

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred Senate Bill No. 207
3 entitled “An act relating to the sale or distribution of milk and dairy products”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 6 V.S.A. § 2672 is amended to read:

8 § 2672. DEFINITIONS

9 As used in this chapter, the following terms have the following meanings:

10 (1) “Secretary” means Secretary of Agriculture, Food and Markets or his
11 or her authorized agent.

12 (2) “Milk producer” or “producer” ~~is~~ means a person, partnership,
13 unincorporated association, or corporation who owns or controls one or more
14 cows, dairy goats, dairy sheep, or water buffalo and sells or offers for sale a
15 part or all of the milk produced by the animals.

16 (3) “Dairy farm” is any place or premise where one or more cows, dairy
17 goats, dairy sheep, or water buffalo are kept and where a part or all of the milk
18 from the animals is sold or offered for sale.

19 (4) “Milk plant” is any place, premise, or establishment where milk or
20 dairy products are collected, assembled, handled, processed, stored,
21 pasteurized, packaged, or prepared for distribution.

1 (5) “Milk handler” or “handler” is a person, firm, unincorporated
2 association, or corporation engaged in the business of buying, selling,
3 assembling, packaging, or processing milk or other dairy products, for sale
4 within or without the State of Vermont. “Milk handler” or “handler” shall not
5 mean a milk producer.

6 (6) “Milk handler license” is a license issued by the Secretary which
7 authorizes the licensee to carry on the business of a milk handler.

8 (7) “Milk,” unless preceded or succeeded by an explanatory term, means
9 the pure lacteal secretion of dairy cattle or other livestock listed in this
10 subdivision. Milk from other dairy livestock listed in this subdivision shall be
11 preceded by the common name for the type of livestock that produced the
12 milk. ~~Such milk~~ Milk may be standardized by the addition of pure, fresh skim
13 milk or cream as defined by regulation.

14 (A) “Cows’ milk” is the colostrum-free, pure, lacteal product of
15 healthy cattle ~~which~~ that contains not less than 11.50 percent of total milk
16 solids ~~(to which nothing has been added or taken away)~~. Cows’ milk sold in
17 retail packages shall contain not less than 3.25 percent milk fat, and not less
18 than 8.25 percent nonfat milk solids.

19 (B) “Goats’ milk” is the colostrum-free, pure, lacteal product of
20 healthy goats ~~which~~ that contains not less than 10 percent of total milk solids
21 ~~(to which nothing has been added or taken away)~~. Goats’ milk sold in retail

1 packages shall contain not less than 2.5 percent milk fat and not less than
2 7.5 percent nonfat milk solids.

3 (C) “Sheep’s milk” is the colostrum-free, pure, lacteal product of
4 healthy sheep ~~which~~ that contains no less than 11.50 percent of total milk
5 solids ~~(to which nothing has been added or taken away).~~

6 (D) “Water buffalo’s milk” is the colostrum-free, pure, lacteal
7 product of healthy water buffalo ~~which~~ that contains no less than 11.50 percent
8 of total milk solids ~~(to which nothing has been added or taken away).~~

9 (8) “Retail package of dairy product” is a package to be sold to a
10 consumer.

11 (9) “Dairy product” is milk, or a product derived therefrom, ~~which~~ that
12 conforms to the appropriate legal standard or definition for the specific product
13 as defined in this part and regulations made under this part.

14 (10) “Fluid dairy products” are milk and fluid dairy products derived
15 from milk, including cultured products, as defined by regulations adopted by
16 federal entities and published in the Code of Federal Regulations.

17 * * *

18 (13) “Adulteration” means an adulterated dairy product containing
19 noxious, unwholesome, or deleterious material, preservative, drugs, or
20 chemical in a quantity injurious to health; or ~~which~~ that does not conform to

1 the definition of the product; or ~~which~~ that is not produced, processed, or
2 distributed according to the provisions of this part.

3 * * *

4 (16) “Distributor” means any person who sells milk or plant-based
5 beverages or products to consumers within the State, except those who sell
6 milk for consumption on the premises.

7 * * *

8 (22) Definitions and standards of milk products not defined in this
9 section shall be those established by federal agencies and published in the
10 Code of Federal Regulations.

11 * * *

12 (26) “Manufacturer” means every person bottling, canning, packing, or
13 otherwise filling containers with a plant-based beverage or product for sale to
14 distributors or retailers.

15 (27) “Plant-based beverage or product” means:

16 (A) a fluid drink for human consumption manufactured by extracting
17 plant material, such as nuts, seeds, or grain, in water; or

18 (B) a food product for human consumption where plant material is
19 used to manufacture an imitation dairy product.

20 Sec. 2. 10 V.S.A. § 2682 is added to read:

21 § 2682. SALE OF PLANT-BASED BEVERAGES OR PRODUCTS

1 (a)(1) Each manufacturer or distributor selling or distributing a plant-based
2 beverage in the State shall register each product sold or distributed in the State
3 with the Secretary annually on or before August 15.

4 (2) As part of an annual registration, the manufacturer or distributor of a
5 plant-based beverage or product sold or distributed in the State shall provide
6 the following information:

7 (A) The name and address of the manufacturer and the name and
8 address of the person whose name will appear on the label, if other than the
9 manufacturer;

10 (B) The name or brand of each product sold or distributed in the
11 State; and

12 (C) A complete copy of the label for each product sold or distributed
13 in the State, including the nutritional label.

14 (3) A manufacturer or distributor registering under this subsection shall
15 pay an annual registration fee of \$200.00 for each plant-based beverage or
16 product registered.

17 (b) A manufacturer or distributor of a plant-based beverage or product shall
18 not sell or distribute a plant-based beverage or product in the State that:

19 (1) is not registered with the Secretary;

20 (2) is labeled as milk or labeled as a dairy product unless:

1 (A) the product is labeled with a declaration that plant-based
2 beverage or product does not provide the same key nutritional attributes as
3 dairy products; or

4 (B)(i) the product conforms to the definition of “milk” or “dairy
5 product” under this chapter; or

6 (ii) the product conforms to a standard of identity adopted by the
7 U.S. Food and Drug Administration under the Federal Food, Drug, and
8 Cosmetic Act.

9 (c)(1) To enforce the requirements of this section, the Secretary, upon
10 presenting appropriate credentials, may:

11 (A) Enter upon any premises where plant-based beverages or
12 products are sold or distributed in order to determine if a beverage or product
13 is registered and properly labeled; or

14 (B) Issue and enforce a written or printed “stop sale” order to the
15 owner or custodian of the premises when the Secretary finds that a plant-based
16 beverage or product sold or distributed on the premises is in violation of any of
17 the requirements of this section. The order shall prohibit further sale,
18 distribution, or movement of the plant-based beverage or product, except on
19 approval of the Secretary, until the Secretary has issued a release from the
20 “stop sale” order of the plant-based beverage or product. The owner or
21 custodian of premises to whom a “stop sale” order has been issued shall have

1 the right to request a hearing in writing before the Secretary within 15 days of
2 the issuance of the order.

3 (2) This section shall not be construed to limit the authority of the
4 Secretary to obtain a search warrant.

5 (d) The sale of a plant-based beverage or product in the State that violates
6 the requirements of this section shall not be subject to enforcement by the
7 Secretary if the owner of the premises where the plant-based beverage or
8 product is sold purchased the plant-based beverage or product prior to January
9 1, 2021 and sells the plant-based beverage or product on or before April 1,
10 2021.

11 (e) A manufacturer or distributor of a plant-based beverage or product who
12 violates the requirements of this section shall be guilty of a misdemeanor and
13 upon a conviction shall be fined not more than \$1,000.00 for each day a
14 product is sold in violation of the requirements of this section.

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on January 1, 2021.
17
18
19
20
21

1 (Committee vote: _____)

2 _____

3 Senator _____

4 FOR THE COMMITTEE