



General Assembly

February Session, 2020

***Raised Bill No. 5105***

LCO No. 968



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING REVISIONS TO THE CONNECTICUT-GROWN PROGRAM.***

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2 repealed and the following is substituted in lieu thereof (*Effective October*  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, 2020*):

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 Section 22-6q of the general statutes is repealed and the  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, 2020*):

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 Section 22-38 of the general statutes is repealed and the  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, 2020*):

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] grown" or CT-Grown means  
31 produce and other farm products that have a traceable point of origin  
32 within Connecticut.

33 (b) Only farm products grown or produced in Connecticut shall be  
34 advertised or sold in Connecticut as "Connecticut-[Grown] grown" or  
35 "CT-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] grown" or "CT-Grown" shall be  
43 required to furnish written proof within ten days of the sale of such  
44 products that such products were grown or produced in Connecticut [or  
45 within a ten-mile radius of the point of sale, as applicable,] if requested  
46 to do so by the Commissioner of Agriculture or said commissioner's

47 designee. Any person who violates any provision of this subsection shall  
48 be fined not more than one hundred dollars for each product label in  
49 violation of this 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~~ grown" or  
52 "~~CT-Grown~~" at a farmers' market in this state shall offer such product  
53 for sale in the immediate proximity of a sign that is: (1) Readily visible  
54 to 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~~ grown" or  
64 "~~CT-Grown~~". Any person who violates the provisions of this subsection  
65 shall receive a warning for the first violation and for any subsequent  
66 violation 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, 2020*):

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 22-47 of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective October 1, 2020*):

84 Producers selling eggs of their own producing direct to household  
85 users are exempt from the provisions of this part provided (1) such eggs  
86 are clean, stored at an ambient air temperature of not greater than forty-  
87 five degrees Fahrenheit and are not adulterated, and (2) the label for  
88 such eggs contains the producer's name and address, the type of eggs, if  
89 not chicken eggs, the quantity of eggs, safe food handling instructions  
90 and such label is not otherwise misleading or false and makes no claim  
91 of grade or quality. All types of shippers selling eggs to a first receiver  
92 who will grade them into the proper size and grade before reselling are  
93 exempt from the provisions of this part.

94 Sec. 6. Section 22-61j of the general statutes is repealed and the  
95 following is substituted in lieu thereof (*Effective October 1, 2020*):

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

100 Sec. 7. Subsection (a) of section 22-4c of the general statutes is  
101 repealed and the following is substituted in lieu thereof (*Effective October*  
102 *1, 2020*):

103 (a) The Commissioner of Agriculture may: (1) Adopt, amend or  
104 repeal, in accordance with the provisions of chapter 54, such standards,  
105 criteria and regulations, and such procedural regulations as are  
106 necessary and proper to carry out the commissioner's functions, powers  
107 and duties; (2) enter into contracts with any person, firm, corporation or  
108 association to do all things necessary or convenient to carry out the  
109 functions, powers and duties of the department; (3) initiate and receive

110 complaints as to any actual or suspected violation of any statute,  
111 regulation, permit or order administered, adopted or issued by the  
112 commissioner. The commissioner may hold hearings, administer oaths,  
113 take testimony and subpoena witnesses and evidence, enter orders and  
114 institute legal proceedings including, but not limited to, suits for  
115 injunctions and for the enforcement of any statute, regulation, order or  
116 permit administered, adopted or issued by the commissioner. The  
117 commissioner or the commissioner's agent may issue a citation in  
118 accordance with section 51-164n for any infraction or violation  
119 established in any provision of the general statutes under the  
120 commissioner's authority; (4) provide an advisory opinion, upon  
121 request of any municipality, state agency, tax assessor or any landowner  
122 as to what constitutes agriculture or farming pursuant to subsection (q)  
123 of section 1-1, or regarding classification of land as farm land or open  
124 space land pursuant to sections 12-107b to 12-107f, inclusive; (5) in  
125 accordance with constitutional limitations, enter at all reasonable times,  
126 without liability, upon any public or private property, except a private  
127 residence, for the purpose of inspection and investigation to ascertain  
128 possible violations of any statute, regulation, order or permit  
129 administered, adopted or issued by the commissioner and the owner,  
130 managing agent or occupant of any such property shall permit such  
131 entry, and no action for trespass shall lie against the commissioner for  
132 such entry, or the commissioner may apply to any court having criminal  
133 jurisdiction for a warrant to inspect such premises to determine  
134 compliance with any statute, regulation, order or permit or methods of  
135 manufacture or production ascertained by the commissioner during, or  
136 as a result of, any inspection, investigation or hearing; (6) undertake any  
137 studies, inquiries, surveys or analyses the commissioner may deem  
138 relevant, through the personnel of the department or in cooperation  
139 with any public or private agency, to accomplish the functions, powers  
140 and duties of the commissioner; (7) require the posting of sufficient  
141 performance bond or other security to assure compliance with any  
142 permit or order; (8) provide by notice printed on any form that any false  
143 statement made thereon or pursuant thereto is punishable as a criminal  
144 offense under section 53a-157b; (9) by regulations adopted in

145 accordance with the provisions of chapter 54, require the payment of a  
146 fee sufficient to cover the reasonable cost of acting upon an application  
147 for and monitoring compliance with the terms and conditions of any  
148 state or federal permit, license, registration, order, certificate or  
149 approval. Such costs may include, but are not limited to, the costs of (A)  
150 public notice, (B) reviews, inspections and testing incidental to the  
151 issuance of and monitoring of compliance with such permits, licenses,  
152 orders, certificates and approvals, and (C) surveying and staking  
153 boundary lines. The applicant shall pay the fee established in  
154 accordance with the provisions of this section prior to the final decision  
155 of the commissioner on the application. The commissioner may  
156 postpone review of an application until receipt of the payment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	22-6g(13)
Sec. 2	<i>October 1, 2020</i>	22-6g
Sec. 3	<i>October 1, 2020</i>	22-38
Sec. 4	<i>October 1, 2020</i>	22-39f
Sec. 5	<i>October 1, 2020</i>	22-47
Sec. 6	<i>October 1, 2020</i>	22-61j
Sec. 7	<i>October 1, 2020</i>	22-4c(a)

**Statement of Purpose:**

To (1) include chicken eggs as part of the state-funded Connecticut Farmers' Market/WIC and Senior Nutrition programs, (2) increase fines for violating certain farm product grading and marketing requirements, and (3) provide the Commissioner of Agriculture with infraction authority for the violation of statutes under the commissioner's authority.

*[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.]*