



General Assembly

Amendment

January Session, 2019

LCO No. 7266



Offered by:

SEN. COHEN, 12th Dist.

SEN. MINER, 30th Dist.

To: Subst. Senate Bill No. 233

File No. 47

Cal. No. 48

"AN ACT CONCERNING COTTAGE FOOD PRODUCTS AND THE PRODUCTION OF HONEY AND MAPLE SYRUP."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 21a-62b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2019*):

5 For the purposes of this section and sections 21a-62c to 21a-62h,
6 inclusive:

7 (1) "Commissioner" means the Commissioner of Consumer
8 Protection or an authorized agent of the commissioner;

9 (2) "Cottage food operation" means any person who produces
10 cottage food products only in the home kitchen of such person's
11 private residential dwelling and only for sale directly to the consumer
12 and who does not operate as a food service establishment pursuant to
13 section 19a-36 or regulations adopted pursuant to section 21a-101, or a

14 food retailer, distributor or manufacturer as defined in subsection (b)
15 of section 21a-92 and section 21a-151;

16 (3) "Cottage food products" means nonpotentially hazardous baked
17 goods, jams, jellies and other nonpotentially hazardous foods
18 produced by a cottage food operation. "Cottage food products" does
19 not include maple syrup or honey;

20 (4) "Food service establishment" means any establishment in which
21 food is stored, offered for sale, processed or prepared, and includes the
22 transportation of any food;

23 (5) "Private residential dwelling" means an owner or resident
24 occupied dwelling. "Private residential dwelling" does not include any
25 group or communal residential setting within any type of structure or
26 outbuilding, shed, barn or other similar structure;

27 (6) "Home kitchen" means a kitchen designed and intended for use
28 by the residents of a home but that is also used by a resident for the
29 production of cottage food products and that may contain one or more
30 stoves or ovens, which may be a double oven, designed for residential
31 use. "Home kitchen" does not include commercial equipment typically
32 used for large wholesale manufacturing;

33 (7) "Permitted area" means the portion of a private residential
34 dwelling that contains a home kitchen where the preparation,
35 packaging, storage or handling of cottage food products occurs; and

36 (8) "Potentially hazardous food" means a food that requires time
37 and temperature control for safety to limit pathogenic microorganism
38 growth or toxin formation.

39 Sec. 2. (NEW) (*Effective October 1, 2019*) The Commissioner of
40 Agriculture may adopt regulations, in accordance with the provisions
41 of chapter 54 of the general statutes, for the oversight of the production
42 of honey and maple syrup by any person who produces such honey or
43 maple syrup in such person's home kitchen within his or her private

44 residential dwelling and who offers such honey or maple syrup for
45 sale directly to the consumer and who does not operate as a food
46 service establishment pursuant to section 19a-36 of the general statutes
47 or as a food retailer, distributor or manufacturer, as defined in
48 subsection (b) of section 21a-92 and section 21a-151 of the general
49 statutes. Such regulations may include, but shall not be limited to, the
50 establishment of a license for such honey and maple syrup producers
51 and the establishment of required best practices for the limiting of
52 pathogenic microorganism growth or toxin formation.

53 Sec. 3. Subsection (q) of section 1-1 of the general statutes is repealed
54 and the following is substituted in lieu thereof (*Effective October 1,*
55 *2019*):

56 (q) Except as otherwise specifically defined, the words "agriculture"
57 and "farming" shall include cultivation of the soil, dairying, forestry,
58 raising or harvesting any agricultural or horticultural commodity,
59 including the raising, shearing, feeding, caring for, training and
60 management of livestock, including horses, bees, the production of
61 honey, poultry, fur-bearing animals and wildlife, and the raising or
62 harvesting of oysters, clams, mussels, other molluscan shellfish or fish;
63 the operation, management, conservation, improvement or
64 maintenance of a farm and its buildings, tools and equipment, or
65 salvaging timber or cleared land of brush or other debris left by a
66 storm, as an incident to such farming operations; the production or
67 harvesting of maple syrup or maple sugar, or any agricultural
68 commodity, including lumber, as an incident to ordinary farming
69 operations or the harvesting of mushrooms, the hatching of poultry, or
70 the construction, operation or maintenance of ditches, canals,
71 reservoirs or waterways used exclusively for farming purposes;
72 handling, planting, drying, packing, packaging, processing, freezing,
73 grading, storing or delivering to storage or to market, or to a carrier for
74 transportation to market, or for direct sale any agricultural or
75 horticultural commodity as an incident to ordinary farming
76 operations, or, in the case of fruits and vegetables, as an incident to the
77 preparation of such fruits or vegetables for market or for direct sale.

78 The term "farm" includes farm buildings, and accessory buildings
 79 thereto, nurseries, orchards, ranges, greenhouses, hoopouses and
 80 other temporary structures or other structures used primarily for the
 81 raising and, as an incident to ordinary farming operations, the sale of
 82 agricultural or horticultural commodities. The term "aquaculture"
 83 means the farming of the waters of the state and tidal wetlands and the
 84 production of protein food, including fish, oysters, clams, mussels and
 85 other molluscan shellfish, on leased, franchised and public underwater
 86 farm lands. Nothing herein shall restrict the power of a local zoning
 87 authority under chapter 124."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	21a-62b
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	1-1(q)