



General Assembly

February Session, 2026

Raised Bill No. 5521

LCO No. 2408



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING STERILE CULTIVARS.

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

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding the
2 provisions of section 22a-381b of the general statutes, the sale,
3 distribution, or offering for sale of a sterile cultivar of a plant species that
4 is otherwise prohibited from such sale, distribution or offering for sale
5 shall be permitted, provided the Commissioner of Energy and
6 Environmental Protection, in consultation with the director of the
7 Connecticut Agricultural Experiment Station, determines that such
8 cultivar is incapable of reproducing or spreading under the
9 environmental conditions that are typical in the state. The commissioner
10 may establish standards for determining such sterility and may revoke
11 approval if a cultivar is found to pose an ecological risk. Nothing in this
12 section shall be construed to authorize the sale of nonsterile forms of
13 any such prohibited plant species.

14 Sec. 2. Subsection (a) of section 16-50k of the 2026 supplement to the
15 general statutes is repealed and the following is substituted in lieu
16 thereof (*Effective from passage*):

17 (a) Except as provided in subsection (b) of section 16-50z, no person
18 shall exercise any right of eminent domain in contemplation of,
19 commence the preparation of the site for, commence the construction or
20 supplying of a facility, or commence any modification of a facility, that
21 may, as determined by the council, have a substantial adverse
22 environmental effect in the state without having first obtained a
23 certificate of environmental compatibility and public need, hereinafter
24 referred to as a "certificate", issued with respect to such facility or
25 modification by the council. Certificates shall not be required for (1) fuel
26 cells built within the state with a generating capacity of two hundred
27 fifty kilowatts or less, or (2) fuel cells built out of state with a generating
28 capacity of ten kilowatts or less. Any facility with respect to which a
29 certificate is required shall thereafter be built, maintained and operated
30 in conformity with such certificate and any terms, limitations or
31 conditions contained therein. Notwithstanding the provisions of this
32 chapter or title 16a, the council shall, in the exercise of its jurisdiction
33 over the siting of generating facilities, approve by declaratory ruling (A)
34 the construction of a facility solely for the purpose of generating
35 electricity, other than an electric generating facility that uses nuclear
36 materials or coal as fuel, at a site where an electric generating facility
37 operated prior to July 1, 2004, and (B) the construction or location of any
38 fuel cell, unless the council finds a substantial adverse environmental
39 effect, or of any customer-side distributed resources project or facility or
40 grid-side distributed resources project or facility, [with a capacity of not
41 more than sixty-five megawatts,] as long as: (i) Such project meets air
42 and water quality standards of the Department of Energy and
43 Environmental Protection, (ii) the council does not find a substantial
44 adverse environmental effect, and (iii) for a solar photovoltaic facility
45 with a capacity of [two] one or more megawatts, to be located on prime
46 farmland or forestland, regardless of its use for the production of sterile
47 cultivars and excluding any such facility that was selected by the
48 Department of Energy and Environmental Protection in any solicitation
49 issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j,
50 the Department of Agriculture represents, in writing, to the council that

51 such project will not materially affect the status of such land as prime
52 farmland or the Department of Energy and Environmental Protection
53 represents, in writing, to the council that such project will not materially
54 affect the status of such land as core forest. In conducting an evaluation
55 of a project for purposes of subparagraph (B)(iii) of this subdivision, the
56 Departments of Agriculture and Energy and Environmental Protection
57 may consult with the United States Department of Agriculture and soil
58 and water conservation districts. In addition to all other requirements
59 for the issuance of a certificate, the council shall not issue a certificate for
60 a facility described in subparagraph (B)(iii) of this subdivision unless
61 the applicant for such certificate furnishes a bond to cover all costs
62 associated with the decommissioning of such facility and the restoration
63 of such prime farmland, including, but not limited to, an inspection by
64 a qualified soil scientist or other agricultural soils professional to assess
65 and assure that the soils of such prime farmland are restored and will
66 be suitable for farming. Such an assessment shall include, but need not
67 be limited to, consideration of topsoil and subsoil depths, soil
68 compaction, alteration in surface and subsurface drainage, erosion and
69 sedimentation control measures and soil fertility. Such
70 decommissioning bond requirement shall also apply to any such two-
71 megawatt or more solar photovoltaic facility that is approved by
72 declaratory ruling.

73 Sec. 3. Section 22-26gg of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective from passage*):

75 The commissioner shall, in consultation with the Farmland
76 Preservation Advisory Board established under section 22-26ll, adopt,
77 in accordance with chapter 54, such regulations as the commissioner
78 deems necessary to carry out the purposes of sections 22-26aa to 22-
79 26nn, inclusive, without regard for any such land's use for the
80 production of sterile cultivars. [Such regulations shall provide that
81 individual landowners applying for such program shall be eligible to
82 receive not more than twenty thousand dollars per acre for development
83 rights, and the schedule of the state's contribution for joint ownership

84 projects initiated by municipalities shall be increased accordingly.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	16-50k(a)
Sec. 3	<i>from passage</i>	22-26gg

Statement of Purpose:

To authorize the sale and distribution of sterile cultivars of certain plant species and provide for the review of certain energy-related facilities regardless of their use for sterile cultivar propagation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]