



Substitute House Bill No. 6725

Public Act No. 23-184

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:

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 Section 22-6c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) (1) The Commissioner of Agriculture may pay, not more than fifty per cent of the cost, in advance, or reimburse, any farmer for part of the cost [of compliance] to implement and comply with a comprehensive farm nutrient management plan, farmland restoration and climate resiliency plan or a farm resources management plan, [provided such plan has been approved by the Commissioner of Energy and Environmental Protection] including, within available appropriations, for the cost of farm equipment purchases. The Commissioner of Agriculture [, in cooperation with the United States Department of Agriculture, may certify for] may approve for such payment or reimbursement comprehensive farm nutrient management or farm resources management plan practices that have been approved by the Commissioner of Energy and Environmental Protection. [pursuant to this section.] The total [federal and] state grant available to a farmer pursuant to this subdivision shall not be more than ninety per cent of such cost. [In making grants under this subsection, the Commissioner of

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Agriculture shall give priority to capital improvements made in accordance with a comprehensive farm nutrient management plan, a farmland restoration and climate resiliency plan or a farm resources management plan prepared pursuant to section 22a-354m.]

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

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

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

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

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

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

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

(a) There shall be a State Veterinarian who shall be an employee of the Department of Agriculture and shall serve as the [chief livestock]

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state animal health official for the state. The Commissioner of Agriculture may designate one or more veterinarians to exercise all or part of the authority, powers and duties of the State Veterinarian in the absence of the State Veterinarian. Any veterinarian designated by the commissioner pursuant to this subsection shall meet the requirements of subsection (b) of this section.

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

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

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

(d) "Development rights" means the rights of the fee simple owner of

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agricultural land to develop, construct on, sell, lease or otherwise improve the agricultural land for uses that result in rendering such land no longer agricultural land, but shall not be construed to include: (1) The uses defined in subsection (q) of section 1-1, (2) the rights of the fee owner of agricultural land to develop, construct on, sell, give or transfer in any way the property in its entirety, or a portion thereof, provided any such sale, gift or transfer of a portion of the property is of a property that was first subject to a sale, transfer or gift of development rights on or after the effective date of this section, lease the property in its entirety, or a portion thereof, for a term of less than twenty-five years or otherwise improve the agricultural land to preserve, maintain, operate or continue such land as agricultural land, including but not limited to construction thereon of residences for persons directly incidental to farm operation and buildings for animals, roadside stands and farm markets for sale to the consumer of food products and ornamental plants, facilities for the storing of equipment and products or processing thereof or such other improvements, activities and uses thereon as may be directly or incidentally related to the operation of the agricultural enterprise, as long as the acreage and productivity of arable land for crops is not materially decreased and due consideration is given to the impact of any decrease in acreage or productivity of such arable land upon the total farm operation, provided any portion of land that is sold, given or transferred, shall be determined in accordance with regulations adopted pursuant to this chapter, except that new construction or modification of an existing farm building necessary to the operation of a farm on prime farmland, as defined by the United States Department of Agriculture, of which the state has purchased development rights shall be limited to not more than five per cent of the total of such prime farmland, (3) the rights of the fee owner to provide for the extraction of gravel or like natural elements to be used on the farm for purposes directly or incidentally related to the operation of the agricultural enterprise or (4) the existing water and mineral rights, exclusive of gravel, of the fee owner;

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

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

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

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

CONNECTICUT-GROWN FARM PRODUCT. (INSERT THE NAME

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AND THE TOWN FOR THE FARM OF ORIGIN).

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

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

Any person who fails to comply with the provisions of sections 22-39a to 22-39e, inclusive, or section 22-39g or 22-54u, any regulation adopted pursuant to subsection (h) of section 22-39g or section 22-54u, or who obstructs or hinders the Commissioner of Agriculture or the commissioner's authorized agents in the performance of their duties under the provisions of said sections, shall be fined fifty dollars for the first offense and two hundred dollars for each subsequent offense. In addition to such fine, the Commissioner of Agriculture is authorized to deny, suspend or revoke any license, permit, certificate or registration provided for in said sections issued to such person, in accordance with the provisions of chapter 54.

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

Producers selling eggs of their own producing direct to household users are exempt from the provisions of this part, provided such eggs are cleaned to remove exterior debris, stored at an ambient air temperature of not greater than forty-five degrees Fahrenheit, are not adulterated and contain a label that is not false or misleading and that includes the: (1) Producer's name and address, (2) type of egg, if not chicken eggs, (3) quantity of eggs, and (4) safe food handling

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instructions. All types of shippers selling eggs to a first receiver who will grade them into the proper size and grade before reselling are exempt from the provisions of this part.

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

(a) [Notwithstanding the provisions of section 4-9a, on or before the fifteenth day of the month after the issuance of a market order the commissioner shall appoint an Apple Marketing Board consisting of six apple producers, a member of the general public and the Commissioner of Economic and Community Development, or his designee, who shall be a nonvoting member of the board. The members who are apple producers shall be appointed from nominations submitted by the Connecticut Pomological Society or any apple producer. Three of the apple producers shall be from the area west of the Connecticut River and three shall be from the area east of said river. The commissioner shall also appoint three alternate members of the commission, one from the area west of the Connecticut River, one from the area east of said river and one who is a member of the general public. Alternates may attend all meetings of the board. If a regular member of the board from an area is absent, the chairperson may designate the alternate from such area to act. The members shall serve terms of three years, provided of the members first appointed, two members, one from each district, shall serve for a term of one year; two members, one from each district shall serve for a term of two years, and two members, one from each district, shall serve for a term of three years. The alternates and the member representing the general public shall be appointed for terms of three years. Members of the board shall receive no compensation for their services but shall be reimbursed for necessary expenses in the performance of their duties. Such expenses shall be paid from money collected by the commissioner in accordance with the provisions of section 22-54r. At its first meeting the board shall elect a chairperson and

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such other officers as it deems necessary. Four members who are apple producers and the member representing the general public shall constitute a quorum.] There is established an Apple Marketing Advisory Board that shall be within the Department of Agriculture for administrative purposes only. Such advisory board shall assist and advise the Commissioner of Agriculture in carrying out the provisions of sections 22-54p to 22-54t, inclusive, as amended by this act. Such advisory board shall consist of six apple producers, a member of the general public and the Commissioner of Economic and Community Development, or said commissioner's designee, who shall be a nonvoting member of the advisory board. The members of the advisory board who are apple producers shall be appointed by the Commissioner of Agriculture from nominations submitted to the commissioner by the Connecticut Pomological Society or by any apple producer. The member of the advisory board who is a member of the general public shall be appointed by the Commissioner of Agriculture. The Commissioner of Agriculture shall additionally appoint three alternate members of the advisory board consisting of two apple producers and a member of the general public. Such alternate members of the advisory board may attend all meetings of the advisory board. If any member of the advisory board is absent, the chairperson of the advisory board may designate an alternate member to serve in lieu of such member. The members of such advisory board shall serve terms of three years. Any member may be eligible for reappointment. Members of the advisory board and any alternate members shall receive no compensation for their services but shall be reimbursed for necessary expenses in the performance of their duties. Such expenses shall be paid from money collected by the commissioner in accordance with the provisions of section 22-54r. At its first meeting, such advisory board shall select a chairperson from among its members and such other officers as such advisory board deems necessary. A majority of the appointed members of such advisory board shall constitute a quorum.

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(b) [The board shall: (1) Implement the market order with the commissioner's approval and on or before August fifteenth of each marketing season shall prepare and submit to the commissioner a budget to administer the order and the program created thereunder; (2) conduct marketing research beneficial to the apple industry in the state; (3) assist the commissioner in the collection of the assessment imposed pursuant to section 22-54r and (4) recommend revisions to the market order. The board shall prepare and, upon approval of the commissioner, conduct a publicity program to maintain and enhance existing apple markets and create new markets. Such program shall not refer to any particular brand or trade name or disparage the quality, value, sale or use of any other agricultural commodity. The board shall annually appoint an auditor to audit the funds collected pursuant to section 22-54r. The auditor, appointed pursuant to this subsection, shall submit a copy of the audit report to the Auditors of Public Accounts.] The advisory board shall prepare and submit to the Commissioner of Agriculture for the commissioner's review and consideration: (1) Recommendations concerning the apple market order described in section 22-54q and for a publicity program to maintain and enhance existing apple markets and create new apple markets; (2) a proposed budget for the implementation of the apple market order and the program created pursuant to such order; (3) marketing research proposals that are beneficial to the apple industry in the state; (4) recommendations for the collection of the assessment imposed pursuant to section 22-54r; and (5) recommendations for revisions to the apple market order. Any publicity program described in subdivision (1) of this subsection shall not refer to any particular brand or trade name or disparage the quality, value, sale or use of any other agricultural commodity.

(c) Each apple producer shall file with the advisory board, on forms provided by the advisory board, information on the harvested crop of such producer, including the number of first sale units and the

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disposition of such units at fresh markets, cold storage or other destinations. The advisory board shall provide the commissioner with such information as the commissioner deems necessary to fulfill the purposes of sections 22-54p to 22-54t, inclusive, as amended by this act.

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

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

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

(NEW) (g) The Commissioner of Agriculture shall encourage the development and expansion of new and existing small-scale aquaculture operations for shellfish. The commissioner may designate shellfish grounds available for annual leasing to such small-scale aquaculture operations under the provisions of subsection (a) of this section, except that the commissioner may require that all bidders be a small-scale aquaculture operation or offer such leases at a fixed price determined by the commissioner. Each applicant and all required individuals associated with the applicant shall have obtained the necessary licenses under chapter 491 prior to the commencement of the lease. All provisions of section 26-192c shall apply to leases issued pursuant to this subsection. For purposes of this subsection, "small-scale

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aquaculture operation" means an aquaculture operation that either operates in one hundred fifty acres or less of shellfish grounds or that has operated for the production of shellfish for four or fewer years.

Sec. 12. Subsection (a) of section 22-364 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No owner or keeper of any dog or livestock as defined in section 22-381 shall allow such dog or livestock to roam at large upon the land of another and not under control of the owner or keeper or the agent of the owner or keeper, nor allow such dog or livestock to roam at large on any portion of any public highway and not attended or under control of such owner or keeper or [his] an agent of such owner or keeper, provided nothing in this subsection shall be construed to limit or prohibit the use of hunting dogs during the open hunting or training season. The unauthorized presence of any dog or livestock on the land of any person other than the owner or keeper of such dog or livestock or on any portion of a public highway when such dog or livestock is not attended by or under the control of such owner or keeper, shall be prima facie evidence of a violation of the provisions of this subsection. Violation of any provision of this subsection shall be an infraction.