

## **Legislation Pertaining to Farmers' Markets**

For the specific language for this and other Public Acts the Connecticut General Assembly website is a valuable resource. The address is: <http://www.cga.ct.gov>.

### **2008 Legislative Session:**

#### ***Public Act 08-184 – An Act Concerning Revisions to Statutes Pertaining to the Department of Public Health***

The act allows food service establishments to purchase Connecticut-grown farm products, instead of just fresh produce, that have been produced and are sold according to applicable state regulations at a farmer's market. "Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture", as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

### **2010 Legislative Session:**

#### ***Public Act 10-103 - An Act Concerning Farms, Food and Jobs***

This Act: (1) allows the preparation and sale of acidified foods on residential farms. Previously, the law allowed the sale of jams, jellies, or preserves on a residential farm that were prepared (a) with fruit grown on the farm and (b) in a room on the farm that is used as living quarters. It exempts their preparation from any state or local agency inspection. The law requires each jam, jelly, or preserves container offered for sale on the farm to have on its label, in ten-point type: "Not prepared in a government inspected kitchen." The Act adds "acidified foods" to this exemption and labeling requirement. It establishes specific preparation criteria acidified food must meet for the exemption. The Act restricts those who can be in the kitchen where acidified food is prepared and recognizes successful completion by a food preparer of a DCP-approved safe food processing course. The Act defines "acidified food product" as a food item with a pH value of 4.6 or less upon completion of the recipe making the product, including pickles, salsa, and hot sauce, produced on the premises of a residential farm. The food product must not include food consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or other

## Ch. 4: Recent Legislation Pertaining to Farmers' Markets

ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The Act redefines jam, jelly, and preserves to include products made with vegetables; (2) Makes the agriculture commissioner responsible for inspection of certain poultry producers and processors and designates processors meeting certain criteria as approved food sources for certain consumers and entities. The Act makes the agriculture commissioner the state official in charge of inspecting any poultry producer and any producer that also operates as a poultry processing facility. Any inspection must be consistent with the requirements of the federal Poultry Products Inspection Act and any applicable federal regulations, including health, sanitary, and safety provisions. Under the Act, processing facilities (a) meeting the applicable criteria for federal Food and Safety Inspection Service exemptions and (b) passing CT Department of Agriculture facility inspections must be designated as approved sources for household consumers, restaurants, hotels, and boarding houses in the state. "Poultry" means any species of domestic fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds raised for food production, breeding, exhibition, or sale. "Producer" means any person, firm, or corporation engaged in breeding, raising, or keeping poultry of not more than 5,000 turkeys or 20,000 poultry of all species in a calendar year for purposes of food production; (3) Specifies that money collected by the Connecticut Milk Promotion Board is not considered state funds and specifies that the board is within the agriculture department for administrative purposes. The nine-member Connecticut Milk Promotion Board develops, coordinates, and implements promotional, research and other programs designed to promote Connecticut dairy farms and milk consumption. It also prepares an annual report for the legislature. The board may use funding available from federal, state, or other sources and enter into contracts to carry out its purposes. The Act specifies that any money collected by the board must not be deemed state funds and must be deposited with the approval of the state treasurer and comptroller in a qualified public depository in Connecticut. Under the Act, the funds can be spent by the board for expenses incurred in administering the board's recommended budget and; (4) Expands the definition of a farmers' market to include a cooperative or nonprofit enterprise or association that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, with at least two of them selling Connecticut-grown fresh produce, to sell such products in conformance with applicable regulations. Under the previous law, a farmers' market had to consistently occupy a given site throughout the season.

### **2011 Legislative Session:**

#### **Public Act 11-164 - AN ACT AUTHORIZING THE SALE OF CONNECTICUT WINE AT FARMERS' MARKETS AND ESTABLISHING A FARMERS' MARKET WINE PERMIT**

This bill creates a farmers' market wine sales permit that allows farm wineries to sell wine they manufactured on their premises under a manufacturer's permit and other

## Ch. 4: Recent Legislation Pertaining to Farmers' Markets

specified conditions. Under the bill, a municipality may ban, by ordinance or zoning regulation, wine sales at a farmers' market by farmers' market wine sales permittees.

### **Public Act 11-191 - AN ACT CONCERNING FARMERS' MARKETS**

This bill makes a farmer's permit or license to operate a food service establishment portable from health district to health district under specified conditions. It requires the farmer to notify a local health department or district in advance if he or she will begin operating a food service establishment within that jurisdiction.

The bill makes any food service establishment permit or license issued by a municipal health department or district to a farmer to participate in a certified farmers' market in that jurisdiction valid for operating a food service establishment at any certified farmers' market in the state. The operation must (1) be in accordance with the approved menu items and food preparation processes or (2) use menu items or food preparation processes that are substantially similar to those approved. A permit or license is valid for the calendar year in which it is issued. Within 14 days before operating a food service establishment in a town that did not issue a permit or license to the farmer, the farmer must send a notice of intent to begin the operation to that town's health department or district. The notice must include a copy of the farmer's permit or license and any approved food service plan. A local health director may take regulatory action against a farmer who operates a food service establishment within the health director's jurisdiction to ensure that the farmer complies with the public health code. But a local health director cannot require a farmer to apply for or purchase a permit or license to operate a food service establishment if the farmer (1) already holds a valid one from another district and (2) complies with the bill. A farmer who operates a food service establishment in a certified farmers' market and whose menu items and food preparation processes were approved by a health department or district, or who uses menu items or food preparation processes that are substantially similar, is exempt from any local ordinance concerning the operation of a food service establishment. A local health department or district cannot require a farmer who applies for a permit or license to operate a food service establishment at a certified farmers' market to submit information on his or her ability to comply with any such local ordinance.

### **2013 Legislative Session:**

### **Public Act 13-72 - AN ACT CONCERNING A PREFERENCE FOR CONNECTICUT GROWN PROTEIN IN CERTAIN STATE CONTRACTS AND THE INCLUSION OF FARMERS' MARKETS IN CERTAIN PROMOTIONAL MATERIALS OF THE DEPARTMENT OF AGRICULTURE**

The act requires the Department of Agriculture (DoAg) commissioner, upon request of any farmers' market, to include the market (1) on any list of farmers' markets that appears on DoAg's website and (2) in any promotional material about farmers' markets that DoAg publishes or distributes.

**2014 Legislative Session:**

**Special Act 14-3 - *AN ACT CONCERNING PARTICIPATION IN WIC AND SENIOR NUTRITION FARMERS' MARKET PROGRAMS BY CERTAIN NONPROFIT FARMERS***

The bill requires the Commissioner of Agriculture to implement a pilot program to authorize not more than three individual, not-for-profit farmers who engage in the cooperative retail marketing of Connecticut-grown farm products to participate as vendors in both the Connecticut Farmers' Market/Women, Infants and Children Program and the Connecticut Farmers' Market/Senior Nutrition Program. The pilot program shall have a duration of two years. The commissioner may prescribe the requirements for participation in the pilot program. Following the completion of the pilot program, the commissioner shall, in accordance with section 11-4a of the general statutes, submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to agriculture on the pilot program. The report shall include, but not be limited to, recommendations concerning the need for a permanent program to authorize individual, not-for-profit farmers who engage in the cooperative retail marketing of Connecticut-grown farm products to participate as vendors in both the Connecticut Farmers' Market/Women, Infants and Children Program and the Connecticut Farmers' Market/Senior Nutrition Program.

**2015 Legislative Session:**

**Public Act 15-245 *AN ACT CONCERNING THE SALE OF FARM PRODUCTS AS "CONNECTICUT-GROWN"***

This act requires anyone selling a claimed Connecticut-grown farm product at a farmers' market to do so in the "immediate proximity" of a sign that (1) identifies it as Connecticut-grown and (2) discloses the name and address of the person or business that grew or produced it. Violators receive a warning for a first violation and a \$100 fine for each subsequent violation.

The act also increases, from \$25 to \$100, the fine for violating the Connecticut-Grown law. Under the law, only products grown or produced in Connecticut may be advertised or sold as Connecticut-grown. Products grown or produced in Connecticut or within a 10-mile radius of the point of sale may be labeled as native, native grown, local, or locally grown. Upon request of the agriculture commissioner or his designee, the person who sold the product must provide written proof of the veracity of these claims within 10 days after the sale.

CONNECTICUT-GROWN SIGN

## Ch. 4: Recent Legislation Pertaining to Farmers' Markets

Under the act, the Connecticut-Grown sign at a farmers' market must:

1. be readily visible to consumers;
2. be at least three by five inches in size;
3. have lettering in a size, font, or print clearly and easily legible; and
4. state something substantially similar to "THIS FARM PRODUCT IS CONNECTICUT-GROWN. THIS FARM PRODUCT WAS GROWN OR PRODUCED BY THE FOLLOWING PERSON OR BUSINESS: (insert name and address). "

### **Public Act 15-24 - AN ACT CONCERNING ALCOHOLIC LIQUOR**

The act creates a farmers' market beer sales permit that allows manufacturer permittees for beer, brewpubs, and beer and brewpubs, to sell beer they manufacture at up to three farmers' market locations a year for an unlimited number of appearances. The act requires the DCP commissioner to issue such manufacturer permittees a farmers' market beer sales permit. The permit is valid for one year and requires a \$250 annual fee, with a \$100 nonrefundable filing fee.

In order to sell at a farmers' market, the permittee must (1) have an invitation from the farmers' market; (2) sell only sealed bottles of beer for off-premises consumption; and (3) be present, or have an authorized representative present, anytime beer is sold. The permittee may only sell up to five liters of beer per day to any one person.

Any town or municipality may, by ordinance or zoning regulation, prohibit a farmers' market beer sales permittee from selling beer at a farmers' market held in such town or municipality.

(PA 15-30 allows beer, brewpub, and beer and brewpub manufacturer permittees to also hold a farmers' market beer sales permit.)

Questions regarding legislation should be directed to:

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## Ch. 4: Recent Legislation Pertaining to Farmers' Markets

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