

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-155—sHB 6385
Environment Committee
Appropriations Committee

AN ACT CONCERNING ENHANCEMENTS TO CERTAIN AGRICULTURAL PROGRAMS

SUMMARY: This act makes changes in various agricultural laws and programs. Specifically, it does the following:

1. allows participants in the Connecticut farmers' market women, infants, and children (WIC) and seniors nutrition programs to redeem program vouchers for chicken eggs, and increases the vouchers' value to at least \$20;
2. allows farmers to advertise products grown or produced in Connecticut as "CT-Grown," revises sign requirements for these products at farmers' markets, and revises who must furnish the state with proof of a farm product's point of origin;
3. changes the penalties for violating produce safety and seed requirements;
4. allows participants in the Connecticut farmers' market WIC nutrition program to have a proxy pick up and redeem program vouchers, revises voucher signature requirements, and extends the duration of a market vendor certification from one to three years;
5. expands the farm viability matching grant program's purposes to include developing urban and nontraditional farming practices; and
6. eliminates the Connecticut Market Authority.

EFFECTIVE DATE: Upon passage, except the (1) increase in farmers' market voucher value is effective July 1, 2021, and (2) provisions on adding chicken eggs to the farmers' market nutrition programs, changes to the Connecticut-grown program, and revisions to penalties for violating produce safety and seed laws are effective October 1, 2021.

§§ 1, 2 & 6 — CONNECTICUT FARMERS' MARKET NUTRITION PROGRAMS

The act adds chicken eggs to the definition of "fresh produce" for purposes of the Connecticut farmers' market WIC and senior nutrition programs. By law, fresh produce also includes unprocessed fruits and vegetables. The programs, which the Department of Agriculture (DoAg) administers, provide eligible participants with vouchers redeemable for fresh produce at designated farmers' markets.

The act also requires the program vouchers to have a value of at least \$20. Previously, WIC and senior participants received \$15 and \$18 in vouchers, respectively.

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§ 3 — CONNECTICUT-GROWN PROGRAM CHANGES

The act allows farm products grown or produced in Connecticut to be marketed as “CT-Grown” as well as “Connecticut-Grown.” By law, if farm products are grown or produced in the state or within a 10-mile radius of the point of sale, they may be labeled as “native,” “native-grown,” “local,” or “locally-grown.”

The act restricts who must provide proof of a farm product’s point of origin within 10 days of sale to the DoAg commissioner or his designee upon request. Under prior law, anyone who advertised farm products with any of the above terms had to furnish this proof. The act eliminates this requirement for producers using the terms “native,” “native-grown,” “local,” or “locally-grown.” It also extends the requirement of furnishing proof to anyone labeling, as well as advertising, farm products with the terms “Connecticut-Grown” or “CT-Grown.” A person who violates these provisions is fined up to \$100 for each product label in violation.

By law, when a person sells a farm product at a farmers’ market as “Connecticut-Grown,” he or she must place a sign in the immediate proximity of the product. The act also requires a sign if selling a product as “CT-Grown” and revises the sign’s content. Instead of including the business’s address, the sign must include the town for the farm of origin. A person who violates this requirement receives a warning for the first violation and a \$100 fine for subsequent violations.

§ 4 — PRODUCE SAFETY LAW VIOLATIONS

The act revises the penalties for violating the state’s produce safety laws and applies them to violations of the federal Food Safety Modernization Act’s produce safety rule. Previously, the law set a range of fines as penalties (i.e., from \$25 to \$50 for a first offense and from \$100 to \$200 for a subsequent offense). The act instead sets specific dollar fines: \$50 for a first offense and \$200 for a subsequent offense.

By law, in addition to fines, the DoAg commissioner may deny, suspend, or revoke any license issued under the produce safety laws for violations. The act also allows him to deny, suspend, or revoke any permit, certificate, or registration issued under the laws. It specifically requires the commissioner to take these actions in accordance with the state’s Uniform Administrative Procedure Act.

The act also eliminates as a violation obstructing or hindering the Department of Consumer Protection (DCP) commissioner’s actions under the produce safety rules. By law, DoAg enforces these rules, not DCP.

§ 5 — SEED LAW VIOLATIONS

The act reduces the penalty for violating Connecticut’s seed law (e.g., labeling, sales, and record keeping requirements). Previously the penalty was a

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class D misdemeanor with specified fines of \$100 for a first offense and \$200 for a subsequent offense. The act eliminates the misdemeanor penalty, leaving only the specified monetary fines in place.

§§ 7-9 — FARMERS' MARKET WIC NUTRITION PROGRAM PROXIES AND VENDORS

The act (1) allows any adult to act as a proxy for a Connecticut farmers' market WIC nutrition program participant in order to pick up and redeem program vouchers, (2) revises voucher signature requirements, and (3) extends the duration of a market vendor certification.

Under prior law, a proxy was not allowed, except for a parent or guardian acting on behalf of a child or a husband acting on behalf of his wife. Under the act, any adult may act as a proxy as long as the participant designates the adult as his or her proxy in writing.

By law, a WIC participant must sign the voucher in the presence of DoAg staff when the vouchers are distributed. The act allows a participant's proxy to acknowledge voucher receipt by the participant's or proxy's written, electronic, or verbal communication.

Previously, a WIC participant had to countersign a program voucher in the presence of a farmers' market certified vendor when redeeming it. The act instead requires the participant to countersign the voucher any time before using it.

Under the WIC nutrition program, vendors cannot accept vouchers from participants unless DoAg certifies the vendors to do so. Previously, vendor certification expired at the end of each year. Under the act, certification instead remains valid for three years.

§ 10 — FARM VIABILITY MATCHING GRANT PROGRAM

The act expands DoAg's farm viability matching grant program's purposes to include developing urban and nontraditional farming practices.

Under existing law, the grants may also be used to (1) fund capital projects fostering agricultural viability (e.g., farmers' markets and processing facilities); (2) develop and implement land use regulations and farmland protection strategies that sustain and promote local agriculture; (3) develop new marketing programs and venues for products grown in the state; and (4) develop and implement programs and services to promote farm and farmland access and farm transfers. Farm viability grants are available to nonprofit agricultural organizations, municipalities, groups of municipalities, and regional councils of government.

§§ 11-13 — CONNECTICUT MARKETING AUTHORITY REPEAL

The act eliminates the Connecticut Marketing Authority from within DoAg and related statutes. The authority was primarily responsible for the Connecticut regional market in Hartford, but ownership of the market transferred to the Capital Region Development Authority in January 2019 under PA 18-154.

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