TOWN OF EAST HADDAM Updated 5/9/23

ITEMS TO CONSIDER WHEN PERMITTING FARM STANDS AND FARM STORES

Intent: To develop a set of regulations that are clear and concise that allows farms to be on a level playing field. This will require time and patience to develop a set of regulations that work. The intent is not to eliminate farm stands but to provide guidance to better market the products grown and raised on the farms. Farm stands were never intended to become convenience stores selling products unrelated to a farm operation.

Step #1 Regulation development will require an understanding of what is allowable from the following entities before regulations are drafted.

Ct Department of Agriculture – research exemptions and how they apply.

Ct Department of Consumer Protection / Cottage Food Operation Guidelines – Cottage Food Operations require the following; a. an application with the CT Dept of Consumer Protect, b. Private water supply test, c. Qualified Food Operator / Food Safety Course, d. Types of food limited & labeling required, e. Zoning approval as a Home Occupation.

Chatham Health District / Ct Public Health Code

Step #2 Once the rules to play by are better understood, draft regulations can be developed with the input from the following.

Planning and Zoning Commission

Agriculture Commission

Economic Development Commission

RiverCOG Regional Agriculture Council

Area Farmers

Review of other agricultural communities zoning regulations

EXISTING REGULATIONS - FARM STANDS – RESIDENTIAL

9.2.10 – Farm and garden produce: The display and sale of farm and garden produce raised on a residential property. For such purposes one stand not over two-hundred (200) square feet in area and not more than two signs aggregating not over twelve (12) square feet in area advertising such produce may be erected. Such stand or signs shall be on the premises and not less than ten (10) feet from any street line.

This regulation has been in place for decades. Designed only for products grown or raised on someone's property. That is all that is allowed presently under the East Haddam Zoning Regulations.

OTHER REGULATIONS IN THE ZONING REGULATIONS

Accessory Uses to Agriculture: The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation.

ALLOWED IN THE Industrial General District – But not in the Residential Districts

Retail of crafts and products associated with East Haddam's traditional agricultural heritage: A Principle use, or an Accessory Use to Farm, for the retail sale of hand-made products at least twenty-five (25%) of which shall be produced on the premises from raw material locally grown or produced, or comparable to raw materials available in East Haddam, such as wood, plants, plant products, minerals, clay, wool, natural dyes, or animal products. Such crafts and products may include, by way of illustration, ornamental planters, ornamental iron work, sign carving, and woodworking. **Do we include on a limited basis in residential districts?**

Existing Definition - Agriculture: Means "agriculture" as defines in the §1-1(q) of the Connecticut General Statutes as amended: Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or clearing land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operation, or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges,

greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, on leased, franchised, and public underwater farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124 of the Connecticut General Statutes. See Section 30.

Existing Regulations - Accessory Uses to Agriculture: The following activities are recognized as a normal part of agriculture uses and are therefore allowed as a Permitted Use: 1) retail sale of agricultural products produced on a Farm, including dairy products, vegetable, fiber, poultry, beef, and other customary, agricultural products. No less than twenty-five (25) percent of the products (both by volume and by product type) shall be raised or produced on the Farm. The maximum square footage of a Farm Stand, including both enclosed and outdoor display areas, shall be seventy-five (75) square feet for each acre of land on the same lot with the Farm which is under cultivation.

Other activities that may have greater public participation such as corn mazes, horse shows, seminars/meetings, a tasting or sampling room, on site tours for the public to see the operation or production of the product, training and lessons for individuals, public events (such as rentals for weddings, showers, etc.), and artist exhibitions shall require a Special Exception Review and approval as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to the principal agricultural use. The Commission will be reviewing the proposed frequency of events, event traffic, parking, lighting, noise levels, and the sanitation facilities needed. The accessory activities may be permitted as a Special Exception provided the activity is in harmony with the surrounding properties with respect to scale and density of development, shall not depreciate surrounding property values, and shall blend with the historical character of surrounding buildings and landscape. See Section 30

THINGS TO CONSIDER - PLEASE REVIEW THE OTHER COMMUNITIES' REGULATIONS. IT SHOULD BE NOTED MOST ADDRESS FARM STANDS BUT VERY FEW SPEAK TO FARM STORES

1. **Our Farm Stand regulation section 9.2.10 is very similar to other communities. It allows property owners to sell products grown and raised on the property only and limited to a 200 square foot building. Even allows the building to be closer to the property line than a normal building.**
2. **Farm Stores – Different and potentially larger than a Farm Stand. This is a category that does not exist in the present regulations, but should it be? That doesn't mean that the end regulation will be permitting bakeries, convenience stores, and general store markets.**
    a. **Should there be a minimum acreage of the farm? 5 acres, 10 acres, 20 acres??**
    b. **Should there be a maximum size to the Farm Store? 500 sq ft, 750 sq ft, 100 sq ft. This doesn't include production barns and greenhouses.**

c. **Should there be a minimum percentage of the product grown or raised on the property? Some communities say between 50% to 100%. Some say within a 25-mile radius of the property. By volume or value?**

d. **Should all of the items sold have Agriculture or Crafts and Products of East Haddam background. Should a very small percentage allow merchandise such as hats and t-shirts of the farm? Hand made craft and Holiday specialty items?**

e. **Should any other products be at least Connecticut Grown Farm Products?**

f. **Hours of Operation?**

g. **Other factors – Parking, sightlines, setbacks, signage, exterior lighting**

h. **Do we create a separate category for Farm Brewery / Farm Distillery / Farm Winery?**

Items that are not permitted in other communities due to the public health code or uses not permitted in a residential zone.

1. **Prepared foods by the farm beyond what is permitted in the Cottage Food Requirements.**
2. **Hardware - Tools, planting soil & fertilizer purchased commercially.**
3. **Soda, chips, and other purchased food items that are found in a grocery store.**

Residential Farm served as a primary residence for the owner of such property.

Typical items in a Farm Stand – Fresh vegetables, fruits, berries, flowers, plants, shrubs, & trees, permitted dairy, beef, poultry, and other customary agricultural products.

Key notes – CGS Sec. 21a-24a -Only Jams, Jellies & Preserves, CGS Sec. 21a-24b – Maple Syrup. Does not included baked goods, popcorn, nuts, and other items permitted in the Cottage Food Operations

To sell Jams, Jellies, & Preserves you still need the following;

A water test on the private well.

A pH test on the products sold.

A Qualified Food Operators Certificate / Food Safety Course.

All documents to be available for local health department or Department of Consumer Protection.

Sec. 21a-24a. Sale of acidified food products, jams, jellies and preserves. (a) As used in this section:

(1) "Acidified food product" means a food item, with a pH value of 4.6 or less upon completion of the recipe for such product, **including, but not limited to, pickles, salsa and hot sauce, produced on the premises of a residential farm. "Acidified food product" does not include food consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or other ingredients,** including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(2) "Jam" means a food, with a pH value of 4.6 or less, made by cooking fruit or vegetables with sugar to a thick mixture.

(3) "Jelly" means a food, with a pH value of 4.6 or less, made by cooking fruit or vegetable juice that has been boiled with sugar.

(4) "Preserves" means a food, with a pH value of 4.6 or less, consisting of fruit or vegetables preserved whole by cooking with sugar.

(5) "Residential farm" means property (A) being utilized as a farm, as defined in subsection (q) of section 1-1, and (B) serving as the primary residence of the owner of such property.

(b) Notwithstanding the provisions of sections 21a-91 to 21a-120, inclusive, and section 19-13-B40 of the regulations of Connecticut state agencies, the preparation and sale of acidified food products, jams, jellies or preserves on a residential farm shall be allowed in a room used as living quarters and exempt from inspection by any state or local agency, provided such acidified food products, jams, jellies or preserves are prepared with fruit or vegetables grown on such farm and in the case of acidified food products, provided **(1) the water supply** of such residential farm comes from a public water supply system or, **if from a private well, is tested and tests negative for coliform bacteria, (2) a pH test of such acidified food products is performed by a**

laboratory after completion of the recipe for such acidified food products, (3) use of the kitchen where such acidified food products are prepared is restricted from nonprocessing individuals, pets, children or any other potential contaminants during such preparation, and (4) the preparer of such acidified food products **(A) possesses documentation of such preparer's successful completion of an examination concerning safe food handling techniques administered by an organization approved by the Department of Public Health for qualified food operators**, or possesses documentation indicating successful completion of an approved course concerning safe food processing techniques administered by an organization approved by the Department of Consumer Protection, and (B) **such documentation is made available to the local health department or the Department of Consumer Protection upon request.** If the local health department or the Department of Public Health has reason to believe that a private well used pursuant to subdivision (1) of this subsection may be contaminated with coliform bacteria, such department may require such private well to be retested for the presence of coliform bacteria. Each container of acidified food products, jam, jelly or preserves offered for sale on such farm shall have on its label, in ten-point type: "Not prepared in a government inspected kitchen".

(P.A. 94-23; P.A. 10-103, S. 3; P.A. 11-59, S. 4.)

History: P.A. 10-103 amended Subsec. (a) by adding new Subdiv. (1) defining "acidified food product", redesignating existing Subdivs. (1) to (4) as Subdivs. (2) to (5) and adding reference to vegetables in redesignated Subdivs. (2) to (4), and amended Subsec. (b) by adding provisions re sale of acidified food products, effective January 1, 2011; P.A. 11-59 made technical changes, effective July 1, 2011.

Sec. 21a-24b. Sale of maple syrup. (a) As used in this section, "residential farm" means property (1) being utilized as a farm, as defined in subsection (q) of section 1-1, and (2) serving as the primary residence of the owner of such property.

(b) Notwithstanding the provisions of sections 21a-91 to 21a-120, inclusive, and any regulations adopted thereunder, the preparation and sale of maple syrup on a residential farm shall be allowed in a room used as living quarters and shall be exempt from inspection by any state or local agency. Each container of maple syrup offered for sale on such farm shall have on its label, in ten-point type: "Not prepared in a government-inspected kitchen." (P.A. 95-319.)

Meat Requirements

Except for special exempt cases, all meat and processed poultry sold in Connecticut must be USDA inspected. This requirement extends to the slaughter, processing and packaging stages. Any meat that is slaughtered, processed or packaged outside of USDA inspection is not legal for sale in Connecticut Slaughtering and processing

All meat and poultry products sold in the state of Connecticut must be slaughtered and processed under USDA inspection. Please be aware that just because an animal has been slaughtered in a USDA inspected facility does not mean that the carcass can be taken to another facility to be cut and packaged unless that facility is also under USDAFSIS inspection and the processing takes place under USDA inspection.

Packaging and labeling requirements apply. CGS Sec. 21a-100

Dairy and Frozen Desserts Requirements – Department of Consumer Protection

Dairy products are one of the most regulated foods and must be handled properly at all stages of production, distribution and use in order to be safe for human consumption.

The following recommendations are critical in maintaining safe, quality product.

Milk Refrigeration is the single most important factor in maintaining the quality of milk. By law, Grade A milk must be maintained at a temperature below 40F. to prevent the growth of spoilage bacteria. It is critical that these temperatures be maintained through warehousing, distribution, delivery, handling and storage. It is wise to refrigerate milk promptly after purchase and each use. Properly refrigerated, milk should last 3-5 days beyond the sell date. The colder milk is kept the longer it lasts.

According to Section 22-133-132 of the Regulations of the State of Connecticut, each raw milk container that is not pasteurized and is offered for retail sale must bear a label that conspicuously and legibly bears the exact language below in letters no less than 1/8 inch in height and be of a color that contrasts with the rest of the label:

Licenses The following licenses are required in the State of Connecticut Department of Consumer Protection:

Retail Raw Milk, Raw Milk Cheese Mfg If you produce, retail raw milk and/or manufacture raw milk cheese.

Milk Dealer License If you want to process or distribute milk, yogurt, egg nog, cheese, and dry milk.

Cheese Manufacturer If you pasteurize milk and manufacture cheese.

Milk, Distributor If you want to distribute (only) fluid milk and/or yogurt.

Retail Dairy Store License If you sell fluid milk and milk products at retail.

CGS 22-127 through 22 – 203z – Ct Department of Agriculture

CGS 21a – through 21a – 58 – CT Department of Consumer Protection

Raw Milk

Sec. 22-173a. Registration of retail raw milk producers and retail raw milk cheese manufacturers. Denial, suspension and revocation of permits. Cheese manufacturing. Regulations. (a) No person, firm or corporation shall engage in the production of retail raw milk or the manufacture of retail raw milk cheese, which milk or retail raw milk cheese or the products thereof are to be used or disposed of elsewhere than on the premises where such milk or retail raw milk cheese is produced, without first registering with the Commissioner of Agriculture in a manner prescribed and on forms furnished by the commissioner for such registration. Such registration may be renewed annually not later than the thirtieth day of June. The commissioner shall establish fees for such registration pursuant to section 22-128a.

(b) Registrations required pursuant to subsection (a) of this section shall be designated "Retail Raw Milk Producer Permit" or "Raw Milk Cheese Manufacturer Permit" and may be denied, suspended or revoked by the commissioner for cause.

(c) Retail raw milk shall only be offered for sale in its unprocessed state, with no ingredients added or removed.

(d) The manufacturing of cheese from unpasteurized milk shall be conducted only on premises and by firms or individuals authorized by the commissioner to produce retail raw milk.

(e) The Milk Regulation Board shall adopt regulations, in accordance with the provisions of chapter 54, establishing standards for sanitation, production, sale, labeling, handling and storage of retail raw milk and the manufacture of raw milk cheeses.

Cider and Juices (Unpasteurized) Requirements

Packaged or bottled raw (unpasteurized) cider and juices of all types may only be sold at retail in accordance with state and federal laws and must bear the federal warning label. The statement must appear on the label prominently, conspicuously and must appear in a minimum type size of one-sixteenth inch. The statement must appear in a box set off by hairlines. The word "warning" must appear in bold capital letters.

Unpasteurized cider and juices may not be sold to other retail or to food service establishments.

Bottled non-acid juices such as but not limited to carrot or kale may not be sold unless they are kept and labeled prominently that they require refrigeration. Such products may be for immediate consumption as provided for by the local health department.

Please be advised that if you plan to allow the public to sample unpasteurized cider or unpasteurized juices that have not yet been bottled and have been prepared for immediate consumption, you are subject to the provisions of the of the Connecticut Public Health Code, Section 19-13-B42.
If a vendor chooses to sample these items, they are strongly encouraged to include a notice to the public warning them that the product is unpasteurized and may potentially contain harmful bacteria that could cause serious illness in children, the elderly and persons with weakened immune systems.

Producers of cider must annually register with the Department of Consumer Protection, as inspection of the production area is required in order to obtain a license to sell cider.
Inspection and Regulations Concerning Apple Juice and Cider License Issuing Agency:
Department of Consumer Protection Division of Food and Standards
The State of Connecticut Departments of Public Health, Consumer Protection and Agriculture strongly advise against the service/sampling of unpasteurized cider.
WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that may cause serious illness in children, the elderly, and persons with weakened immune systems.

EGGS - Eggs sold directly to consumers in Connecticut must be in cartons that are labeled with the farm name and address, and the safe handling statement: SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.

Eggs must also be refrigerated at 45 degrees or less.

SHELLFISH - Approved shellfish sources

All shellfish must be from an approved source. An approved source is defined as a shellfish harvester or dealer licensed by the state control authority and is listed in the US Food & Drug Administration (USFDA) interstate Certified Shellfish Shipper List (ICSSL) which is accessible online: http://www.fda/Food /GuidanceRegulation/FederalStateFoodPrograms/ucm2006753.htm

Finfish, lobsters, sea scallops, or squid Anyone wishing to sell finfish, lobsters, sea scallops or squid landed in Connecticut at a Connecticut farmers' market must have the appropriate commercial fishing license from the Connecticut Department of Environmental Protection (CT DEEP) and/or Federal permits issued by the National Marine Fisheries Service. The following is a list of the specific licenses issued by the CT DEEP that may be required depending upon the operation:

- Commercial Blue Crab Fishing License, • Commercial Shad Fishing License
- Commercial Landing Vessel Operator's License, • Restricted Commercial Fishing License
- Restricted Commercial Lobster Pot Fishing License
- Whelk Fishing License, • Principal Commercial Fishing License
- Commercial Lobster Pot Fishing License, • General Commercial Fishing License
- Seafood Dealer's License

Additionally, fishermen who wish to land and sell summer flounder, scup and black sea bass must qualify for and be in possession of the corresponding quota managed species license endorsement.

Seafood is considered "Farm Products" as defined by state statute. The CT Seafood Council and the DEEP have an understanding that CT seafood being caught/harvested by fisherman in boats that are landed in Connecticut is to be considered Connecticut Caught.

Connecticut Cottage Food Requirements to prepare food in one's house.

a. an application with the CT Dept of Consumer Protection,

b. Private water supply tested,

c. Qualified Food Operator / Food Safety Course (renewed every 5 yrs)

d. Zoning approval as a Home Occupation.

e. Types of food limited & labeling requirement,

Foods include the following (list is not inclusive)

Loaf breads, rolls and biscuits,

Non-potentially hazardous cakes including celebration cakes (e.g. birthday cake, but not cheese cake), Non-potentially hazardous pastries and cookies,

Fruit pies (not pumpkin)

Jams, jellies and preserves (must meet the Standards of Identity in 21CFR150),

Dried fruits, Coated or uncoated nuts, Dry herbs, seasoning, and mixtures,

Non-potentially hazardous cereals, trail mixes and granola,

Vinegar and flavored vinegars,

Popcorn and popcorn balls, Cotton candy,

Roasted Coffee Beans

Sec. 21a-62b. Definitions. For the purposes of this section and sections 21a-62c to 21a-62h, inclusive:

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

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

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

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

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

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

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

(8) “Potentially hazardous food” means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation, which controls shall be consistent with the United States Food and Drug Administration's Food Code definition for time and temperature control for safety food, as amended from time to time, and adopted by reference by the commissioner pursuant to section 19a-36h.

(P.A. 18-141, S. 13; P.A. 19-18, S. 1; 19-177, S. 38.)

Sec. 21a-62c. Cottage food operations. Examination of premises. Licensure requirements. (a) All cottage food operations shall be licensed annually by the Commissioner of Consumer Protection. The license application form shall be developed by the commissioner. The license shall specify the food products allowed to be produced by the cottage food operation. The annual license fee for cottage food operations shall be set by the Commissioner of Consumer Protection, provided such fee shall not exceed one hundred dollars.

(b) Prior to licensing, the commissioner shall, within existing resources, examine the premises of the cottage food operation to determine it to be in compliance with the provisions of this section and sections 21a-62b and 21a-62d to 21a-62h, inclusive.

(c) Any cottage food operation shall comply with all applicable municipal laws and zoning ordinances when conducting a business from a private residential dwelling. Upon request by the commissioner, the cottage food operation shall provide written verification, from a credible recognized source, as determined by the commissioner, of compliance with all local, state and federal laws regarding on-site wastewater systems.

(d) Any cottage food operation with a private water supply shall have the supply tested prior to receiving a license in order to demonstrate that the water supply is potable. Subsequent testing of such private water supplies shall be required at a frequency determined by the commissioner.

(e) Prior to receiving a license, each cottage food operation shall have attended and completed a food safety training program that includes training in food processing and packaging. A list of food safety training programs that are recognized by the commissioner shall be maintained on the Department of Consumer Protection's Internet web site. (P.A. 18-141, S. 14.)

Sec. 21a-62d. Limitation on total annual gross sales. Direct sale to consumer. Authorized food products. Display of license. (a) Total annual gross sales for a cottage food operation shall not exceed fifty thousand dollars per calendar year. If annual gross sales exceed the maximum

annual gross sales amount allowed, the cottage food operation shall either obtain a food manufacturing establishment license or cease operations. The commissioner may request documentation to verify the annual gross sales figure of any cottage food operation.

(b) Products produced by a cottage food operation shall be sold directly to the consumer. Direct sales at point of production, farmers markets, local fairs and festivals, and charitable organization functions are permitted. Advertising and sales by Internet, mail and phone are permissible, provided the cottage food operator or their designee shall deliver, in person, to the customer within the state. No such operation shall engage in consignment or wholesale sales. The following additional locational sales by any such cottage food operation shall be prohibited: (1) Grocery stores; (2) restaurants; (3) long-term care facilities; (4) group homes; (5) day care facilities; and (6) schools. A cottage food operation may not operate as a food service establishment, a retail establishment engaged in the sale of food, a food manufacturing establishment, as defined in section 21a-151, or a food warehouse, as defined in section 21a-151.

(c) A cottage food operation may only produce those specific food products listed on its license.

(d) Any such license shall be displayed at every location where the operation's cottage food products are sold.

(P.A. 18-141, S. 15; P.A. 22-8, S. 1.)

History: P.A. 22-8 amended Subsec. (a) by increasing cap on total annual gross sales for a cottage food operation from $25,000 to $50,000 per calendar year.

Sec. 21a-62e. Inspection of cottage food operation. (a) The commissioner may inspect a cottage food operation at any time to ensure compliance with the provisions of this section, sections 21a-62c, 21a-62d and sections 21a-62f to 21a-62h, inclusive.

(b) Nothing in this section, section 21a-62c or 21a-62d or sections 21a-62f to 21a-62h, inclusive, shall be construed to prohibit the local director of health or duly authorized agents of the director from investigating the permitted area of a cottage food operation in response to a foodborne illness outbreak, consumer complaint or other public health emergency. (P.A. 18-141, S. 16.)

Sec. 21a-62f. Authorized food items. Prohibited food items. (a) A cottage food operation may produce food items that are not potentially hazardous food.

(b) A cottage food operation shall not produce:

(1) Potentially hazardous food items; and

(2) Food items that present a food safety risk, such as acidified foods, low acid canned foods, garlic in oil, fresh fruit or vegetable juices and beverages. (P.A. 18-141, S. 17.)

Sec. 21a-62g. Prepackaged food products. Labels. If a cottage food operation sells cottage food products that are prepackaged, such packaging shall include an affixed label that contains the following information and that is printed in English:

(1) The name and address of the cottage food operation;

(2) The common or usual name of the cottage food product;

(3) The ingredients of the cottage food product, in descending order of predominance by weight or volume;

(4) Allergen information, as specified by federal labeling requirements, such as milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat and soybeans; and

(5) The following statement printed in at least ten-point type in a clear and conspicuous manner that provides contrast to the background label: "Made in a Cottage Food Operation that is not Subject to Routine Government Food Safety Inspection." (P.A. 18-141, S. 18.)

Sec. 21a-62h. Cottage food operation requirements. License suspension and revocation. Hearing. Cost of inspection. (a) Each cottage food operation shall comply with the following requirements and any failure to comply shall be deemed a violation of this section and sections 21a-62b to 21a-62g, inclusive:

(1) No person, other than the person licensed to produce cottage food products or a person under his or her direct supervision, may engage in the processing, preparing, packaging or handling of any cottage food products;

(2) No preparation, packaging or handling of cottage food products shall occur in the home kitchen concurrently with any other domestic activities such as family meal preparation, clothes washing or ironing, kitchen cleaning, or guest entertainment;

(3) No pets, infants or children under the age of twelve shall be in the home kitchen during the preparation, packaging or handling of any cottage food products;

(4) All food contact surfaces, equipment and utensils used for the preparation, packaging or handling of any cottage food products shall be washed, rinsed and sanitized before each use;

(5) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects; and

(6) All persons involved in the preparation and packaging of cottage food products:

(A) Shall not be ill while working in the home kitchen;

(B) Shall wash their hands before any food preparation and food packaging activities; and

(C) Use single-service gloves, bakery papers, tongs or other utensils in order to not have bare hand contact with ready-to-eat foods.

(b) A cottage food operation license may be suspended or revoked by the commissioner for any violation of this section or sections 21a-62b to 21a-62g, inclusive, after a hearing conducted in accordance with chapter 54. A cottage food operation license may be summarily suspended pending such a hearing if the commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. Upon issuing a summary suspension, the commissioner shall schedule a hearing to determine whether to reinstate the license of the cottage food operation. Following said hearing, the commissioner shall either void such suspension or

order revocation of the cottage food operation license. Any person or business entity whose license was revoked shall not be permitted to apply to the department for a new license for a period of one year from the date of decision of license revocation by the commissioner. The cost of any inspections necessary to determine whether or not an applicant whose license was revoked is entitled to have a new license granted shall be borne by the applicant at such rates as the commissioner may determine. The commissioner may refuse to grant any cottage food operation license if the commissioner finds that the applicant has evidenced a pattern of noncompliance with the provisions of this section or sections 21a-62b to 21a-62g, inclusive. Prima facie evidence of a pattern of noncompliance shall be established if the applicant has operated, controlled or managed two or more cottage food operations for which such a license has been revoked. (P.A. 18-141, S. 19.)

Honey & Maple Syrup - Regulated by Ct Department of Agriculture

Statement of Purpose Public Act 19-18 transferred the responsibility to regulate the production and sale of Honey and Maple Syrup from the Connecticut Department of Consumer Protection to the Connecticut Department of Agriculture. Honey and Maple Syrup are products covered by the federal Food, Drug and Cosmetic Act as amended by the Food, Safety Modernization Act (FSMA). and the Food and Drug Administration's (FDA) Current Good Manufacturing Practice, Risk Based Preventive Controls for Human Food rules. The FDA rules are published as Title 21, Part 117 of the Code of Federal Regulations. Note: FSMA has provisions built into the federal rule that provide for certain exemptions from the requirement to have a food safety plan.

The exemptions are based on the relative risk of the food being produced, and/or income from the sale of food. Because honey and maple syrup are considered low risk foods for microbial contamination and other hazards, producers of honey and maple syrup are exempted from certain requirements of Title 21, Part 117 of the Code of Federal Regulations, notably the requirement for a hazard analysis and written food safety plan.

Additionally, a vast majority of honey and maple syrup producers in this state either qualify as small businesses with sales of less than 1 million dollars in food or sales of less than 500,000 thousand dollars in food with > 50% of those sales being made to qualified end users, also exempting these producers from the requirement for a hazard analysis and written food safety plan.

Section 1 of the regulations defines additional terms used in these regulations.

Section 2 of these regulations contains the provisions for registration and requires a $50.00 annual registration fee for producers of honey and maple syrup with annual gross revenues over $25,000. Honey and maple syrup producers required to register have to comply with Current Good Manufacturing Practices, including subpart B of Title 21, Part 117, incorporated into section 3(a) of the proposed regulations.

All producers of honey and maple syrup (as any food manufacturer) will be required to comply with the labeling requirements of Title 21, Part 101 of the Code of Federal Regulations, incorporated in section 3(c) of these proposed regulations.

Section 4 prohibits the sale of adulterated or misbranded product and authorizes the commissioner to investigate any such complaints.

Section 5 authorizes the commissioner to inspect any product and any building, lot, location, and equipment under a producer's control used to process, pack, or hold product, excluding private residences. Section 6 establishes enforcement by issuance of orders pursuant to the commissioner's powers in Connecticut General Statute section 22-4c and a hearing process for those aggrieved by an order and civil penalties for violations of these regulations, and sections 7-10 are reserved for future use.