hundred dollars for  
87 each subsequent offense.

88 Sec. 6. (NEW) (*Effective July 1, 2021*) On and after July 1, 2021, any  
89 voucher issued by the Commissioner of Agriculture pursuant to section  
90 22-6p or 22-6q of the general statutes, as amended by this act, shall have  
91 a value of not less than twenty dollars.

92 Sec. 7. Section 22-6i of the general statutes is repealed and the  
93 following is substituted in lieu thereof (*Effective from passage*):

94 (a) The Department of Public Health WIC client screening processes  
95 and records shall provide the basis for identifying participants eligible  
96 for receipt of vouchers.

97 (b) Local WIC agencies shall distribute vouchers at designated  
98 distribution clinics to participants in the manner specified by the  
99 department in the program and procedures guide for distribution clinic  
100 staff. Local WIC agency services shall ensure that:

101 (1) Vouchers are distributed only to participants through verification  
102 that the client name and number on the distribution registry provided  
103 by the Department of Public Health correspond with the client name  
104 and number printed on the WIC identification folder in the possession  
105 of the participant.

106 (2) Each eligible participant is issued five three-dollar vouchers  
107 during each distribution as authorized by the department.

108 (3) The voucher serial numbers issued to the participant correspond  
109 to the number in the distribution registry in which the participant  
110 signature is affixed.

111 (4) Each voucher issued and the distribution registry are properly  
112 signed by the participant in the presence of local agency staff at the time  
113 of distribution or, if a proxy is utilized, a written, electronic or verbal  
114 communication is made by the participant or such proxy which  
115 acknowledges receipt from the local agency staff at the time of  
116 distribution.

117 (5) [A proxy is not allowed to act on behalf of a participant, except in  
118 the case of a parent or legal guardian acting on behalf of a participant  
119 child or infant, or in the case of a husband acting on behalf of his wife.]  
120 Any adult may act as a proxy provided the participant designates such  
121 adult as his or her proxy in writing.

122 (6) Each participant is provided a thorough explanation of program  
123 guidelines and participant responsibility as outlined by the department.

124 (7) All CFM/WIC support materials are put into use as outlined by  
125 the department.

126 (8) Accurate and complete records of all related CFM/WIC activities  
127 in the possession of a WIC local agency are maintained and retained for  
128 a minimum of four years. In the event of litigation, negotiation, or audit  
129 findings, the records shall be retained until all issues arising from such  
130 actions have been resolved or until the end of the regular four-year  
131 period, whichever is later.

132 (9) All agency records pertaining to this program shall be made  
133 available for inspection to representatives of USDA-FNS, the  
134 Comptroller General of the United States, the state Auditors of Public  
135 Accounts, the department, and the Department of Public Health as  
136 necessary, at any time during normal business hours, and as frequently  
137 as is deemed necessary for inspection and audit. Confidentiality of  
138 personal information shall be maintained as to all program participants

139 at all times.

140 Sec. 8. Section 22-6j of the general statutes is repealed and the  
141 following is substituted in lieu thereof (*Effective from passage*):

142 Participants shall be responsible for:

143 (1) Qualifying under WIC program guidelines and attending a  
144 designated distribution clinic during the relevant distribution cycles  
145 when vouchers are dispersed;

146 (2) Properly countersigning a voucher [at time of use in the presence  
147 of the certified vendor who is accepting each voucher in exchange for  
148 fresh produce] prior to use;

149 (3) Using vouchers only to purchase Connecticut-grown fresh  
150 produce from certified vendors who display CFM/WIC signs at  
151 authorized farmers' markets;

152 (4) Redeeming vouchers on or before the expiration date printed on  
153 the face of the voucher or surrendering all claim to the value of vouchers  
154 that remain unredeemed;

155 (5) Ensuring vouchers that are received are not assigned to any other  
156 party other than as provided by the department;

157 (6) Reporting violations or problems to the department or the local  
158 agency; and

159 (7) Reporting all incidents of lost or stolen vouchers to the local  
160 agency.

161 Sec. 9. Subsection (b) of section 22-6l of the general statutes is repealed  
162 and the following is substituted in lieu thereof (*Effective from passage*):

163 (b) [Vendor certification shall expire at the end of each year of  
164 issuance.] Each vendor certification shall be valid for three years. The  
165 department shall not limit the number of vendors who may become  
166 certified under CFM/WIC. A vendor who satisfies all the following

167 criteria shall be certified to accept vouchers:

168 (1) Agrees to maintain only Connecticut-grown fresh produce on  
169 display in a certified vendor stall;

170 (2) Indicates an intent to participate in one or more authorized  
171 farmers' markets;

172 (3) Demonstrates participation in training on CFM/WIC rules and  
173 procedures through attendance in an entire session of one of the  
174 scheduled training meetings conducted by department staff;

175 (4) Submits a signed statement of receipts of a vendor certification  
176 handbook;

177 (5) Submits a completed application and crop plan to the department  
178 prior to the deadline established by the department; and

179 (6) Submits completed and signed certified vendor agreements to the  
180 department.

181 Sec. 10. Section 22-26j of the general statutes is repealed and the  
182 following is substituted in lieu thereof (*Effective from passage*):

183 The Department of Agriculture shall establish and administer a farm  
184 viability matching grant program to any agricultural not-for-profit  
185 organization, municipality, group of municipalities, regional council of  
186 governments organized under the provisions of sections 4-124i to 4-  
187 124p, inclusive, or group of municipalities that have established a  
188 regional interlocal agreement pursuant to sections 7-339a to 7-339l,  
189 inclusive, to further agricultural viability. Such grants may be used for  
190 the following purposes: (1) Local capital projects that foster agricultural  
191 viability, including, but not limited to, processing facilities and farmers'  
192 markets; (2) the development and implementation of agriculturally  
193 friendly land use regulations and local farmland protection strategies  
194 that sustain and promote local agriculture; (3) the development of new  
195 marketing programs and venues through or in which a majority of  
196 products sold are grown in the state; [and] (4) the development and

197 implementation of programs and services that promote farm and  
198 farmland access and transfer of such farms; and (5) the development of  
199 urban and nontraditional farming practices.

200 Sec. 11. Subsection (d) of section 4b-3 of the general statutes is  
201 repealed and the following is substituted in lieu thereof (*Effective from*  
202 *passage*):

203 (d) Notwithstanding any other statute or special act to the contrary,  
204 the Commissioner of Administrative Services shall be the sole person  
205 authorized to represent the state in its dealings with third parties for the  
206 construction, development, acquisition or leasing of real estate for  
207 housing the offices or equipment of all agencies of the state or for the  
208 state-owned public buildings or realty, as provided for in sections 2-90,  
209 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-32,  
210 subsection (c) of section 4b-66 and sections 4b-67 to 4b-69, inclusive, 4b-  
211 71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-  
212 655, [22-64,] 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f,  
213 except that (1) the Joint Committee on Legislative Management may  
214 represent the state in the planning and construction of the Legislative  
215 Office Building and related facilities, in Hartford; (2) the Chief Court  
216 Administrator may represent the state in providing for (A) space for the  
217 Court Support Services Division as part of a new or existing contract for  
218 an alternative incarceration program pursuant to section 54-103b or a  
219 program developed pursuant to section 46b-121k, or (B) other real estate  
220 needs of the Judicial Branch when delegated authority to do so by the  
221 Commissioner of Administrative Services; (3) the board of trustees of a  
222 constituent unit of the state system of higher education may represent  
223 the state in the leasing of real estate for housing the offices or equipment  
224 of such constituent unit, provided no lease payments for such realty are  
225 made with funds generated from the general revenues of the state; (4)  
226 the Labor Commissioner may represent the state in the leasing of  
227 premises required for employment security operations as provided in  
228 subsection (c) of section 31-250; (5) the Commissioner of Developmental  
229 Services may represent the state in the leasing of residential property as  
230 part of the program developed pursuant to subsection (b) of section 17a-

231 218, provided such residential property does not exceed two thousand  
232 five hundred square feet, for the community placement of persons  
233 eligible to receive residential services from the department; (6) the  
234 Commissioner of Mental Health and Addiction Services may represent  
235 the state in the leasing of residential units as part of a program  
236 developed pursuant to section 17a-455a, provided each such residential  
237 unit does not exceed two thousand five hundred square feet; and (7) the  
238 Connecticut Marketing Authority may represent the state in the leasing  
239 of land or markets under the control of the Connecticut Marketing  
240 Authority, and, except for the housing of offices or equipment in  
241 connection with the initial acquisition of an existing state mass transit  
242 system or the leasing of land by the Connecticut Marketing Authority  
243 for a term of one year or more in which cases the actions of the  
244 Department of Transportation and the Connecticut Marketing  
245 Authority shall be subject to the review and approval of the State  
246 Properties Review Board. The Commissioner of Administrative Services  
247 may establish and implement any procedures necessary for the  
248 commissioner to assume the commissioner's responsibilities as said sole  
249 bargaining agent for state realty acquisitions and shall perform the  
250 duties necessary to carry out such procedures. The Commissioner of  
251 Administrative Services may appoint, within the department's budget  
252 and subject to the provisions of chapter 67, such personnel deemed  
253 necessary by the commissioner to carry out the provisions of this  
254 section, including experts in real estate, construction operations,  
255 financing, banking, contracting, architecture and engineering. The  
256 Attorney General's office, at the request of the Commissioner of  
257 Administrative Services, shall assist the commissioner in contract  
258 negotiations regarding the purchase, lease or construction of real estate.

259 Sec. 12. Subsection (a) of section 51-344a of the general statutes is  
260 repealed and the following is substituted in lieu thereof (*Effective from*  
261 *passage*):

262 (a) Whenever the term "judicial district of Hartford-New Britain" or  
263 "judicial district of Hartford-New Britain at Hartford" is used or referred  
264 to in the following sections of the general statutes, it shall be deemed to

265 mean or refer to the judicial district of Hartford on and after September  
 266 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-71a, 4-61, 4-160,  
 267 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g, 9-7a, 9-7b, 9-369b,  
 268 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-405k, 12-422, 12-448,  
 269 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-586f, 12-  
 270 597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375, 14-57, 14-66, 14-67u, 14-  
 271 110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-125, 15-126, 16-41, 16a-5,  
 272 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-  
 273 498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e, 20-29, 20-40, 20-45, 20-59,  
 274 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154, 20-156, 20-162p, 20-192, 20-  
 275 195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271, 20-307, 20-  
 276 341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 22-7, [22-64,] 22-228,  
 277 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386, 22a-6b, 22a-7, 22a-16,  
 278 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119,  
 279 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-  
 280 226c, 22a-227, 22a-250, 22a-255l, 22a-276, 22a-310, 22a-342a, 22a-344, 22a-  
 281 361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-  
 282 449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-161z,  
 283 29-323, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-  
 284 285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-  
 285 494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27, 36b-30,  
 286 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134, 38a-139,  
 287 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241,  
 288 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817,  
 289 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k, 42-110p,  
 290 42-182, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-  
 291 392d and 54-211a.

292 Sec. 13. Sections 22-62 to 22-73, inclusive, and sections 22-75 to 22-77,  
 293 inclusive, and section 22-78a of the general statutes are repealed.  
 294 (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	22-6g(13)

Sec. 2	<i>October 1, 2021</i>	22-6g
Sec. 3	<i>October 1, 2021</i>	22-38
Sec. 4	<i>October 1, 2021</i>	22-39f
Sec. 5	<i>October 1, 2021</i>	22-61j
Sec. 6	<i>July 1, 2021</i>	New section
Sec. 7	<i>from passage</i>	22-6i
Sec. 8	<i>from passage</i>	22-6j
Sec. 9	<i>from passage</i>	22-61(b)
Sec. 10	<i>from passage</i>	22-26j
Sec. 11	<i>from passage</i>	4b-3(d)
Sec. 12	<i>from passage</i>	51-344a(a)
Sec. 13	<i>from passage</i>	Repealer section

**Statement of Legislative Commissioners:**

In Section 9, the first sentence of Subsec. (b) was re-written for clarity and in Section 13, the reference to Section "22-78" was changed to "Section 22-78a", for accuracy.

**ENV**      *Joint Favorable Subst.*

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:**

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Department of Agriculture	GF - Cost	125,832	125,832
Resources of the General Fund	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill makes changes to various agricultural laws and programs.

**Section 3** alters labeling verbiage on farm products marketed under the "CT-Grown" program by the Department of Agriculture (DoAg). Violations of the new labeling requirements under the bill receive a warning for the first violation and a \$100 fine for subsequent violations. This may result in a minimal revenue gain to the General Fund, to the extent violations occur and are enforced by DoAg.

**Section 4** revises the penalties for violating the state's produce safety laws and applies them to violations of the federal Food Safety Modernization Act's (FSMA) produce safety rule. Currently, the FSMA law sets a range of fines as penalties (from \$25 to \$50 for a first offense and from \$100 to \$200 for subsequent offenses). Instead, the bill sets fines: \$50 for the first offense and \$200 for a subsequent offense. This is not anticipated to have a fiscal impact, as total revenue associated with these fines is minimal.

**Section 5** of the bill reduces the penalty for violating Connecticut's seed law (labeling, sales, and record keeping requirements). Currently,

the penalty is a class D misdemeanor with a fine of \$100 for a first offense and \$200 for a subsequent offense. The bill removes the class D misdemeanor penalty, leaving the specified monetary fines in place. This has no fiscal impact as there have been no violations under the current statute for the past five years.

**Section 6** requires the farmers' market WIC and senior nutrition program vouchers, also administered by DoAg, to have a value of at least \$20. Currently, eligible program participants receive \$15 and \$18 in vouchers, respectively. Increasing the dollar amount of the WIC and senior nutrition vouchers to \$21 would result in annual costs to DoAg of \$125,832.<sup>1</sup>

**Section 10** expands the purposes of DoAg's farm viability matching grant program to include "the development of urban and nontraditional farming practices." This has no fiscal impact to the General Fund, but it may cause reserves within the nonlapsing account of the Community Investment Act to be expended faster than they otherwise would have been. The current balance in this account is \$717,592, and in FY 20 the account expended was \$549,937.

**Sections 11 - 13** eliminate the Connecticut Marketing Authority within DoAg. This has no fiscal impact as the Hartford Regional Market was transferred to the Capital Region Development Authority in January 2019 (FY 20) under PA 18-154.

Other sections and provisions of the bill make various changes that have no fiscal impact.

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<sup>1</sup> This estimate assumes the dollar amount of the vouchers is increased to \$21 to be consistent with the program's current practice of using vouchers in multiples of \$3.

**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."

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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)