



General Assembly

**Substitute Bill No. 6725**

January Session, 2023



**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 Section 22-6c of the general statutes is repealed and the  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 state grant available to a  
29 farmer pursuant to this subdivision shall not be more than ninety per  
30 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 state grant available pursuant to this subsection  
56 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

