

**Seasonal Farmer's Food Service Establishment Permit/License**

Summary of PA 11-191- AN ACT CONCERNING FARMERS' MARKETS

Under existing law, a farmer offering farm products for sale at a certified farmers' market may be required to be licensed to sell his or her products. This bill makes a farmer's permit or license to operate a food service establishment portable from health district to health district under specified conditions. It requires the farmer to notify a local health department or district in advance if he or she will begin operating a food service establishment within that jurisdiction.

The bill makes any food service establishment permit or license issued by a municipal health department or district to a farmer to participate in a certified farmers' market in that jurisdiction valid for operating a food service establishment at any certified farmers' market in the state. The operation must (1) be in accordance with the approved menu items and food preparation processes or (2) use menu items or food preparation processes that are substantially similar to those approved.

A permit or license is valid for the calendar year in which it is issued.

Within 14 days before operating a food service establishment in a town that did not issue a permit or license to the farmer, the farmer must send a notice of intent to begin the operation to that town's health department or district. The notice must include a copy of the farmer's permit or license and any approved food service plan.

A local health director may take regulatory action against a farmer who operates a food service establishment within the health director's jurisdiction to ensure that the farmer complies with the public health code. But a local health director cannot require a farmer to apply for or purchase a permit or license to operate a food service establishment if the farmer (1) already holds a valid one from another district and (2) complies with the bill.

A farmer who operates a food service establishment in a certified farmers' market and whose menu items and food preparation processes were approved by a health department or district, or who uses menu items or food preparation processes that are substantially similar, is exempt from any local ordinance concerning the operation of a food service establishment. A local health department or district cannot require a farmer who applies for a permit or license to operate a food service establishment at a certified farmers' market to submit information on his or her ability to comply with any such local ordinance.

A list of Local Health Departments can be found on the Connecticut Department of Public Health's website: <http://www.ct.gov/dph/site/default.asp>

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New Statute from 2012 Supplement

Ch. 422. Sec. 22-6s. Operation of food service establishment by a farmer at a certified farmers' market. (a) For purposes of this section: (1) "Certified farmers' market" has the same meaning as provided in section 22-6r, and (2) "food service establishment" has the same meaning as provided in section 19-13-B42 of the regulations of Connecticut state agencies.

(b) Any permit or license to operate a food service establishment that is issued by a municipal health department or health district to a farmer for the purpose of such farmer's participation in a certified farmers' market within the jurisdiction of such municipal health department or health district shall be valid for the purpose of operating a food service establishment at any certified farmers' market in the state, provided (1) such operation is in accordance with the menu items and food preparation processes approved by such issuing municipal health department or health district, or (2) such operation utilizes menu items or food preparation processes that are substantially similar to the menu items and food preparation processes approved by such issuing municipal health department or health district. Not later than fourteen days prior to commencing the operation of a food service establishment in a municipality that is within the jurisdiction of a municipal health department or health district that did not issue a permit or license to such farmer, a notice of intent to commence such operation shall be sent by such farmer to the municipal health department or health district with such jurisdiction. Such notice shall contain a copy of the municipal health department or health district permit or license issued in accordance with this section and a copy of any food service plan developed as part of the application for such permit or license. Any permit or license issued in accordance with the provisions of this section shall be valid for the duration of the calendar year in which such permit or license was issued.

(c) Any local director of health may take any regulatory action such director deems necessary against any farmer who operates a food service establishment within the jurisdiction of such health department or district, as applicable, in order to ensure that such farmer is in compliance with the Public Health Code, provided no local director of health shall require any farmer to apply for or

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purchase a permit or license to operate a food service establishment if such farmer holds a valid permit or license issued by another municipal health department or health district and is in compliance with the provisions of subsection (b) of this section.

(d) Any farmer who operates a food service establishment in a certified farmers' market in accordance with this section and the menu items and food preparation processes approved by the municipal health department or health district that issued such permit or license, or who utilizes menu items or food preparation processes that are substantially similar to the menu items and food preparation processes approved by such issuing municipal health department or health district, shall be exempt from the provisions of any ordinance of any municipality or health district concerning the operation of a food service establishment. No municipal health department or health district shall require any farmer who applies for a permit or license to operate a food service establishment at a certified farmers' market to submit information regarding such farmer's ability to comply with any ordinance of any municipality or health district concerning the operation of such food service establishment.

Questions can be directed to:

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