
OLR Bill Analysis

sHB 5295 (as amended by House "A")*

AN ACT CONCERNING AGRICULTURE DEVELOPMENT AND INNOVATION.

SUMMARY

This bill makes a variety of changes in agriculture-related statutes.

The bill reconstitutes the Governor's Council for Agricultural Development. It renames it the Governor's Council for Agricultural Development and Innovation, places it within the Department of Agriculture (DoAg) for administrative purposes only, changes its membership, and revises its purposes.

Additionally, the bill does the following:

1. prohibits anyone from selling or transporting for sale, any agricultural, vegetable, lawn, or turf seed unless it is labeled in accordance with state law by a seed labeler, who must register annually with DoAg;
2. allows people to import reindeer into the state anytime of the year, for up to seven days at a time, instead of only between Thanksgiving and New Year's Day;
3. requires town clerks to provide a person with a disability a license and tag, at no cost, for his or her dog that is a trained service animal, animal in training to become a service animal, or therapy animal enrolled in the Department of Children and Families (DCF) Animal Assistance Intervention Program;
4. requires the DoAg commissioner to convene a working group with the Connecticut Town Clerks Association to develop a plan for a statewide online dog licensing portal; and
5. repeals the Interagency Aquaculture Coordinating Committee

and the Aquaculture Advisory Council.

Lastly, the bill makes other minor and technical changes.

*House Amendment "A" replaces the underlying bill with similar provisions. In doing so, it (1) reinstates qualifications for appointees to the governor's council and sets a three-year term limit for the appointees; (2) modifies the requirements for licensing dogs that are service animals, including by incorporating a federal definition and delaying the effective date; and (3) adds members to the dog licensing workgroup and requires them to meet within 30 days, instead of 90 days, after the bill's passage.

EFFECTIVE DATE: October 1, 2022, except the provisions (1) on seeds are effective July 1, 2022; (2) creating a dog licensing working group and repealing the aquaculture committee and council are effective upon passage; and (3) related to service animals are effective June 1, 2023.

§ 1 — AQUACULTURE INCLUDES LONGLINES

The bill expands the definition of aquaculture to include longlines (long, heavy fishing lines, often with hooks). Thus, aquaculture operations may use longlines when rearing, cultivating, or harvesting aquatic plants or animals. By law, (1) they may already use other equipment (e.g., tanks, containers, nets) and (2) "agriculture" includes "aquaculture" for purposes of various DoAg statutes.

§ 2 — COUNCIL FOR AGRICULTURAL DEVELOPMENT AND INNOVATION

The bill renames the Governor's Council for Agricultural Development as the Governor's Council for Agricultural Development and Innovation, places it within DoAg for administrative purposes only, and revises its purposes.

Under current law, the council makes recommendations to DoAg on ways to increase the amount spent on CT-Grown products. The bill instead requires that the council's recommendations be about ways to increase agriculture in the state by developing innovative market

opportunities (e.g., urban agriculture, controlled environment agriculture, adopting new technologies, diversifying products).

As under existing law, the council must meet at least quarterly. The bill also requires it to meet as often as the chairperson (i.e., the DoAg commissioner) deems necessary or whenever a membership quorum requests to meet. (A majority of members constitutes a quorum.)

Membership

The bill changes the council's membership by (1) adding the Connecticut Agricultural Experiment Station (CAES) director or his designee as the 16th member and (2) replacing the Milk Promotion Board chairperson with the Farm Bureau's executive director or designee. It names the CAES director and UConn's College of Agriculture and Natural Resources dean (or their designees) co-vice-chairpersons.

Additionally, the bill modifies the specified qualifications for some of the gubernatorial and legislative appointees, as shown in Table 1. It also (1) requires that the applicable appointing authorities, rather than only the governor, fill vacancies and (2) sets a three-year term for appointed members.

Table 1: Appointee Qualifications Under Current Law and the Bill

<i>Appointing Authority</i>	<i>Qualifications Under Current Law</i>	<i>Qualifications Under the Bill</i>
Governor (6)	All must be actively engaged in agriculture production	All must be actively engaged in agriculture or aquaculture production, with at least one being socially disadvantaged (as defined by USDA) and at least one engaged in aquaculture production
House speaker (1)	Engaged in agricultural processing	Engaged in urban agricultural production
Senate president pro tempore (1)	Engaged in agricultural marketing	Engaged in agricultural marketing
House majority leader (1)	Engaged in agricultural sales	A new and beginning farmer (as defined by USDA)
Senate majority leader (1)	From a trade association	From a trade association

<i>Appointing Authority</i>	<i>Qualifications Under Current Law</i>	<i>Qualifications Under the Bill</i>
House minority leader (1)	From the green industry	From the green industry
Senate minority leader (1)	Actively engaged in agricultural education	Actively engaged in agricultural education

§ 3 — SEEDS AND SEED LABELERS

The bill prohibits anyone from selling, or offering, exposing, or transporting for sale, any agricultural, vegetable, lawn, or turf seed unless it is labeled in accordance with state law by a registered seed labeler. (Existing law already prohibits the sale of unlabeled seeds, and exempts some seeds from the labeling requirements, in certain circumstances (CGS §§ 22-61d(a) & -61f).)

The bill requires seed labelers to register annually with the DoAg commissioner. It sets the registration fee at \$100 and specifies that registrations expire each March 31.

A violation of the above provisions is subject to a fine of \$100 for the first offense and \$200 for each subsequent offense (CGS § 22-61j). Among other enforcement provisions, existing law also allows seed control officers to issue “stop sale” orders for seeds that do not comply with the law’s labeling and other requirements (CGS §§ 22-61g to -61i).

§ 4 — REINDEER IMPORTATION

Existing law allows people to import reindeer into the state between Thanksgiving and New Year’s Day. The bill additionally allows people to do so for up to seven days at a time anytime of the year. The importation must comply with state law requirements (e.g., reindeer identification, veterinary reports, health documentation for the originating herd).

§ 5 — LICENSES FOR SERVICE AND THERAPY ANIMALS

Current law requires town clerks to provide a license and tag, at no cost, for any dog that (1) belongs to or is kept by a person who is blind, deaf, or mobility-impaired and (2) has been trained and educated to guide and assist the person with traveling on public streets. The bill instead requires town clerks to provide a person with a disability (i.e.,

an intellectual, physical, mental, or learning disability) a license and tag, at no cost, for his or her dog that is (1) a trained service animal, (2) animal in training to become a service animal, or (3) therapy animal enrolled in DCF's Animal Assistance Intervention Program.

Under DCF's program, a "therapy animal" is trained to provide comfort to individuals who (1) experienced mental, physical, or emotional trauma; (2) witnessed, or have been a victim of, an act of violence; or (3) have behavioral health care needs (CGS § 17a-22ee). The bill defines "service animal" as in federal law (i.e., a dog that is individually trained to do work or perform tasks to benefit a person with a disability) and includes a service animal in training.

Current law prohibits town clerks from licensing dogs in this manner, if they have not been licensed before, without written evidence that the dog is trained, educated, and intended to perform guide service for the applicant. The bill instead allows a town clerk, in cases where the dog has not been licensed before and it is not obvious that the dog is a service animal, to ask the applicant if the dog is a service animal needed due to a disability and what tasks it is trained to perform.

§ 6 — DOG LICENSING WORKGROUP

The bill requires the DoAg commissioner to convene a working group with the Connecticut Town Clerks Association ("association") to develop a plan for a statewide online dog licensing portal. The commissioner and association president, or their designees, must serve as the co-chairpersons and convene the first meeting within 30 days after the bill's passage.

The working group must include DoAg representatives, association members, a Connecticut Conference of Municipalities representative, a Council of Small Towns representative, and other people or organizations the co-chairpersons deem necessary.

Under the bill, the plan must provide for (1) pre-use testing of the portal by each category of intended users and (2) a statewide implementation date. The co-chairpersons must submit the plan and

related legislative proposals to the Environment Committee by January 1, 2023.

§ 7 — PROVISIONS REPEALED

The bill repeals both the Interagency Aquaculture Coordinating Committee (CGS § 22-11e) and the Aquaculture Advisory Council (CGS § 26-192m).

Under current law, the interagency committee is (1) comprised of DoAg, the Department of Energy and Environmental Protection, and the Department of Economic and Community Development and (2) required to develop and enhance aquaculture in the state. The advisory council is required to, among other things, (1) develop a plan to expand the shellfish industry in the state, (2) review the state's shellfish leasing process and make recommendations about it, and (3) provide recommendations on DoAg's Bureau of Aquaculture policies. In practice, the committee has not been active for several years and the council never convened.

BACKGROUND

Related Bill

sHB 5232 (File 81), favorably reported by the Human Services Committee and passed by the House, broadens the applicability of protections and provisions related to guide dogs or assistance dogs by replacing references to these throughout the general statutes with the federally defined term "service animal." It also applies certain existing provisions to service animals in training.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 20 Nay 11 (03/29/2022)