



General Assembly

Substitute Bill No. 233

January Session, 2019



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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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 Section 21a-62b of the general statutes is repealed and the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

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

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

7 (2) "Cottage food operation" means any person who produces
8 cottage food products only in the home kitchen of such person's
9 private residential dwelling and only for sale directly to the consumer
10 and who does not operate as a food service establishment pursuant to
11 section 19a-36 or regulations adopted pursuant to section 21a-101, or a
12 food retailer, distributor or manufacturer as defined in subsection (b)
13 of section 21a-92 and section 21a-151;

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

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

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

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

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

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

37 Sec. 2. Section 21a-24b of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2019*):

39 (a) As used in this section, "residential farm" means property (1)
40 being utilized as a farm, as defined in subsection (q) of section 1-1, as
41 amended by this act, and (2) serving as the primary residence of the
42 owner of such property.

43 (b) Notwithstanding the provisions of sections 21a-91 to 21a-120,
44 inclusive, and any regulations adopted thereunder, the preparation
45 and sale of maple syrup on a residential farm shall be allowed in a
46 room used as living quarters and shall be exempt from inspection by
47 any state or local agency. Each container of maple syrup offered for

48 sale on such farm shall have on its label, in ten-point type: "Not
49 prepared in a government-inspected kitchen."

50 (c) The Department of Agriculture shall be responsible for the
51 enforcement of the provisions of this section.

52 Sec. 3. Section 21a-24 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2019*):

54 (a) As used in this section, "honey" means the natural product of the
55 honey bee taken from the nectar of flowers, transformed by such bee,
56 taken from the honeycomb and marketed in a liquid, candied or
57 granulated condition.

58 (b) No person who sells, exposes or offers for sale any product or
59 article which does not contain honey as an ingredient, shall use the
60 word honey or any combination of words including the word honey
61 on the label or in the brand name of such product or article. No person
62 who sells, exposes or offers for sale any product or article which is
63 made from honey and any other substance, compound or mixture shall
64 use the word honey or any combination of words including the word
65 honey on the label or in the brand name of such product or article
66 except when said word is printed in the same size type as are the other
67 ingredients of such product or article.

68 (c) Any person who violates any provision of this section shall be
69 imprisoned not more than six months or fined not more than five
70 hundred dollars or both.

71 (d) The Department of Agriculture shall be responsible for the
72 enforcement of the provisions of this section.

73 Sec. 4. Subsection (q) of section 1-1 of the general statutes is repealed
74 and the following is substituted in lieu thereof (*Effective October 1,*
75 *2019*):

76 (q) Except as otherwise specifically defined, the words "agriculture"

77 and "farming" shall include cultivation of the soil, dairying, forestry,
78 raising or harvesting any agricultural or horticultural commodity,
79 including the raising, shearing, feeding, caring for, training and
80 management of livestock, including horses, bees, the production of
81 honey, poultry, fur-bearing animals and wildlife, and the raising or
82 harvesting of oysters, clams, mussels, other molluscan shellfish or fish;
83 the operation, management, conservation, improvement or
84 maintenance of a farm and its buildings, tools and equipment, or
85 salvaging timber or cleared land of brush or other debris left by a
86 storm, as an incident to such farming operations; the production or
87 harvesting of maple syrup or maple sugar, or any agricultural
88 commodity, including lumber, as an incident to ordinary farming
89 operations or the harvesting of mushrooms, the hatching of poultry, or
90 the construction, operation or maintenance of ditches, canals,
91 reservoirs or waterways used exclusively for farming purposes;
92 handling, planting, drying, packing, packaging, processing, freezing,
93 grading, storing or delivering to storage or to market, or to a carrier for
94 transportation to market, or for direct sale any agricultural or
95 horticultural commodity as an incident to ordinary farming
96 operations, or, in the case of fruits and vegetables, as an incident to the
97 preparation of such fruits or vegetables for market or for direct sale.
98 The term "farm" includes farm buildings, and accessory buildings
99 thereto, nurseries, orchards, ranges, greenhouses, hoopouses and
100 other temporary structures or other structures used primarily for the
101 raising and, as an incident to ordinary farming operations, the sale of
102 agricultural or horticultural commodities. The term "aquaculture"
103 means the farming of the waters of the state and tidal wetlands and the
104 production of protein food, including fish, oysters, clams, mussels and
105 other molluscan shellfish, on leased, franchised and public underwater
106 farm lands. Nothing herein shall restrict the power of a local zoning
107 authority under chapter 124.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2019</i>	21a-62b
Sec. 2	<i>October 1, 2019</i>	21a-24b
Sec. 3	<i>October 1, 2019</i>	21a-24
Sec. 4	<i>October 1, 2019</i>	1-1(q)

ENV *Joint Favorable Subst.*