



## Agency Legislative Proposal - 2014 Session

**Document Name:** U:\George 2014\01 FARM PRODUCT ORIGIN LABELING REQUIREMENTS Agency Proposal Submission Form.docx

**DoAg – PRIORITY 01**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: [George.Krivda@ct.gov](mailto:George.Krivda@ct.gov)

Lead agency division requesting this proposal:

**Commissioner's Office**

Agency Analyst/Drafter of Proposal:

**George E. Krivda, Jr./Mark Zotti, Bureau of Agricultural Development and Resource Preservation**

**Title of Proposal**

**AAC FARM PRODUCT ORIGIN LABELING REQUIREMENTS**

Statutory Reference 22-38

**Proposal Summary: The proposal would require all farm products for sale at any of a variety of farm-related markets in Connecticut to be identified by a sign or label with the name and complete business address of the farm where the product was grown or produced. This measure of transparency will allow consumers to determine exactly where farm products were grown and thus make better-informed purchasing decisions. Clearly identifying Connecticut Grown farm products and differentiating them from those grown out of state will (1) strengthen the integrity of the Connecticut Grown brand, (2) bolster consumer confidence in that brand, and (3) empower consumers to better support Connecticut farm families and businesses.**

*Please attach a copy of fully drafted bill (required for review)*

### PROPOSAL BACKGROUND

- Reason for Proposal



Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **Not at this time, however future federal food safety rules will most likely contain product origin labeling requirements.**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **States have varying requirements.**
- (3) Have certain constituencies called for this action? **Participants at some farmers' markets have asked for this provision.**
- (4) What would happen if this was not enacted in law this session? **Transparency would not be achieved and consumers would not be aided in knowing where their food came from.**

- **Origin of Proposal**       **New Proposal**       **Resubmission**

If this is a resubmission, please share: **N/A**

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?     YES     NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation): **None.**

**State:** **None.**

**Federal:** **None.**



Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

**Insert fully drafted bill here**

**(NEW) Sec. 22-38 (c) Any business, including sole proprietorship, partnership, incorporation, or LLC, that offers retail sales and claims to be a farm, farm store, farm stand, farm kiosk, farm market, farm stand, farmers' market, or other enterprise selling in Connecticut farm products as defined by Sec. 1-1(q) shall have attached to each farm product, its package, or its container a clearly visible label identifying the origin of the product, or shall have prominently displayed with each farm product signage identifying the origin of the product. Each such label or sign shall include at a minimum the name and complete business address of the farm or business that produced the product. This requirement is in addition to pre-existing labeling requirements in any and all appropriate state and/or federal laws. Failure to meet this requirement will result in a fine of \$100 per occurrence.**



## Agency Legislative Proposal - 2014 Session

**Document Name:** U:\George 2014\02 CERTIFIED CONNECTICUT GROWN MARKETS Agency Proposal Submission Form.docx

**DoAg- PRIORITY 02**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

**CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: [George.Krivda@ct.gov](mailto:George.Krivda@ct.gov)

Lead agency division requesting this proposal:

**Commissioner's Office/ Governor's Council for Agricultural Development**

Agency Analyst/Drafter of Proposal:

**George E. Krivda, Jr.**

**Title of Proposal**

**AAC CERTIFIED CONNECTICUT GROWN MARKETS**

**Statutory Reference: 22-38b(b) and 22-38b(c)**

**Proposal Summary: This proposal will better align the Connecticut General Statutes with the existing, successful Connecticut Grown Program. It also will remove an obstacle in the establishment of a program encouraging more Connecticut Grown products in food markets.**

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* **No.**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **Not that we are aware of.**
- (3) *Have certain constituencies called for this action?* **The Governor's Council on Agricultural Development.**
- (4) *What would happen if this was not enacted in law this session?* **There would be little progress in reaching the goal of 5% of food purchased in the Connecticut being grown in the state.**



- **Origin of Proposal**       **New Proposal**                       **Resubmission**

*If this is a resubmission, please share: N/A*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?     YES     NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

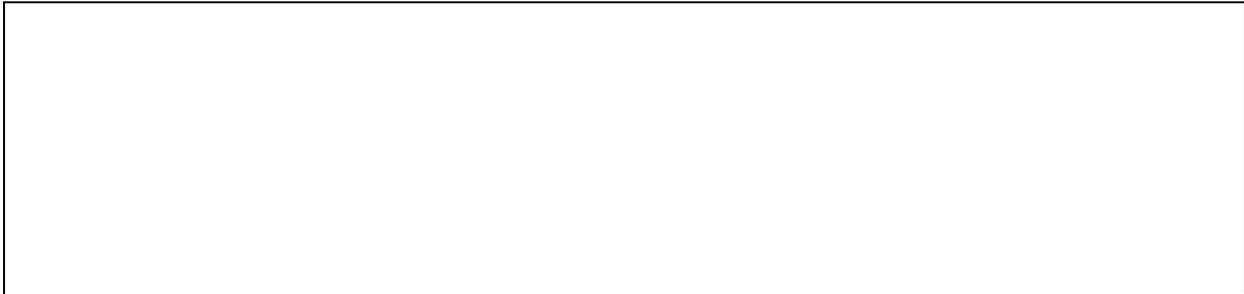
**Municipal** (please include any municipal mandate that can be found within legislation): **None.**

**State: None.**

**Federal: None.**

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



**Insert fully drafted bill here**

Sec. **22-38b**. Grocery or food store eligibility for state grant, financial assistance, loan or state-funded incentive. Certification as Connecticut **[Farm Fresh] Grown** Market or Restaurant. Regulations. (a) For the purposes of this section, "grocery or food store" means a business that employs ten or more persons and is engaged in the retail sale of produce, such as fruits and vegetables, meats, poultry, seafood, nuts, dairy products, bakery products or eggs.

(b) No grocery or food store shall be eligible for any state grant, financial assistance, state loan or other state-funded incentive under title 32, unless such store is certified as a "Connecticut **[Farm Fresh] Grown** Market" by the Commissioner of Agriculture pursuant to subsection (c) of this section.

(c) The Commissioner of Agriculture shall establish and administer a program, within available resources, to certify grocery and food stores as "Connecticut **Grown [Farm Fresh]** Markets". A grocery or food store may be certified by the commissioner as a Connecticut Farm Fresh Market if proof is submitted, to the satisfaction of the commissioner, that such store continuously stocks **five [fifteen]** per cent or more of its shelf space for retail produce and dairy with farm products grown or produced in this state **on a year-round basis and twenty-five per cent or more of its shelf space for retail produce with Connecticut Grown farm products during the months of July, August, and September.** **[Such products include, but are not limited to, dairy products, meat, poultry, seafood, nuts, eggs, fruits and vegetables.]**

A grocery or food store certified as a Connecticut Grown **[Farm Fresh]** Market may use the words "Connecticut **Grown [Farm Fresh]** Market" for promotional and marketing activities. No store other than a store certified as a Connecticut **Grown [Farm Fresh]** Market may use such words for promotional and marketing activities.

(d) The Commissioner of Agriculture shall establish and administer a program, within available resources, to promote restaurants in the state that serve farm products grown or produced in the state. The commissioner shall, upon receiving proof satisfactory to said commissioner that at least twenty per cent of food served by a restaurant consists of farm products grown and produced in the state, certify the restaurant to use the words "Connecticut **Grown [Farm Fresh]** Restaurant" for



promotional and marketing activities. No restaurant other than one certified as a Connecticut **Grown [Farm Fresh]** Restaurant may use such words for promotional and marketing activities.

(e) The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section.



## Agency Legislative Proposal - 2014 Session

**Document Name:** U:\George 2014\03 LEASE LESSEE HOLDOVER Agency Proposal Submission Form.docx

**DoAg –PRIORITY 03**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

**CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-836-8854**

E-mail: [George.Krivda@ct.gov](mailto:George.Krivda@ct.gov)

Lead agency division requesting this proposal:

**Bureau of Aquaculture**

Agency Analyst/Drafter of Proposal:

**George E. Krivda, Jr. / David Carey – Director, Bureau of Aquaculture**

**Title of Proposal**

**AAC LEASE LESSEE HOLDOVER**

**Statutory Reference: 26-194**

**Proposal Summary: Upon the expiration of a state shellfish lease, the lessee currently has the option to apply for a renewal of that lease upon the same terms and conditions as set forth in 26-194. This proposal renders that renewal option null and void if the lessee is in default in the rent payment or any covenant within the lease up for renewal, within any other state shellfish lease to that same lessee, or within any state shellfish lease to an entity in which that same lessee is a principal or corporate officer.**

*Please attach a copy of fully drafted bill (required for review)*

### PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* **No.**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **We are not aware of any.**
- (3) *Have certain constituencies called for this action?* **No.**
- (4) *What would happen if this was not enacted in law this session?* **The present situation of not being able to take action to limit defaults on leases would continue.**

- **Origin of Proposal**

**New Proposal**

**Resubmission**



If this is a resubmission, please share: **N/A**

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal    \_\_\_ YES    \_\_\_ NO    \_\_\_ Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?    \_\_\_ YES    \_\_\_ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation): **None.**

**State:** **None.**

**Federal:** **None.**

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



This change will prevent an individual from renewing one lease while defaulting on another with the State and prevents an individual in default to organize another company to begin leasing shellfish beds while in default.

Insert fully drafted bill here

**Sec. 26-194. Leasing of shellfish grounds. Fee. Utility lines and public use structures. Shellfish removal or relocation costs. Annual host payments for Long Island Sound crossings. Deposits into expand and grow Connecticut agriculture account and Environmental Quality Fund.** (a) The Commissioner of Agriculture may lease in the name of the state, under such regulations as he may prescribe and for a period not longer than ten years, all shellfish areas that have been conveyed to the state or placed under state jurisdiction by the town of West Haven and any undesignated grounds, within the exclusive jurisdiction of the state, for the purpose of planting and cultivating shellfish. The authority herein conferred shall include the Cornell Reef, Portchester, Great Captain's Island, Field Point and Greenwich Point natural beds as located and described in section 3295 of the general statutes, revision of 1918. Any person desiring to lease grounds for such purpose shall make application in writing to the commissioner and all grounds leased by authority of the provisions of this section shall be leased to the highest responsible bidder, for a minimum fee of four dollars per acre. Such lease or lease renewal shall require the lessee to make a good faith effort to cultivate and harvest shellfish from the leased area. Such lease or lease renewal shall prohibit the lessee from entering a contract whereby the lessee agrees not to cultivate and harvest shellfish for any period of time. No lessee may enter an agreement with a third party that will prevent the lessee from carrying out the lessee's obligations under the lease unless the Department of Agriculture and the Attorney General have approved such agreement. The form of such application and lease shall be approved by the Attorney General, and all such leases shall be recorded in the records of the commissioner. No lease shall be granted to a resident of a state which does not lease shellfish grounds to residents of this state, except that any nonresident who was granted a lease on or before October 1, 1985, may, upon the expiration of such lease, apply for a renewal or further lease as provided in this section. The commissioner shall grant any such lease to nonresidents upon the same terms and conditions as to residents of this state. Any lessee or holder of shellfish grounds, on the expiration of any lease thereof which has been or which may be granted, having fulfilled all of such lessee's or holder's obligations under the lease shall, upon application to the commissioner, have preference in the reletting of such ground for a like term to that granted in the original lease, excluding the rental fee, which shall not be less than the minimum fee per acre as provided in this subsection. [A lease renewal shall not be granted if the applicant is in arrears for rent on the original lease of such grounds.] It is further provided however that the aforesaid option to renew shall be null and void in the event that the Lessee herein at the time of filing such application for renewal is in default in the payment of rent or in default in any of the other covenants herein of this or any other State shellfish lease held by the



**Lessee or of any other state shellfish lease in which the Lessee is a principle or corporate officer in any other entity holding such State lease.**

Such application for such renewal or further lease shall be granted without notice or advertisement of the pendency thereof; provided no renewal or further lease of such ground shall be granted when the commissioner, for cause, ceases to lease such ground for shellfish culture. All assignments or transfers of leases shall be subject to the approval of the commissioner and shall be recorded in his records. Any person who interferes with, annoys or molests another in the enjoyment of any lease authorized by the provisions of this section shall be subject to the penalties provided in section 26-237. The provisions of sections 26-212, 26-215 and 26-232 shall not apply to any shellfish grounds leased pursuant to the provisions of this section.

(b) Upon request of a lessee, the commissioner may divide or consolidate shellfish grounds leased by such lessee, if the commissioner determines such division or consolidation to be in the best interests of the state. The minimum fee per acre shall apply to shellfish grounds divided or consolidated pursuant to this subsection.

(c) The Commissioner of Agriculture shall assess the owner of any facility that requires a certificate issued pursuant to section 16-50k or that requires approval by the Federal Energy Regulatory Commission and that crosses any grounds of Long Island Sound within the jurisdiction of the state, including, but not limited to, any shellfish area or leased, designated or granted grounds, an annual host payment fee of forty cents per linear foot for the length of such facility within the jurisdiction of the state. The Commissioner of Agriculture shall deposit seventy-five per cent of the proceeds of such fee into the expand and grow Connecticut agriculture account established pursuant to section 22-38c and shall transfer the remaining twenty-five per cent to the Commissioner of Environmental Protection for deposit into the Environmental Quality Fund established pursuant to section 22a-27g.

(d) Notwithstanding the provisions of subsection (a) of this section, any owner of a utility line or public use structure that impacts a leased area shall pay to the lessee the costs of removing or relocating any shellfish. Nothing in this subsection shall be construed to prohibit the state or any lessee from recovering damages incurred by the state or the lessee caused by the installation, construction or presence of such utility line or public use structure.

(e) The Commissioner of Agriculture may designate an agent within the department to exercise the authority of said commissioner under this section.



## Agency Legislative Proposal - 2014 Session

**Document Name:** U:\George 2014\04 THE PILFERING OF SHELLFISH Agency Proposal Submission Form.docx

**DoAg-PRIORITY 04**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

**CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-836-8854**

E-mail: [George.Krivda@ct.gov](mailto:George.Krivda@ct.gov)

Lead agency division requesting this proposal:

**Bureau of Aquaculture**

Agency Analyst/Drafter of Proposal:

**George E. Krivda, Jr. / David Carey,**

**Title of Proposal AAC THE PILFERING OF SHELLFISH**

**Statutory Reference 26-225 and 26-226**

### Proposal Summary

**To expand the penalty in 26-225 and 26-226 for stealing oysters and creating an injury to an oyster enclosure to include stealing all types of shellfish or creating an injury to all shellfish enclosures on designated or leased grounds.**

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

### • Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* **No.**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **N/A**
- (3) *Have certain constituencies called for this action?* **No.**
- (4) *What would happen if this was not enacted in law this session?* **Pilfering would continue to plague honest shellfish farmers and continue to lead to general unrest and suspicion within the industry.**

### • Origin of Proposal

**New Proposal**

**Resubmission**



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?  
**N/A**
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?  
**N/A**
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **N/A**
- (4) What was the last action taken during the past legislative session? **N/A**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?     YES     NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation): **None.**

**State: Minimum positive impact.**

**Federal: None.**

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



There are no policy changes as stealing continues to be wrong.

### Insert fully drafted bill here

**Sec. 26-225. Stealing [oysters] shellfish** Any person who, in the daytime, unlawfully takes and carries away any [oysters] shellfish lawfully planted or cultivated in any waters, or any oysters being on any place designated for the planting or cultivation of oysters, shall be fined not more than three hundred dollars or imprisoned not more than one year; and, if such offense is committed in the night season, he shall be fined not more than five hundred dollars or imprisoned not more than one year.

**Sec. 26-226. Injury to enclosure.** Any person who wilfully injures any [oyster] shellfish enclosure legally designated, marked out and enclosed or removes any buoys or stakes used to mark out any [oyster] shellfish ground, or who takes any shells from such enclosure, shall be fined not more than fifty dollars or imprisoned not more than thirty days; on a second conviction, the person shall be fined not less than fifty dollars or more than one hundred dollars and imprisoned not less than thirty days or more than ninety days, and, on each subsequent conviction, the person shall be fined one hundred fifty dollars and imprisoned not more than six months.



## Agency Legislative Proposal - 2014 Session

**Document Name:** U:\George 2014\05 CONNECTICUT'S SEED LAW Agency Proposal Submission Form.docx

**DoAg –PRIORITY 05**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency:

**CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: [George.Krivda@ct.gov](mailto:George.Krivda@ct.gov)

Lead agency division requesting this proposal:

**Agricultural Commodities Division of the Bureau of Inspection/Regulation**

Agency Analyst/Drafter of Proposal:

**George E. Krivda, Jr./Wayne Nelson, Bureau of Inspection and Regulation**

**Title of Proposal**

**AAC CONNECTICUT'S SEED LAW**

Statutory Reference: 22-55

**Proposal Summary: This proposal updates the current seed law that was written in 1963 with the Recommended Uniform State Seed Law developed by the Association of American Seed Control Officials. The present seed law has become difficult to administer as the terminology, technology, and science have all changed significantly since 1963.**

*Please attach a copy of fully drafted bill (required for review)*

## PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **No, but this model bill has been used to update seed laws across the country.***
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **Yes, as legislative action has been based upon this proposed model law.***
- (3) *Have certain constituencies called for this action? **Consumers of a variety of seeds.***
- (4) *What would happen if this was not enacted in law this session? **We would continue to administer a less than effective out of date law.***



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- **Origin of Proposal**       **New Proposal**       **Resubmission**

*If this is a resubmission, please share: N/A*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?     YES     NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation): **None.**

**State:** **None.**

**Federal:** **None.**

Additional notes on fiscal impact



- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The Connecticut Seed Law needs updating. The current seed law written in 1963 becomes increasingly difficult to administer as time goes by due to outdated terminology, technology, and science. Some examples:

- 1) The current law's lack of distinction between cool-season grasses and warm-season grasses makes it difficult for companies supplying turf-type product to comply with its requirements.
- 2) Companies supplying seed for native restoration of natural ecosystems are at a significant disadvantage because the existing law's required germination testing shows their seed to have very low germination rates. This discourages potential buyers even though it is normal for native grass species to take three or more years to germinate.
- 3) Current technology makes it is possible to label packages with actual seed counts, which is much more useful information for the consumer, but the present law still requires net weight.
- 4) The present law does not allow additional scientifically proven techniques to be used in germination testing.
- 5) The Department of Agriculture has received consumer complaints about flower seed packets that have failed to produce any live plants, but flowers are not covered in the present Connecticut Seed Law.
- 6) Consumers could benefit from tree and tree seed labels that include species-specific information about location, elevation, soil type, and climate suitability.

### **Insert fully drafted bill here**

**An Act to regulate the labeling, sale, offering, exposing of transporting for sale of agricultural, vegetable, flower, and tree and shrub seeds; to prevent misrepresentation therefore; to repeal all laws in conflict with this Act; and for other purposes.**

**This Act shall be cited as "The Connecticut Seed Law".**

#### **SECTION 1. Definitions when used in this Act.**

- (a) "Advertisement"-means all representations, other than those on the label, disseminated in any manner of by any means, relating to seed within the scope of this Act.
- (b) "Agricultural seed"-includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized with in this state as agriculture seeds, lawn seeds, and combinations of such seeds, and may include noxious weed seeds when the Connecticut Seed Control Official determines that such seed is being used as agricultural seed.
- (c) "Blend"-means seed consisting of more than one variety of a kind, each in excess of five percent by weight of the whole.



- (d) **“Brand”**-means a word, name, symbol, number, or design used to identify seed of one person to distinguish it from seed of another person.
- (e) **“Certifying agency”**-means (A) an agency authorized under the laws of a State, Territory or Possession to officially certify seed and which has standards and procedures approved by the U.S. Secretary of Agriculture to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the U.S. Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A).
- (f) **“Complete record”**-means any and all information which relates to the origin, treatment, germination, kind, and variety of each lot of agricultural seed sold in this state or which relates to the treatment, germination, kind and variety of each lot of vegetable and flower seed sold in this state. Such information includes seed samples and records of declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests and examinations.
- (g) **“Conditioning”**-means drying, cleaning, scarifying, and other operations which could change the purity or germination of the seed and require the seed lot to be retested to determine the label information.
- (h) **“Dormant”**-means viable seed, excluding hard seed, which fail to germinate when provided the specified germination conditions for the kind of in question.
- (i) **“Flower seeds”**-includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower or wildflower seed in this state.
- (j) **“Genuine grower declaration”**-means a statement signed by the grower which gives for each lot of seed the lot number, kind, variety (if known), origin, weight, year of production, date of shipment and to whom the shipment was made.
- (k) **“Germination”**-means the emergence and development from the seed embryo of those essential structures which for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.
- (l) **“Hard seeds”**-means seeds which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.
- (m) **“Hybrid”**-means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two varieties of species, except open-pollinated varieties of corn (*Zea mays*). The second generation of subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.
- (n) **“Inert matter”**-means all matter not seed which includes broken seeds, sterile florets, chaff, fungus bodies and stones as determined by methods defined by rule as adopted by the Association of Official Seed Analysts effective October 1, 1978 and as subsequently amended by the Association of Official Seed Analysts.
- (o) **“Introduced wildflower”**-means kinds or the type and varieties derived from those kinds that are not indigenous to North America.
- (p) **“Kind”**-means one or more related species or sub-species which singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.



- (q) **“Labeling”**-includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by this act, and it may include any other information relating to the labeled seed.
- (r) **“Lot”**-means a definite quantity of seed identified by a unique lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.
- (s) **“Mixture”, “mix”, or “mixed”**-means seed consisting of more than one kind, each in excess of five percent by weight of the whole.
- (t) **“Mulch”**-means a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds and the prevention of erosion.
- (u) **“Native wildflower”**-means kinds or the types and varieties derived from those kinds that are indigenous to North America.
- (v) **“Noxious weeds seeds”**-are divided into three classes—**“Prohibited Noxious Weed Seeds”, “Restricted Noxious Weed Seeds”** and **“Undesirable Grass Seeds (UGS)”** as defined in (1) and (2) and (3) of this subsection:
  - (1) The term **“prohibited noxious weed seeds”** are those weed seeds which are prohibited from being in agricultural, vegetable, flower, tree, or shrub seed. They are the seeds of weeds which are highly destructive and difficult to control by good cultural practices and the use of herbicides.
  - (2) The term **“restricted noxious weed seeds”** are those weed seeds which are objectionable in agricultural crops, lawns, gardens of this state and which can be controlled by good cultural practices or the use of herbicides.
  - (3) The term **“undesirable grass seeds (UGS)”** are seeds of grass species declared to be restricted noxious weed seed when found in lawn and turf seed.
- (w) **“Off type”**-means any seed or plant not a part of the variety in that it deviates in one or more characteristics from the variety as described and may include: a seed or plant of another variety; a seed or plant not necessarily any variety; a seed or plant resulting from cross-pollination by another kind or variety; a seed or plant resulting from uncontrolled self-pollination during production of hybrid seed; or segregates from any of the above.
- (x) **“Origin”**-for an indigenous stand of trees is the area on which the trees are growing; for a nonindigenous stand, it is the place from which the seeds or plants were originally introduced.
- (y) **“Other crop seed”**-means seeds of plants grown as crops (other than the kind or variety included in the pure seed) as determined by methods defined by rule as adopted by the Association of Official Seed Analysts effective October 1, 1978 and as subsequently amended by the Association of Official Seed Analysts.
- (z) **“Person”**-means an individual, partnership, corporation, company, association, receiver, trustee or agent.
- (aa) **“Private hearing”**-may consist of a discussion of facts between the person charged and the Seed Control Official.



- (bb) **“Pure live seed”**-means the product of the percent of germination plus hard or dormant seed multiplied by the percent of pure seed divided by 100. The result is expressed as a whole number.
- (cc) **“Pure seed”**-means seed exclusive of inert matter and all other seeds not of seed being considered as determined by methods defined by rule as adopted by the Association of Official Seed Analysts effective October 1, 1978 and as subsequently amended by the Association of Official Seed Analysts.
- (dd) **“Seizure”**-means a legal process carried out by court order against a definite amount of seed.
- (ee) **“Stop sale”**-means an administrative order provided by law, restraining the sale, use, disposition, and movement of a definite amount of seed.
- (ff) **“Treated”**-means that the seed has received an application of a substance, or it has been subjected to a process for which a claim is made.
- (gg) **“Tree and shrub seed”**-includes seeds of woody plants commonly known and sold as tree and shrub seeds in this State.
- (hh) **“Tree seed collector’s declaration”**-is a statement signed by a grower or person having knowledge of the place of collection giving, for a lot seed, the lot number, common or scientific name of the species (and subspecies, if appropriate), origin, elevation, and quantity of tree and shrub seed.
- (ii) **“Type”**-means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.
- (jj) **“Variant”**-means any seed of plant which (a) is distinct within the variety but occurs naturally in the variety, (b) is stable and predictable with a degree of reliability comparable the other varieties of the same kind, within recognized tolerances, when the variety is reproduced or reconstituted, and (c) was originally a part of the variety as released. A variant is not an off-type.
- (kk) **“Variety”**-means a subdivision of a kind which is distinct, uniform, and stable; **“distinct”** in the sense that the variety can be differentiated by one or more identifiable morphological, physiological or other characteristics from all other varieties of public knowledge; **“uniform”** in the sense that the variations in essential and distinctive characteristics are describable, and **“stable”** in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.
- (ll) **“Vegetable Seeds”**-includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.
- (mm) **“Weed seed”**-means the seed of all plants generally recognized as weeds within this state, as determined by methods defined by rule as adopted by the Association of Official Seed Analysts effective October 1, 1978 and as subsequently amended by the Association of Official Seed Analysts.

## SECTION 2. Label requirements for agricultural, vegetable, and flower seeds.



Each container of agricultural, vegetable, and flower seeds which is sold, offer for sale, or exposed for sale, or transported within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container:

- (a) For all agricultural, vegetable, and flower seeds treated as defined in this Act (for which a separate label may be used):
  - (1) A word or statement indication that the seed has been treated.
  - (2) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the process used.
  - (3) If the substance in the amount present with seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food, feed, or oil purposes". The caution for mercurial and similarly toxic substances shall be a poison statement or symbol.
  - (4) If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).
- (b) For agricultural seeds, except for cool season lawn and turf grass seed and mixtures thereof as provided in (c); for seed sold on a pure live seed basis as provided in (i); and for hybrids which contain less than 95% hybrid seed as provided in (j):
  - (1) The name of the kind and variety for each agricultural seed component present in excess of 5 percent of the whole and the percentage by weight of each: provided, that if the variety of those kinds generally labeled as to variety as designated in the regulations is not stated, the label shall show the name of the kind and the words, "Variety Not Stated". Hybrids shall be labeled as hybrids.
  - (2) Lot number or other lot identifications.
  - (3) Origin (state or foreign country), if known, alfalfa, red clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.
  - (4) Percentages by weight of all weed seeds.
  - (5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.
  - (6) Percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label.
  - (7) Percentage by weight of inert matter.
  - (8) The total of (b), (4), (6) and (7) must equal 100%.
  - (9) For each named agricultural seed:
    - (A) Percentage of germination, exclusive of hard seed,
    - (B) Percentage of hard seeds, if present,
    - (C) The calendar month and year the test was completed to determine such percentages.Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.
  - (10) Name and address of the person who labeled said seed, or who sells,



Offers or exposed said seed for sale within this State.

- (c) For cool season lawn and turf grasses including kentucky bluegrass, red fescue, chewing fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, creeping bentgrass and mixtures thereof:
- (1) For single kinds, the name of the kind or kind and variety.
  - (2) For mixtures:
    - (A) The word "mix", "mixed", or "blend" shall be stated with the name of the mixture. (Reference "Definitions used in this act" for specific use).
    - (B) The heading "Pure Seed" and "Germination" or "Germ" shall be used in the proper places.
    - (C) Commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight of pure seed in order of its predominance and in columnar form.
  - (3) Percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed").
  - (4) The percentage by weight of inert matter for lawn and turf grass not to exceed 10%, except that 15% inert matter is permitted in kentucky bluegrass labeled without a variety name. Foreign material, other than material used for coating or pelleting, as Section 2(d) or combination products, as in Section(k),(l) and Section 2(l)(1), to enhance the planting value, not common to grass seed, may not be added.
  - (5) Percentage by weight of all weed seeds. Maximum weed seed content is not to exceed one-half of one percent (0.05%) by weight.
  - (6) The total of (c) (1), (2), (3), (4) and (5) must total 100%.
  - (7) Noxious weeds and Undesirable Grass Seed that are required to be labeled will be listed under the heading "Noxious Weed Seeds" or Undesirable Grass Seeds". Undesirable Grass Seeds may not excess 0.05% by weight.
  - (8) For each agricultural seed named under (1) or (2) above:
    - (A) Percentage of germination, exclusive of hard seed;
    - (B) Percentage of hard seed if present;
    - (C) Calendar month and year the test was completed to determine such percentages. Oldest test date shall be used.
    - (D) The statement "Sell by \_\_\_\_\_" which may be no more than 15 months from the date of test exclusive of the month of test.
  - (9) Name and address of the person who labeled said seed, or who sells offers or exposes said seed for sale within this State.
- (d) For agricultural seeds that are coated.
- (1) Percentage by weight of pure seeds with coating material removed.
  - (2) Percentage by weight of coating material.
  - (3) Percentage by weight of inert material exclusive of coating material.
  - (4) Percentage of germination is to be demined on 400 pellets with or without seeds.
  - (5) In addition to the provisions of this section, labeling of coated seed shall comply with the requirements of Section 2(a), (b) and (c).



- (e) For vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in pre-planted containers, mats, tapes, or other planting devices:
- (1) Name of kind and variety of seed.
  - (2) Lot identification, such as by lot number or other means.
  - (3) (a.) The calendar month and year the germination test was completed and the statement "Sell by \_\_\_\_\_", which may be no more than 12 months from the date of test exclusive of the month of test.

OR

- (b) The year for which the seed was packaged for as "Packed for yy" and the statement "Sell by yy" which shall be for a calendar year.

- (4) Name and address of the person who labeled said seed or who sells, offer, or exposes said seed for sale within this State.
  - (5) For seeds which germinate less than the standard last established by the Connecticut Seed Control Official under this Act:
    - (A) Percentage of germination, exclusive of hard seed;
    - (B) Percentage of hard seed, if present,
    - (C) The words "Below Standard" in not less than 8-point type.
  - (6) For seeds placed in a germination medium, mat tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.
- (f) For vegetable seeds in containers other than packets prepared for use in home gardens or household plantings and other than pre-planted containers, mats, tapes, or other planting devices.
- (1) The name of each kind and variety present in excess of 5 percent and the percentage by weight of each in order of its predominance.
  - (2) Lot number or other lot identification.
  - (3) For each named vegetable seed:
    - (A) Percentage germination exclusive of hard seed;
    - (B) Percentage of hard seed, if present,
    - (C) The calendar month and year the test was completed to determine such percentages. Following (A) and (B) "the total germination and hard seed" may be stated as such, if desired.
  - (4) Name and address of the person who labeled said seed, or who sell, offers or exposes said seed for sale within this State.



- (5) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.
- (g) For flower seed in packets prepared for use in home gardens or household plantings or flower seeds in pre-planted containers, mats, tapes, or other planting devices:
- (1) For all kinds of flower seeds:
- (A) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this Act.
- (B) (i) The calendar month and year the germination test was completed and the statement "Sell by \_\_\_\_\_", which may be no more than 12 months from the date of test exclusive of the month of test.

OR

(ii) The year for which the seed was packed for sale as "Packed for yy" which shall be for a calendar year.

OR

(iii) The percentage germination and the calendar month and year The test was completed to determine such percentage provided that the germination test must have been completed within 12 months exclusive of the month of test.

(C) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this State.

- (2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under provisions of this Act:
- (A) Percentage of germination exclusive of hard seed; and
- (B) Percentage of hard or dormant seed, if present; and
- (C) The words "Below Standard" in not less than 8-point type.
- (3) For seeds placed in a germination medium, mat, tape or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.



- (h) For flower seeds in containers other than packets and other than pre-planted containers, mats, tapes, or other planting devices and not prepared for use in home flower gardens or household plantings:
- (1) The name of the kind and variety or a statement of type and performance characteristics as prescribed in rules and regulations promulgated under the provisions of this Act, and for wildflowers, the genus and species and subspecies, if appropriate.
  - (2) The lot number or other lot identification.
  - (3) For wildflower seed only with a pure seed percentage of less than ninety percent:
    - (A) The percentage, by weight, of each component listed in order of their predominance;
    - (B) The percentage by weight weed seed if present; and
    - (C) The percentage by weight of inert matter.
  - (4) For those kinds of seed for which standard testing procedures are prescribed:
    - (A) Percentage germination exclusive of hard or dormant seed;
    - (B) Percentage of hard or dormant seed, if present; and,
    - (C) The calendar month and year that the test was completed to determine such percentages.
  - (5) For those kinds of seed for which standard testing procedures are not available, the year of production or collection.
  - (6) The name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this State.
- (i) For agricultural seeds sold on a pure live seed basis, if in accordance with rules and regulations, each container must bear a label containing the information required by subsection (b) of this section, except:
- (1) The label need not show:
    - (A) The percentage by weight of each agricultural seed component as required by subdivision (1) of subsection (b) of this section; or
    - (B) The percentage by weight of inert matter as required by subdivision (7) of subsection (b) of this section, and
  - (2) The label must show for each named agricultural seed, instead of the information required by subdivision (8) of section (b) of this section:
    - (A) The percentage of pure live seed determined in accordance with rules and regulation; and
    - (B) The calendar month and year in which the test demining the percentage of live seed was completed.
- (j) For agricultural and vegetable hybrid seed which contain less than 95% hybrid seed.
- (1) Kind or variety must be labeled as "hybrid".
  - (2) The percent which is hybrid shall be labeled parenthetically in direct association following named variety; i.e. – Comet (85% Hybrid).
  - (3) Varieties in which the pure seed contain less than 75% hybrid seed shall not be labeled hybrids.
- (k) For combination mulch, seed and fertilizer products.
- (1) The word "combination" followed by the words "mulch-seed-fertilizer (if appropriate)" must appear on the upper 30% of the principal display panel. The



word "combination" must be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch-seed-fertilizer" shall be no smaller the one-half size of the word "combination" and in close proximity to word "combination". These products shall contain a minimum of 70% mulch.

- (2) Analysis Label-Agricultural, lawn and turf seeds placed in a germination medium, mat, tape or other device or mixed with mulch shall be labeled as follows:
  - (A) Product name.
  - (B) Lot number.
  - (C) Percentage by weight of pure seed of each kind and variety named which may be less than 5% of the whole.
  - (D) Percentage by weight of other crop seeds.
  - (E) Percentage by weight of inert matter which shall not be less than 70%.
  - (F) Percentage by weight of weed seeds.
  - (G) The total of (k) (C), (D), (E) and (F) must total 100%.
  - (H) Name and number of noxious weed seeds per pound, if present.
  - (I) Percentage of germination (and if appropriate) of each kind or kind or variety named and date of test.
  - (J) Name and address of tagger.

(l) For combination products containing seed and granular fertilizer.

- (1) The word "combination" followed by words "seed-fertilizer" must appear on the upper 30% of the principal display panel. The word "combination" must be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "seed-fertilizer" shall be no smaller than one-half the size of the "combination" and in close proximity to the word "combination".
- (2) On the analysis label, the percentage by weight of the fertilizer in the container shall be listed on a separate line as a component of the inert matter.

#### SECTION 2A. Label requirement for tree and shrub seeds.

Each container of tree and shrub seed which is sold, offered for sale, or exposed for sale, transported within this State for sowing purposes shall bear thereon or attached hereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or another label attached to the container—except that labeling of seed supplied under contractual agreement may be by invoice accompanying the shipment or by an analysis tag attached to said invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not identified must carry complete labeling.

- (a) For all tree and shrub seeds treated as defined in this Act (for which a separate label may be used):
  - (1) Word or statement indication that the seed has been treated.
  - (2) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of process used.



- (3) If the substance in the amount present with the seed is harmful to human or other vertebrate animals a caution statement such as "Do not use for food or feed or oil purposes". The caution for mercurial and similarly toxic substances shall be a poison statement and symbol.
- (4) If the seed has been treated with an inoculant, the date beyond which the inoculant is not be considered effective (date of expiration).
- (b) For all tree and shrub seeds subject to the Act:
  - (1) Common name of the species of seed (and subspecies, if appropriate).
  - (2) The scientific name of the genus and species (and subspecies, if appropriate).
  - (3) Lot number or other lot identification.
  - (4) Origin.
    - (A) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county.
    - (B) For seed collected from other than a predominantly indigenous stand, identify the area of collection and the stand or state "Origin not indigenous".
  - (5) The elevation or the upper and lower limits of elevations within which said seed was collected.
  - (6) Purity as a percentage of pure seed by weight.
  - (7) For those species for which standard germination testing procedures are prescribed by the Connecticut Seed Control Officer, the following:
    - (A) Percentage germination exclusive of hard seed,
    - (B) Percentage of hard seed, if present,
    - (C) The calendar month and year test was completed to determine such percentages.
  - (8) In lieu of 7A, B, and C above, the seed may be labeled "Test is in process, results will be supplied upon request".
  - (9) For those species for which standard germination testing procedures have not been prescribed by the Connecticut Seed Control Officer the calendar year in the seed was collected.
  - (10) The name and address of the person who labeled said seed or sells, offers, or exposes said seed for sale within this State.

### **SECTION 3. Prohibition.**

- (a) It is unlawful for any person to sell, to offer for sale, or transport for sale any agricultural, vegetable, flower or tree and shrub seed within this State-
  - (1) If subject to the germination requirements of Section 2, unless otherwise stipulated in Section 2, the test to determine the percentage of germination required by Section 2 shall have been completed within a 9 month period exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation. This prohibition does not apply to tree and shrub seeds or to agricultural or vegetable seeds in hermetically-sealed containers. Agricultural or vegetable seeds packaged in heretically-sealed containers under the conditions defined in rules and regulations promulgated under the provisions of this Act may sold, exposed for sale or offered for sale or transportation for a period of 36 months after the last day of the month that the seeds were tested for germination prior to



packaging. If seeds in hermetically-sealed containers are sold, exposed for sale, or offered for sale or transportation more than 36 months after the last day of the month in which they were tested prior to packaging, they must have been retested within a 9 month period, exclusive of the calendar month in which the retest was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

- (2) Not labeled in accordance with the provisions of this Act or having false or misleading labeling.
  - (3) Pertaining to which there has been false or misleading advertisement.
  - (4) Consisting of or containing prohibited noxious weed seeds, subject to recognized tolerances.
  - (5) Consisting of or containing restricted noxious weed seeds per pound in excess of the number prescribed by rules and regulations promulgated under this Act, or in excess of the number declared or in excess of the maximum percentage allowed (0.50%) for UGS on the label attached to the container of the seed or associated with seed.
  - (6) Containing more than 2 ½ percent by weight of all weed seeds.
  - (7) If any labeling, advertising, or other representation subject to this Act represents the seed to be certified seed or any class thereof unless:
    - (A) It has been determined by a seed certifying agency that such seed conformed to standards of purity and identify as to kind, species (and subspecies, if appropriate), or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules and regulations of such agency pertaining to such seed; and,
    - (B) That the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind, species (and subspecies, if appropriate) or variety.
  - (8) Labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a U.S. certificate of plant variety protection under the Plant Variety Protection Act (7 U.S.C. 2321 et. seq.) specifies sale only as a class of certified seed; Provided, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of the owner of the variety.
- (b) It is unlawful for any person within this State—
- (1) To detach, alter, deface, or destroy any label provided for in this Act or the rules and regulations made and promulgated thereunder, to alter or substitute seed in a manner that may defeat the purpose of this Act.
    - (A) To use relabeling stickers with having both the calendar month and year the germination test was completed, the sell by date, as stated in Section 2c (7), 2e (3) and 2g (1)(B) and the lot number that matches the existing, original lot number. A relabeling may not occur more than one time.
  - (2) To disseminate any false or misleading advertisements concerning seed subject to this Act in any manner or by any means.
  - (3) To hinder or obstruct in any way, any authorized person in the performance of his duties under this Act.
  - (4) To fail to comply with a “stop sale” order or to move or otherwise handle or dispose of any lot of seed held under a “stop sale” order or tags attached thereto, except with express permission of the enforcing officer, and for purpose specified thereby.



- (5) To use the word “trace” or the phrase “contains > than .01%” as a substitute for any statement which is required.
- (6) To use the word “type” in any labeling in connection with the name of any agricultural seed variety.
- (7) To alter or falsify any seed label(s), seed test(s), laboratory report(s), or other documents(s) to create a misleading impression as to kind, kind of variety, history, quality or origin of seed.

#### **SECTION 4. Records.**

Each person whose name appears on the label as handling agricultural, vegetable, flower, or tree and shrub seeds subject to this Act shall keep for a period of two years complete records of each lot of agricultural, vegetable, flower, or tree and shrub seed handled and keep for one year a file sample of each lot of seed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the Connecticut Seed Control Official or his agent during customary business hours.

#### **SECTION 5. Exemptions.**

- (a) The provisions of Section 2, 2A, and 3 do not apply—
  - (1) To seed or grain not intended for sowing purposes.
  - (2) To seed in storage in, or being transported or consigned to a cleaning or conditioning establishment for cleaning or conditioning, provided, that the invoice or labeling accompanying any shipment of said seed bears the statement “seeds for conditioning”; and provided that labeling or other representation which may be made with respect to the uncleaned or unconditioned seed shall be subject this Act.
  - (3) To any carrier in respect to any seed transported or delivered for transport in the ordinary course of its business as a carrier; provided that such carrier is not engaged in producing, conditioning, marketing seeds subject to the provisions of this Act.
- (b) No person shall be subject to the penalties of this Act for having sold or offered for sale seeds subject to provisions of this Act which were incorrectly labeled or represented as to kind, species (and subspecies, if appropriate), variety, type, or origin, elevation, and year of collection (if required) which seeds cannot be by examination thereof, unless he has failed to obtain an invoice, genuine grower’s or tree seed collector’s declaration or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated. A genuine grower’s declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.
- (c) The provisions of Sections 2A and 4 do not apply to tree seed produced by the consumer.

#### **SECTION 6. Duties and Authority of the Connecticut Seed Control Official.**

- (a) The duty of enforcing this Act and carrying out its provisions and requirements is vested in the Connecticut Seed Control Official. It is the duty of such official who may act through his authorized agents-
  - (1) To sample, inspect, make analysis of, and test seeds subject to provisions of this Act that are transported, sold or offered or exposed for sale within Connecticut for sowing purposes, at such time and place and to such extent as he may deem necessary to



determine whether said seeds are in compliance with provisions of this Act, and to notify promptly the person who sold, offered or exposed the seed for sale and, if appropriate, the person who labeled or transported said seed, of any violation, stop sale or seizure.

- (2) To prescribe, amend, adopt, and publish after public hearing following due public notice:

  - (A) Rules and regulations governing the method of sampling, inspecting, analyzing, testing, and examining seeds subject to provisions of this Act and the tolerances to be used and such other rules and regulations necessary to secure efficient enforcement of this Act.
  - (B) A prohibited and restricted noxious weed list.
  - (C) Rules and regulations establishing reasonable standards of germination for vegetable seeds and flower seeds.
  - (D) Rules and regulations for labeling flower seeds in respect to kind and variety or type and performance characteristics as required by Section 2 of this Act.
  - (E) A list of kinds of flower seeds subject to the flower seed germination labeling requirements of Section 2 of this Act.
  - (F) A list of the tree and shrub seed species subject to germination labeling requirements of Section 2A (b) (7).
  - (G) A list of the kinds of vegetable seeds subject to the vegetable seed germination labeling requirements of Section 2 of this Act.
- (b) Further, for the purpose of carrying out the provisions of this Act, Connecticut Seed Control Official is authorized:
  - (1) To enter upon any public or private premises during regular business hours in order to have access to seeds and the records connected therewith subject to the Act and rules and regulations thereunder, any truck or other conveyor by land, water, or air at any time when the conveyor is accessible, for the same purpose.
  - (2) To issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed subject to the provisions of this Act which the Connecticut Seed Control Official finds is in violation of any of the provisions of this Act or rules and regulation promulgated thereunder, Which order shall prohibit further sale, conditioning and movement of such seed, except on approval of the enforcing official, until such official has evidence that the law has been complied with, and he has issued a release from "stop sale" order of such seed, provided the in respect to seed which has been denied sale, conditioning and movement as provided in this paragraph, the owner or custodian of such seed shall have the right to appeal from said order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the justification of such order and for the discharge of such seeds from the order prohibiting the sale, conditioning and movement in accordance with the findings of the court, and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement official to proceed as authorized by other sections of this Act.
  - (3) To establish and maintain or make provisions for seed testing facilities, to employ qualified persons and to incur such expenses as may necessary to comply with these provisions.



- (4) To make or provide for making purity and germination tests of seed for farmers and dealers on request; to prescribe rules and regulation governing such testing; and to fix and collect charges for the tests made.
- (5) To cooperate with the United State Department of Agriculture and other agencies in seed law enforcement.
- (c) Delegation of duties; exclusion of local laws and regulations.
  - (a) Designation.—All authority vested in the Connecticut Commissioner of Agriculture by virtue of the provisions of this chapter may with like force and effect be executed by such employees of the State of Connecticut as the Commissioner may from time to time designate for said purpose.
  - (b) Statewide jurisdiction and preemption.—This chapter and its provisions are of statewide concern and occupy the whole field of regulation, labeling, sale, storage, transportation, distribution, notification of use of seeds to the exclusion of all local regulations. Except as otherwise specifically provided in this act, no ordinance or regulation of any political or nonpolitical subdivision or home rule municipality may prohibit or in any way attempt to regulate any matter relating to the registration, sale storage, transportation, distribution, notification of use or use of seeds, If any of these ordinances, laws or regulations are in conflict with this chapter.

#### **SECTION 7. Seizure.**

Any lot of seed not in compliance with the provisions of this Act shall be subject to seizure on complaint of the Connecticut Seed Control Official to a court of competent jurisdiction in the locality in which the seed is located. In the event the court finds the seed to be in violation of this Act and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State: Provided, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to condition or relabel it into compliance with this Act.

#### **SECTION 8. Injunction.**

When in the performance of his duties the Connecticut Seed Control Official applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rules and regulations under this Act, said injunctions is to be issued without bond.

#### **Section 9. Violations and Prosecutions.**

Every violation of the provisions of this Act shall be deemed a misdemeanor punishable by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent similar offence.

When the Connecticut Seed Control Official shall find that any person has violated any of the provisions of this Act, he or his duly authorized agent or agents may institute proceedings in a court of



competent jurisdiction in the locality in which the violation occurred, to have such person convicted therefore; or the Connecticut Seed Control Official may file with the State Attorney General with a view of prosecution, such evidence as may be deemed necessary; provided, however, that no prosecution under this Act shall be instituted without the defendant first having been given an opportunity to appear before the Connecticut Seed Control Official or his duly authorized agent to introduce evidence either in person or by agent or attorney at a private hearing. If after such hearing or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the Connecticut Seed Control Official is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

It is the duty of the Hearing Officer or the State Attorney General as the case may be, to institute proceedings at once against any person charged with a violation of this Act, if in judgment of such officer, the information submitted warrants such action.

After judgment by the court in any case arising under this Act, the Connecticut Seed Control Official shall publish any information pertinent to the issuance of the judgment by the court in such media as he designate from time to time.

#### **SECTION 10. Options of Review Systems.**

The State of Connecticut will provide for appropriations and expenditures of funds according to the requirements of this Act.

**SECTION 11.** Chapter 424 Sec. 22-55 thru Sec. 22-61a of the laws of Connecticut and any laws or parts of laws in conflict with this Act, are hereby repealed.

**SECTION 12.** This Act shall be effective on and after \_\_\_\_\_.



## Agency Legislative Proposal - 2014 Session

**Document Name:** U:\George 2014\06 TECHNICAL CHANGES TO THE FARMLAND RESTORATION PROGRAM Agency Proposal Submission Form.docx

**DoAg – PRIORITY 06**

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: [George.Krivda@ct.gov](mailto:George.Krivda@ct.gov)

Lead agency division requesting this proposal:

**Bureau of Agricultural Development and Resource Preservation**

Agency Analyst/Drafter of Proposal:

**George E. Krivda, Jr. / Lance Shannon, Farmland Preservation Unit, Bureau of Agricultural Development and Resource Preservation**

**Title of Proposal**

**AAC TECHNICAL CHANGES TO THE FARMLAND RESTORATION PROGRAM**

Statutory References 22-6c and 22-6d

**Proposal Summary: Section 22-6c: Explicitly defines “farmland restoration plan,” elaborates on what treatments are reimbursable, increases the maximum reimbursement on state and municipal lands to 90% (up to a maximum of \$20,000.00), and allows for monetary and in-kind services for the farmer’s contribution.**

**Section 22-6d: Allows for broader reimbursement for fencing under the definition of “agricultural restoration purposes.”**

*Please attach a copy of fully drafted bill (required for review)*

### PROPOSAL BACKGROUND

- **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* **No.**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **N/A**
- (3) *Have certain constituencies called for this action?* **No.**
- (4) *What would happen if this was not enacted in law this session?* **The program would continue to suffer inefficiencies.**

- **Origin of Proposal**

**New Proposal**

**Resubmission**



If this is a resubmission, please share: **N/A**

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

### Summary of Affected Agency's Comments

Will there need to be further negotiation?     YES     NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation): **None.**

**State:** The program will continue to operate within available appropriations.

**Federal:** None.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



### Insert fully drafted bill here

Sec. 1. Section 22-6c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

- (a) As used in subsection (c) hereof: "Farmland restoration plan" means a Natural Resources Conservation Service Conservation Plan, a similar plan prepared by a Conservation District, or other plan approved by the Commissioner of Agriculture. Such farmland restoration plan shall include agricultural restoration purposes, as defined in section 22-6d, as amended by this act.
- (b) [(a)] The Commissioner of Agriculture may reimburse any farmer for part of the cost of compliance with a comprehensive farm nutrient management plan or a farm resources management plan, provided such plan has been approved by the Commissioner of Energy and Environmental Protection. The Commissioner of Agriculture, in cooperation with the United States Department of Agriculture, may certify for payment comprehensive farm nutrient management or farm resources management plan practices that have been approved by the Commissioner of Energy and Environmental Protection pursuant to this section. The total federal and state grant available to a farmer shall not be more than ninety per cent of such cost. In making grants under this subsection, the Commissioner of Agriculture shall give priority to capital improvements made in accordance with a comprehensive farm nutrient management plan or a farm resources plan prepared pursuant to section 22a-354m.
- (c) [(b)] The Commissioner of Agriculture may reimburse any farmer for part of the cost [associated with developing] to develop, implement, and comply with a farm resources management plan or a farmland restoration plan intended to restore farmland, provided such plan has been approved by the commissioner. [and such reimbursement does] The commissioner may certify for payment such approved farm resources management plan or farmland restoration plan pursuant to this section. Said reimbursement shall not exceed fifty [per cent] percent of the cost of such plan or twenty thousand dollars, whichever is less; provided, however, that said reimbursement on state owned land or municipal owned land with an agricultural lease of five years or more shall not exceed ninety per cent of the cost of such plan or twenty thousand dollars, whichever is less. If there is other cost share, the total combined partner cost shares are limited to no more than ninety per cent of the eligible project costs. In addition to a monetary contribution, farmers may provide in-kind services in lieu of monetary cost-sharing or a combination of in-kind services and monetary contribution. Such plan may require agricultural restoration purposes, as defined in section 22-6d.



Sec. 2. Section 22-6d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in section 22-6e: "Commissioner" means the Commissioner of Agriculture; "department" means the Department of Agriculture; "garden" means a piece of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables; "sponsor" means any municipal agency or nonprofit civic service association or organization designated by the commissioner to operate a program pursuant to section 22-6e; "use" means, when applied to gardening, to make use of, without conveyance of title or any other ownership; "vacant public land" means any land owned by the state, or any municipality therein, that is not in use for public purposes; "agricultural restoration purposes" means reclamation of grown over pastures and meadows, installation of fences in restoration areas to keep wildlife out, manage livestock and to keep livestock out of riparian areas, replanting of vegetation on erosion prone land or along streams, restoration of water runoff patterns, improvement of irrigation efficiency, conducting hedgerow management, including the removal of invasive plants and timber, or renovating farm ponds through farm pond management, and other incidentally related land-clearing activities.