



General Assembly

January Session, 2023

Raised Bill No. 6725

LCO No. 4118



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT REVISING CERTAIN FARMING AND AQUACULTURE PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.

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

1 Section 1. Section 22-6c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) (1) The Commissioner of Agriculture may pay, not more than fifty
4 per cent of the cost in advance, or reimburse any farmer for part of the
5 cost [of compliance] to implement and comply with a comprehensive
6 farm nutrient management plan, farmland restoration and climate
7 resiliency plan or a farm resources management plan, [provided such
8 plan has been approved by the Commissioner of Energy and
9 Environmental Protection] including, within available appropriations,
10 for the cost of farm equipment purchases. The Commissioner of
11 Agriculture, [in cooperation with the United States Department of
12 Agriculture, may certify for] may approve for such payment or
13 reimbursement comprehensive farm nutrient management or farm
14 resources management plan practices that have been approved by the
15 Commissioner of Energy and Environmental Protection. [pursuant to

16 this section.] The total federal and state grant available to a farmer
17 pursuant to this subdivision shall not be more than ninety per cent of
18 such cost. [In making grants under this subsection, the Commissioner of
19 Agriculture shall give priority to capital improvements made in
20 accordance with a comprehensive farm nutrient management plan, a
21 farmland restoration and climate resiliency plan or a farm resources
22 management plan prepared pursuant to section 22a-354m.]

23 (2) Within available appropriations, the Commissioner of Agriculture
24 may pay, not more than fifty per cent of the cost, in advance, or
25 reimburse any farmer the cost to develop a farmland restoration and
26 climate resiliency plan. Such plan may require agricultural restoration
27 purposes and climate-smart agricultural and forestry practices, as such
28 terms are defined in section 22-6d. The total federal and state grant
29 available to a farmer pursuant to this subdivision shall not be more than
30 ninety per cent of such cost.

31 (b) [The Commissioner of Agriculture may pay, not more than fifty
32 per cent of the cost in advance, or reimburse any farmer for part of the
33 cost to develop, implement and comply with a farm resources
34 management plan or a farmland restoration and climate resiliency plan,
35 including for the costs of farm equipment purchases, provided such
36 plan has been approved by the commissioner. Such reimbursement or
37 payment shall not exceed fifty per cent of the cost of such plan or twenty
38 thousand dollars, whichever is less, except any such reimbursement or
39 payment for such a plan on any state-owned land or any municipally
40 owned land with an agricultural lease of five years or longer shall not
41 exceed ninety per cent of the cost of such plan or twenty thousand
42 dollars, whichever is less. The] Within available appropriations, the
43 Commissioner of Agriculture may pay not more than fifty per cent of
44 the cost, in advance, or reimburse any nonprofit organization, soil and
45 water conservation district, The University of Connecticut Extension
46 Services or any municipality the cost to: (1) Provide technical assistance,
47 (2) distribute grant funding to producers, (3) coordinate training
48 programs, (4) coordinate projects that pilot or demonstrate conservation
49 practices, (5) create tools that help reduce barriers to accessing assistance

50 for conservation practices on farms, (6) establish equipment-sharing
51 programs, or (7) other activities that will increase the number of farmers
52 who are implementing climate-smart agriculture and forestry practices.
53 [Such plan may require agricultural restoration and climate-smart
54 agricultural and forestry plans, practices and purposes, as defined in
55 section 22-6d.] The total federal and state grant available pursuant to
56 this subsection shall not be more than ninety per cent of such cost.

57 (c) For purposes of this section, "farmer" includes, but is not limited
58 to, any lessee or franchise holder of a state or town shellfish bed and
59 "farmland restoration and climate resiliency plan" means a conservation
60 plan of the United States Department of Agriculture's Natural Resources
61 Conservation Service, a conservation plan of a soil and water
62 conservation district established pursuant to section 22a-315 or a
63 conservation plan approved by the Commissioner of Agriculture.
64 "Farmland restoration and climate resiliency plan" includes agricultural
65 restoration purposes, as defined in section 22-6d, and conservation and
66 restoration plans for leased or franchised shellfish beds.

67 Sec. 2. Subdivision (5) of section 22-6r of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective from*
69 *passage*):

70 (5) "Connecticut-grown" [means produce and other farm products
71 that have a traceable point of origin within Connecticut] has the same
72 meaning as "Connecticut-Grown", as provided in section 22-38, as
73 amended by this act;

74 Sec. 3. Subsection (a) of section 22-26f of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective from*
76 *passage*):

77 (a) There shall be a State Veterinarian who shall be an employee of
78 the Department of Agriculture and shall serve as the [chief livestock]
79 state animal health official for the state. The Commissioner of
80 Agriculture may designate one or more veterinarians to exercise all or
81 part of the authority, powers and duties of the State Veterinarian in the

82 absence of the State Veterinarian. Any veterinarian designated by the
83 commissioner pursuant to this subsection shall meet the requirements
84 of subsection (b) of this section.

85 Sec. 4. Section 22-26j of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective from passage*):

87 The Department of Agriculture shall establish and administer [a farm
88 viability] an agricultural enhancement matching grant program to any
89 agricultural not-for-profit organization, municipality, group of
90 municipalities, regional council of governments organized under the
91 provisions of sections 4-124i to 4-124p, inclusive, or group of
92 municipalities that have established a regional interlocal agreement
93 pursuant to sections 7-339a to 7-339l, inclusive, to further agricultural
94 [viability] enhancement. Such grants may be used for the following
95 purposes: (1) Local capital projects that foster collective resources for
96 agricultural viability, including, but not limited to, processing facilities
97 and farmers' markets; (2) the development and implementation of
98 agriculturally friendly land use regulations and local farmland
99 protection strategies that sustain and promote local agriculture; (3) the
100 development of new marketing programs and venues through or in
101 which a majority of products sold are grown in the state; (4) the
102 development and implementation of programs and services that
103 promote farm and farmland access and transfer of such farms; and (5)
104 the development of urban and nontraditional farming practices.

105 Sec. 5. Subsection (d) of section 22-26bb of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective from*
107 *passage*):

108 (d) "Development rights" means the rights of the fee simple owner of
109 agricultural land to develop, construct on, sell, lease or otherwise
110 improve the agricultural land for uses that result in rendering such land
111 no longer agricultural land, but shall not be construed to include: (1) The
112 uses defined in subsection (q) of section 1-1, (2) the rights of the fee
113 owner of agricultural land to develop, construct on, sell, give or transfer

114 in any way the property in its entirety, or a portion thereof, lease the
115 property in its entirety, or a portion thereof, for a term of less than
116 twenty-five years or otherwise improve the agricultural land to
117 preserve, maintain, operate or continue such land as agricultural land,
118 including but not limited to construction thereon of residences for
119 persons directly incidental to farm operation and buildings for animals,
120 roadside stands and farm markets for sale to the consumer of food
121 products and ornamental plants, facilities for the storing of equipment
122 and products or processing thereof or such other improvements,
123 activities and uses thereon as may be directly or incidentally related to
124 the operation of the agricultural enterprise, as long as the acreage and
125 productivity of arable land for crops is not materially decreased and due
126 consideration is given to the impact of any decrease in acreage or
127 productivity of such arable land upon the total farm operation, except
128 that new construction or modification of an existing farm building
129 necessary to the operation of a farm on prime farmland, as defined by
130 the United States Department of Agriculture, of which the state has
131 purchased development rights shall be limited to not more than five per
132 cent of the total of such prime farmland, (3) the rights of the fee owner
133 to provide for the extraction of gravel or like natural elements to be used
134 on the farm for purposes directly or incidentally related to the operation
135 of the agricultural enterprise or (4) the existing water and mineral rights,
136 exclusive of gravel, of the fee owner;

137 Sec. 6. Section 22-38 of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective from passage*):

139 (a) For purposes of this section, "farm products" means products
140 resulting from the practice of agriculture or farming, as defined in
141 section 1-1 and "Connecticut-Grown" or "CT-Grown" means produce
142 and other farm products that have a traceable point of origin within
143 Connecticut.

144 (b) Only farm products grown or produced in Connecticut shall be
145 advertised or sold in Connecticut as "Connecticut-Grown" or "CT-
146 Grown". [Farm products grown or produced in Connecticut may be

147 advertised or sold in Connecticut as "Native", "Native-Grown", "Local"
148 or "Locally-Grown".] Farm products grown or produced within a ten-
149 mile radius of the point of sale for such farm products may be advertised
150 or sold in Connecticut as "Native", "Native-Grown", "Local" or "Locally-
151 Grown". Any person, firm, partnership or corporation advertising or
152 labeling farm products as "Connecticut-Grown" or "CT-Grown" shall be
153 required to furnish written proof within ten days of the sale of such
154 products that such products were grown or produced in Connecticut [or
155 within a ten-mile radius of the point of sale, as applicable,] if requested
156 to do so by the Commissioner of Agriculture or said commissioner's
157 designee. Any person who violates any provision of this subsection shall
158 be fined not more than one hundred dollars for each product label in
159 violation of this subsection.

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

166 CONNECTICUT-GROWN FARM PRODUCT. (INSERT THE NAME
167 AND THE TOWN FOR THE FARM OF ORIGIN).

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

174 Sec. 7. Section 22-39f of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective from passage*):

176 Any person who fails to comply with the provisions of sections 22-
177 39a to 22-39e, inclusive, or section 22-39g or 22-54u, any regulation
178 adopted pursuant to subsection (h) of section 22-39g or section 22-54u,

179 or who obstructs or hinders the Commissioner of Agriculture or the
180 commissioner's authorized agents in the performance of their duties
181 under the provisions of said sections, shall be fined fifty dollars for the
182 first offense and two hundred dollars for each subsequent offense. In
183 addition to such fine, the Commissioner of Agriculture is authorized to
184 deny, suspend or revoke any license, permit, certificate or registration
185 provided for in said sections issued to such person, in accordance with
186 the provisions of chapter 54.

187 Sec. 8. Section 22-47 of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective from passage*):

189 Producers selling eggs of their own producing direct to household
190 users are exempt from the provisions of this part, provided such eggs
191 are clean, stored at an ambient air temperature of not greater than forty-
192 five degrees Fahrenheit, are not adulterated and contain a label that is
193 not false or misleading and that includes the: (1) Producer's name and
194 address, (2) type of egg, if not chicken eggs, (3) quantity of eggs, and (4)
195 safe food handling instructions. All types of shippers selling eggs to a
196 first receiver who will grade them into the proper size and grade before
197 reselling are exempt from the provisions of this part

198 Sec. 9. Section 22-54s of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective from passage*):

200 (a) [Notwithstanding the provisions of section 4-9a, on or before the
201 fifteenth day of the month after the issuance of a market order the
202 commissioner shall appoint an Apple Marketing Board consisting of six
203 apple producers, a member of the general public and the Commissioner
204 of Economic and Community Development, or his designee, who shall
205 be a nonvoting member of the board. The members who are apple
206 producers shall be appointed from nominations submitted by the
207 Connecticut Pomological Society or any apple producer. Three of the
208 apple producers shall be from the area west of the Connecticut River
209 and three shall be from the area east of said river. The commissioner
210 shall also appoint three alternate members of the commission, one from

211 the area west of the Connecticut River, one from the area east of said
212 river and one who is a member of the general public. Alternates may
213 attend all meetings of the board. If a regular member of the board from
214 an area is absent, the chairperson may designate the alternate from such
215 area to act. The members shall serve terms of three years, provided of
216 the members first appointed, two members, one from each district, shall
217 serve for a term of one year; two members, one from each district shall
218 serve for a term of two years, and two members, one from each district,
219 shall serve for a term of three years. The alternates and the member
220 representing the general public shall be appointed for terms of three
221 years. Members of the board shall receive no compensation for their
222 services but shall be reimbursed for necessary expenses in the
223 performance of their duties. Such expenses shall be paid from money
224 collected by the commissioner in accordance with the provisions of
225 section 22-54r. At its first meeting the board shall elect a chairperson and
226 such other officers as it deems necessary. Four members who are apple
227 producers and the member representing the general public shall
228 constitute a quorum.] There is established an Apple Marketing
229 Advisory Board that shall be within the Department of Agriculture for
230 administrative purposes only. Such advisory board shall assist and
231 advise the Commissioner of Agriculture in carrying out the provisions
232 of sections 22-54p to 22-54t, inclusive, as amended by this act. Such
233 advisory board shall consist of six apple producers, a member of the
234 general public and the Commissioner of Economic and Community
235 Development, or said commissioner's designee, who shall be a
236 nonvoting member of the advisory board. The members of the advisory
237 board who are apple producers shall be appointed by the Commissioner
238 of Agriculture from nominations submitted to the commissioner by the
239 Connecticut Pomological Society or by any apple producer. The
240 member of the advisory board who is a member of the general public
241 shall be appointed by the Commissioner of Agriculture. The
242 Commissioner of Agriculture shall additionally appoint three alternate
243 members of the advisory board consisting of two apple producers and
244 a member of the general public. Such alternate members of the advisory
245 board may attend all meetings of the advisory board. If any member of

246 the advisory board is absent, the chairperson of the advisory board may
247 designate an alternate member to serve in lieu of such member. The
248 members of such advisory board shall serve terms of three years. Any
249 member may be eligible for reappointment. Members of the advisory
250 board and any alternate members shall receive no compensation for
251 their services but shall be reimbursed for necessary expenses in the
252 performance of their duties. Such expenses shall be paid from money
253 collected by the commissioner in accordance with the provisions of
254 section 22-54r. At its first meeting, such advisory board shall select a
255 chairperson from among its members and such other officers as such
256 advisory board deems necessary. A majority of the appointed members
257 of such advisory board shall constitute a quorum.

258 (b) [The board shall: (1) Implement the market order with the
259 commissioner's approval and on or before August fifteenth of each
260 marketing season shall prepare and submit to the commissioner a
261 budget to administer the order and the program created thereunder; (2)
262 conduct marketing research beneficial to the apple industry in the state;
263 (3) assist the commissioner in the collection of the assessment imposed
264 pursuant to section 22-54r and (4) recommend revisions to the market
265 order. The board shall prepare and, upon approval of the commissioner,
266 conduct a publicity program to maintain and enhance existing apple
267 markets and create new markets. Such program shall not refer to any
268 particular brand or trade name or disparage the quality, value, sale or
269 use of any other agricultural commodity. The board shall annually
270 appoint an auditor to audit the funds collected pursuant to section 22-
271 54r. The auditor, appointed pursuant to this subsection, shall submit a
272 copy of the audit report to the Auditors of Public Accounts.] The
273 advisory board shall prepare and submit to the Commissioner of
274 Agriculture for the commissioner's review and consideration: (1)
275 Recommendations concerning the apple market order described in
276 section 22-54q and for a publicity program to maintain and enhance
277 existing apple markets and create new apple markets; (2) a proposed
278 budget for the implementation of the apple market order and the
279 program created pursuant to such order; (3) marketing research

280 proposals that are beneficial to the apple industry in the state; (4)
281 recommendations for the collection of the assessment imposed pursuant
282 to section 22-54r; and (5) recommendations for revisions to the apple
283 market order. Any publicity program described in subdivision (1) of this
284 subsection shall not refer to any particular brand or trade name or
285 disparage the quality, value, sale or use of any other agricultural
286 commodity.

287 (c) Each apple producer shall file with the advisory board, on forms
288 provided by the advisory board, information on the harvested crop of
289 such producer, including the number of first sale units and the
290 disposition of such units at fresh markets, cold storage or other
291 destinations. The advisory board shall provide the commissioner with
292 such information as the commissioner deems necessary to fulfill the
293 purposes of sections 22-54p to 22-54t, inclusive, as amended by this act.

294 Sec. 10. Subsection (a) of section 22-54p of the general statutes is
295 repealed and the following is substituted in lieu thereof (*Effective from*
296 *passage*):

297 (a) The Commissioner of Agriculture may: (1) Issue and administer
298 an apple market order regulating the marketing of apples, and (2)
299 suspend the apple market order for one marketing season if he
300 determines that the market order is not necessary to achieve the goals
301 established in subsection (b) of section 22-54q. The commissioner shall
302 administer the estimated budget prepared by the Apple Marketing
303 Advisory Board pursuant to section 22-54s, as amended by this act, and
304 may impose an assessment on apple producers sufficient to cover the
305 costs of such budget.

306 Sec. 11. Section 26-194 of the general statutes is amended by adding
307 subsection (g) as follows (*Effective from passage*):

308 (NEW) (g) The Commissioner of Agriculture shall encourage the
309 development and expansion of new and existing small-scale
310 aquaculture operations for shellfish. The commissioner may designate
311 shellfish grounds available for annual leasing to such small-scale

312 aquaculture operations under the provisions of subsection (a) of this
 313 section, except that the commissioner may require that all bidders be a
 314 small-scale aquaculture operation or offer such leases at a fixed price
 315 determined by the commissioner. Each applicant and all required
 316 individuals associated with the applicant shall have obtained the
 317 necessary licenses under chapter 491 prior to the commencement of the
 318 lease. All provisions of section 26-192c shall apply to leases issued
 319 pursuant to this subsection. For purposes of this subsection, "small-scale
 320 aquaculture operation" means an aquaculture operation that either
 321 operates in one hundred fifty acres or less of shellfish grounds or that
 322 has operated for the production of shellfish for four or fewer years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	22-6c
Sec. 2	<i>from passage</i>	22-6r(5)
Sec. 3	<i>from passage</i>	22-26f(a)
Sec. 4	<i>from passage</i>	22-26j
Sec. 5	<i>from passage</i>	22-26bb(d)
Sec. 6	<i>from passage</i>	22-38
Sec. 7	<i>from passage</i>	22-39f
Sec. 8	<i>from passage</i>	22-47
Sec. 9	<i>from passage</i>	22-54s
Sec. 10	<i>from passage</i>	22-54p(a)
Sec. 11	<i>from passage</i>	26-194(g)

Statement of Purpose:

To (1) fund the development of climate resiliency plans for farmers, (2) support small-scale aquaculture operations for shellfish, (3) reconstitute the Apple Marketing Board, (4) require direct-to-consumer egg producers to meet certain requirements for their eggs, (5) authorize alternate State Veterinarians, (6) revise the CT-Grown program, and (7) make other minor revisions to farming-related programs.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]