



# House of Representatives

**File No. 681**

General Assembly

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*February Session, 2022*      **(Reprint of File No. 472)**

Substitute House Bill No. 5295  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 29, 2022

**AN ACT CONCERNING AGRICULTURE DEVELOPMENT AND  
INNOVATION.**

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

1        Section 1. Section 22-11c of the general statutes is repealed and the  
2        following is substituted in lieu thereof (*Effective October 1, 2022*):

3        (a) As used in sections 22-11d to 22-11f, inclusive, "aquaculture"  
4        means the controlled rearing, cultivation and harvest of aquatic plants  
5        and animals in land-based and marine-based culture systems, tanks,  
6        containers, impoundments, floating or submerged nets, longlines or  
7        pens and ponds.

8        (b) For purposes of this chapter "agriculture", as defined in subsection  
9        (q) of section 1-1, shall include aquaculture.

10       Sec. 2. Section 22-26e of the general statutes is repealed and the  
11       following is substituted in lieu thereof (*Effective October 1, 2022*):

12 (a) There is hereby established a Governor's Council for Agricultural  
13 [Development for advisory] Development and Innovation within the  
14 Department of Agriculture for administrative purposes only, consisting  
15 of the following members: (1) The Commissioner of Agriculture, who  
16 shall serve as the chairperson of the council, (2) the dean of the College  
17 of Agriculture and Natural Resources at The University of Connecticut,  
18 or the dean's designee, who shall serve as co-vice-chairperson, (3) the  
19 [chairperson] executive director of the Connecticut [Milk Promotion  
20 Board] Farm Bureau, or the [chairperson's] executive director's  
21 designee, (4) six members appointed by the Governor, who shall each  
22 be actively engaged in agricultural production or aquaculture  
23 production, provided not less than one of whom shall be socially  
24 disadvantaged, as defined by the United States Department of  
25 Agriculture, and not less than one of whom shall be engaged in  
26 aquaculture production, (5) one member appointed by the speaker of  
27 the House of Representatives, who shall be engaged in [agricultural  
28 processing] urban agriculture production, (6) one member appointed by  
29 the president pro tempore of the Senate, who shall be engaged in  
30 agricultural marketing, (7) one member appointed by the majority  
31 leader of the House of Representatives, who shall be [engaged in  
32 agricultural sales] a new and beginning farmer, as defined by the United  
33 States Department of Agriculture, (8) one member appointed by the  
34 majority leader of the Senate, who shall be from a trade association, (9)  
35 one member appointed by the minority leader of the House of  
36 Representatives, who shall be from the green industry, [and] (10) one  
37 member appointed by the minority leader of the Senate, who shall be  
38 actively engaged in agricultural education, and (11) the director of the  
39 Connecticut Agricultural Experiment Station, or the director's designee,  
40 who shall serve as the co-vice-chairperson. Each member appointed  
41 pursuant to subdivisions (4) to (10), inclusive, of this subsection shall  
42 serve for a term of three years from the date of such member's  
43 appointment.

44 (b) The council shall make recommendations to the Department of  
45 Agriculture on ways to increase [the percentage of consumer dollars

46 spent on Connecticut-grown fresh produce and farm products,  
47 including, but not limited to, ways to increase the amount of money  
48 spent by residents of the state on locally-grown farm products, by 2020,  
49 to not less than five per cent of all money spent by such residents on  
50 food] agriculture in the state by developing innovative market  
51 opportunities including, but not limited to, urban agriculture,  
52 integration and adoption of new technologies, controlled environment  
53 agriculture and diversification of products and opportunities. The  
54 council shall also make recommendations concerning the development,  
55 diversification and promotion of [agricultural products, programs and  
56 enterprises] agriculture in this state and shall provide for an interchange  
57 of ideas from the various commodity groups and organizations  
58 represented.

59 (c) The council shall meet not less than once per calendar quarter and  
60 (1) as often as deemed necessary by the chairperson, or (2) upon a call  
61 for such a meeting by a quorum of the membership of the council. A  
62 majority of the members on the council shall constitute a quorum. Any  
63 vacancy in the membership of the council shall be filled by the  
64 [Governor] applicable appointing authority. The members shall serve  
65 without compensation or reimbursement for expenses. Any member  
66 absent from more than two meetings in a calendar year shall be deemed  
67 to have resigned.

68 Sec. 3. Section 22-61d of the general statutes is amended by adding  
69 subsection (d) as follows (*Effective July 1, 2022*):

70 (NEW) (d) (1) No person shall sell, offer for sale, expose for sale or  
71 transport for sale any agricultural or vegetable seed or seed used for  
72 lawn or turf purposes that is not labeled in accordance with the  
73 provisions of section 22-61c.

74 (2) Any such labeling described in subdivision (1) of this subsection  
75 shall be performed by a person who is registered with the  
76 Commissioner of Agriculture.

77 (3) Any person who labels seed pursuant to subdivision (2) of this

78 subsection shall register annually with the Commissioner of  
79 Agriculture. The application for a seed labeler registration shall be  
80 submitted to the commissioner in a manner and on a form prescribed  
81 by the commissioner. The application shall be accompanied by a fee of  
82 one hundred dollars. All seed labeler registrations shall expire on March  
83 thirty-first of each year.

84 Sec. 4. Subsection (d) of section 26-57a of the general statutes is  
85 repealed and the following is substituted in lieu thereof (*Effective October*  
86 *1, 2022*):

87 (d) Until such time as regulations are adopted pursuant to subsection  
88 (a) of this section, any person may import one or more reindeer into the  
89 state during the period commencing on Thanksgiving Day of each year  
90 and ending on the immediately following New Year's Day, or for a  
91 period of time not to exceed seven days, provided (1) any reindeer so  
92 imported pursuant to this subsection is subsequently exported from the  
93 state no later than a week following the end of such period, and (2) such  
94 importation complies with the following requirements: Each reindeer so  
95 imported (A) is individually identified by a permanent metal ear tag,  
96 legible tattoo or microchip, (B) possesses a certified veterinary report of  
97 inspection documenting an inspection that occurred at least one day and  
98 not more than thirty days prior to entry into the state, (C) possesses  
99 documentation that verifies such reindeer (i) comes from a herd that is  
100 free of both tuberculosis and brucellosis, or (ii) tested negative for  
101 tuberculosis and brucellosis at least one day and not more than thirty  
102 days prior to entry into the state, and (D) possesses documentation that  
103 the originating herd participated in a state chronic wasting disease  
104 monitoring program (i) not less than the prior three years if from a state  
105 or province not known to have chronic wasting disease, or (ii) not less  
106 than the prior five years if from a state or province known to have  
107 chronic wasting disease outbreaks.

108 Sec. 5. Section 22-345 of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective June 1, 2023*):

110 Any [blind, deaf or mobility impaired] person with a disability who  
111 is the owner or keeper of a dog which [has been trained and educated  
112 to guide and assist such person in traveling upon the public streets or  
113 highways or otherwise] has been trained as a service animal, is in  
114 training to become a service animal for such person, is in training to  
115 become a service animal or is enrolled in a program described in section  
116 17a-22ee shall receive a license and tag for such dog from the town clerk  
117 of the town where such dog is owned or kept. Such license and tag shall  
118 be issued in accordance with the provisions of section 22-340, and no fee  
119 shall be required of the owner or keeper of any such dog. When any  
120 such dog has not been previously licensed, by the town clerk to whom  
121 application is being made and it is not obvious that the dog is a service  
122 animal, such town clerk [shall not license such dog or issue to the owner  
123 a license and tag unless written evidence is exhibited to such clerk that  
124 the dog is trained and educated and intended in fact to perform such  
125 guide service for such applicant] may inquire of such owner or keeper  
126 whether the dog is a service animal required because of a disability and  
127 what work or task the dog has been trained to perform. Any person who  
128 has a dog placed with such person temporarily, including for breeding  
129 purposes, by a nonprofit organization established for the purpose of  
130 training or educating [guide dogs to so assist blind, deaf or mobility  
131 impaired persons] the dog as a service animal shall receive a license and  
132 tag for such dog from the town clerk of the town where such dog is kept.  
133 Such license and tag shall be issued in accordance with the provisions  
134 of section 22-340, and no fee shall be required for such license and tag,  
135 provided such person presents [written evidence] confirmation that  
136 such dog was placed with such person by such organization. [As used  
137 in this section and section 46a-44, "deaf person" means a person who  
138 cannot readily understand spoken language through hearing alone and  
139 who may also have a speech defect which renders such person's speech  
140 unintelligible to most people with normal hearing.] As used in this  
141 section, (1) "disability" means any one or more of the following, as  
142 defined in section 46a-51: (A) An intellectual disability, (B) physically  
143 disabled, (C) a mental disability, or (D) a learning disability; and (2)  
144 "service animal" has the same meaning as provided in 28 CFR 35.104, as

145 amended from time to time, and includes a service animal in training.

146       Sec. 6. (*Effective from passage*) The Commissioner of Agriculture shall  
 147 convene a working group with the Connecticut Town Clerks  
 148 Association for the purpose of developing a plan to create a state-wide  
 149 online dog licensing portal. The commissioner and the president of the  
 150 Connecticut Town Clerks Association, or their designees, shall serve as  
 151 the co-chairpersons of such working group and shall convene the first  
 152 meeting of such working group not later than thirty days after the  
 153 effective date of this section. Such working group shall consist of  
 154 representatives of the Department of Agriculture, members of the  
 155 Connecticut Town Clerks Association, a representative from the  
 156 Connecticut Conference of Municipalities, a representative from the  
 157 Council of Small Towns and any other person or organization deemed  
 158 necessary by the commissioner and the president of the Connecticut  
 159 Town Clerks Association. Such plan shall include, but not be limited to,  
 160 provisions for the pre-use testing of the portal described in this section  
 161 by each category of intended users of such portal and a recommendation  
 162 for a date to implement the use of such portal on a state-wide basis. Not  
 163 later than January 1, 2023, the commissioner and the president of the  
 164 Connecticut Town Clerks Association shall submit such plan to the joint  
 165 standing committee of the General Assembly having cognizance of  
 166 matters relating to the environment in addition to any requisite  
 167 legislative proposals that are consistent with the components of such  
 168 plan.

169       Sec. 7. Sections 22-11e and 26-192m of the general statutes are  
 170 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	22-11c
Sec. 2	October 1, 2022	22-26e
Sec. 3	July 1, 2022	22-61d
Sec. 4	October 1, 2022	26-57a(d)
Sec. 5	June 1, 2023	22-345

Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	Repealer section

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 23 \$	FY 24 \$
Department of Agriculture	GF - Revenue Impact	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Revenue Loss	Less than \$100	Less than \$100

**Explanation**

The bill makes various changes to agriculture-related laws.

It prohibits anyone from selling any agricultural, vegetable, lawn, or turf seed unless it is labeled under current laws. Existing law currently prohibits the sale of unlabeled seeds. It requires seed labelers to register annually with DoAg and sets the registration fee at \$100. A violation of this provision is subject to a fine of \$100 for the first offense and \$200 for each subsequent offense. The bill could result in a minimal revenue gain to the resources of the General Fund associated with new registrations and to the extent violations occur.

Current law requires town clerks to provide free dog licenses and tags for dogs that belong to anyone who is blind, deaf, or mobility-impaired and that have been trained to guide their owner. Currently, \$1 of each dog license flows to municipalities, and \$5 flows to the general fund. The bill also expands eligibility for free municipal dog licenses if the dog is a therapy animal enrolled in the Animal Assistance



Intervention Program administered by the Department of Children and Families (DCF). There are 12 dogs currently enrolled in the DCF program.

The bill makes other changes that are not anticipated to result in a fiscal impact on the state or municipalities.

House "A" replaces the bill with the provisions and impacts described above.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of new seed registrations, any violations, and the number of dogs enrolled in the DCF program.

**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 16<sup>th</sup> 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**

<b><i>Appointing Authority</i></b>	<b><i>Qualifications Under Current Law</i></b>	<b><i>Qualifications Under the Bill</i></b>
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

<i>Appointing Authority</i>	<i>Qualifications Under Current Law</i>	<i>Qualifications Under the Bill</i>
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
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)