

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House
3 Bill No. 656 entitled “An act relating to miscellaneous agricultural subjects”
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 * * * Commercial Feed * * *

8 Sec. 1. 6 V.S.A. § 324 is amended to read:

9 § 324. REGISTRATION AND FEES

10 (a) No person shall manufacture a commercial feed in this State unless that
11 person has first filed with the Vermont Agency of Agriculture, Food and
12 Markets, in a form and manner to be prescribed by rules by the Secretary:

- 13 (1) the name of the manufacturer;
14 (2) the manufacturer’s place of business;
15 (3) the location of each manufacturing facility; and
16 (4) any other information ~~which~~ that the Secretary considers to be
17 necessary.

18 (b) A person shall not distribute in this State a commercial feed that has not
19 been registered pursuant to the provisions of this chapter. Application shall be
20 in a form and manner to be prescribed by rule of the Secretary. The
21 application for registration of a commercial feed shall be accompanied by a

1 registration fee of \$105.00 per product. The registration fees, along with any
2 surcharges collected under subsection (c) of this section, shall be deposited in
3 the special fund created by subsection 364(e) of this title. Funds deposited in
4 this account shall be restricted to implementing and administering the
5 provisions of this title and any other provisions of the law relating to fertilizer,
6 lime, or seeds. If the Secretary so requests, the application for registration
7 shall be accompanied by a label or other printed matter describing the product.

8 (c) No person shall distribute in this State any feed required to be registered
9 under this chapter upon which the Secretary has placed a withdrawal from
10 distribution order because of nonregistration. A surcharge of \$10.00, in
11 addition to the registration fee required by subsection (b) of this section, shall
12 accompany the application for registration of each product upon which a
13 withdrawal from distribution order has been placed for reason of
14 nonregistration, and must be received before removal of the withdrawal from
15 distribution order.

16 (d) No person shall distribute a commercial feed product in the State that is
17 labeled as bait or feed for white-tailed deer.

18 * * * Livestock Management * * *

19 Sec. 2. 6 V.S.A. § 768 is amended to read:

20 § 768. DUTIES OF DEALERS, TRANSPORTERS, AND PACKERS

1 A livestock dealer, transporter, or packer licensed under section 762 of this
2 title shall:

3 (1) Maintain in a clean and sanitary condition all premises, buildings,
4 and conveyances used in the business of buying, selling, or transporting
5 livestock or operating a livestock auction or sales ring.

6 (2) Submit premises, buildings, and conveyances to inspection and
7 livestock to inspection and test at any and such times as the Secretary may
8 deem it necessary and advisable.

9 (3) Allow no livestock on livestock dealer's premises from herds or
10 premises quarantined by the Secretary of Agriculture, Food and Markets.

11 (4)(A) Maintain, subject to inspection by the Secretary of Agriculture,
12 Food and Markets or his or her agent, a record compliant with applicable State
13 and federal statutes, rules, and regulations specified by the Secretary, including
14 the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R.
15 part 86. When not required under the requirements set forth in State and
16 federal statute, the records required under this subdivision shall include:

17 (i) all livestock purchased, repossessed, sold, or loaned by a
18 livestock dealer, transporter, or packer;

19 (ii) the complete name and address of the person from whom
20 livestock was obtained and to whom delivered; and

1 (iii) the official individual identification number that is required to
2 be applied to each livestock under the requirements of sections 1460, 1461,
3 and 1461a of this title.

4 (B) For equine livestock, the requirements for the records to be
5 maintained and the method of individual identification are set forth under
6 chapter 102, subchapter 2 of this title.

7 (5) Abide by other reasonable rules that may be adopted by the
8 Secretary of Agriculture, Food and Markets to prevent the spread of disease. A
9 copy of all applicable rules shall be provided to all livestock dealers, packers,
10 and transporters licensed under the terms of section 762 of this title at the time
11 they first obtain a license.

12 (6) Pay the seller within 72 hours following the sale of the animal or
13 animals.

14 Sec. 3. 6 V.S.A. § 1165 is amended to read:

15 § 1165. TESTING OF CAPTIVE DEER

16 (a) Definitions. As used in this section:

17 (1) “Captive deer operation” means a place where deer are privately or
18 publicly maintained, in an artificial manner, or held for economic or other
19 purposes within a perimeter fence or confined space.

20 (2) “Chronic wasting disease” or “CWD” means a transmissible
21 spongiform encephalopathy.

1 (b) Testing. A person operating a captive deer operation under the
2 jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the
3 Secretary when a captive deer in his or her control dies or is sent to slaughter.
4 The person operating the captive deer operation shall make the carcass of a
5 deceased or slaughtered animal available to the Secretary for testing for CWD.

6 (c) Cost. The cost of CWD testing required under this section shall be ~~paid~~
7 ~~by the Secretary and shall not be assessed to the person operating the captive~~
8 ~~deer operation from which a tested captive deer originated~~ assessed to the
9 person operating the captive deer operation from which the tested captive deer
10 originated.

11 Sec. 4. 6 V.S.A. § 1461a is amended to read:

12 § 1461a. INTRASTATE MOVEMENT

13 (a) ~~The Secretary of Agriculture, Food and Markets shall require~~ Except as
14 provided under subsection (b) of this section, all livestock being transported
15 within the State ~~to~~ shall satisfy the requirements for official identification for
16 interstate movement under the U.S. Department of Agriculture Animal Disease
17 Traceability rule, 9 C.F.R. part 86, including any future amendments to the
18 rule, prior to leaving the premises of origin, regardless of the reason for
19 movement or duration of absence from the premises.

20 (b)(1) Livestock transported from the premises of origin for purposes of
21 receiving veterinary care at a hospital in this State are exempt from the

1 requirements of subsection (a) of this section, provided that the livestock are
2 returned to the premises of origin immediately following the conclusion of
3 veterinary care.

4 (2) The Secretary, by procedure, may waive the requirements of
5 subsection (a) for certain types or categories of intrastate transport of livestock.

6 (c) Livestock and poultry that are transported to a commercial slaughter
7 facility within the State shall not be removed from the facility without the
8 facility's owner's first obtaining written permission from the State
9 Veterinarian. For purposes of this section, arrival of the conveyance onto
10 facility property and the offloading of livestock or poultry constitutes transport
11 to a slaughter facility, regardless of whether the animals have been presented
12 for antemortem inspection. The State Veterinarian may require inspection and
13 testing prior to issuing consent for removal.

14 (d) Vermont-origin livestock and poultry that are transported to a slaughter
15 facility outside this State shall not be removed from the facility and returned to
16 Vermont without the facility's owner first obtaining written permission from
17 the State Veterinarian. For purposes of this section, arrival of the conveyance
18 onto facility property constitutes transport to a slaughter facility, regardless of
19 whether the animals have been offloaded or presented for antemortem
20 inspection. The State Veterinarian may require inspection and testing prior to
21 issuing consent for removal.

1 (e) A person shall not transport out-of-state livestock or poultry into
2 Vermont for slaughter or other purpose without written consent from the State
3 Veterinarian if the livestock or poultry is classified as a suspect or a reactor by
4 the U.S. Department of Agriculture or was exposed to livestock or poultry
5 classified as a suspect or a reactor.

6 * * * Apiaries * * *

7 Sec. 5. 6 V.S.A. § 3023 is amended to read:

8 § 3023. REGISTRATION; REPORT

9 (a) Registration. A person who is the owner of any bees, apiary, colony, or
10 hive in the State shall register with the Secretary in writing on a form provided
11 by the Secretary.

12 (b) Report. Annually the owner of any bees, apiary, colony, or hive
13 registered under subsection (a) of this section shall submit a report to the
14 Secretary that includes all of the following information:

15 (1) The location of all apiaries and number of colonies that the person
16 owns. The location of an apiary shall become its registered location, provided
17 that the apiary is located in accordance with the requirements of section 3034
18 of this title.

19 (2) Whether the location of any apiary will change within two weeks of
20 the date that the report is submitted unless the change of location is to provide
21 pollination services and the colonies will be returned to a registered apiary.

1 Hives from a registered apiary may be moved to another registered apiary
2 without reregistering.

3 (3) Whether a ~~serious~~ disease was discovered within any hive or colony
4 in a registered apiary.

5 (4) Whether the owner transported into the State any colonies or used
6 equipment, except as authorized under subsection 3032(c) of this title.

7 (5) Whether the owner is engaged in the rearing of queen bees or any
8 other bees for sale, ~~if applicable~~.

9 (6) A current varroa mite and pest mitigation plan for each registered
10 apiary.

11 (c) Notification of Secretary. The owner of any bees, apiary, colony, or
12 hive registered under subsection (a) of this section shall notify the Secretary as
13 soon as practicable of the detection within an apiary or hive of American
14 foulbrood disease or other disease designated by the Secretary.

15 Sec. 6. 6 V.S.A. § 3025 is amended to read:

16 § 3025. SECOND INSPECTION OF DISEASED COLONIES;

17 DESTRUCTION

18 The Secretary or his or her inspectors shall inspect all diseased apiaries a
19 second time no less than 10 days after the first inspection. If the existence of
20 disease within the apiary has been confirmed by **a federal laboratory approved**
21 **by the Secretary**, the inspector may destroy any colonies of bees if he or she

1 finds them not cured of such disease, or not treated or handled according to his
2 or her instructions, together with honey combs, hives, or other equipment,
3 without recompense to the owner thereof. This section shall not preclude an
4 inspector from destroying diseased colonies at any time with the consent of the
5 owner or his or her agent.

6 Sec. 7. 6 V.S.A. § 3028 is amended to read:

7 § 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

8 A person engaged in the rearing of bees for sale shall have his or her apiary
9 inspected by the Secretary prior to sale at least ~~twice during~~ once each summer
10 season and, if any disease is found which is injurious to bees, shall at once
11 cease to ship bees from such diseased apiary until the Secretary declares, in
12 writing, such apiary free from all such diseases, and whenever the Secretary
13 shall find the apiary rearing bees for sale free from disease, he or she shall
14 furnish the owner with a certificate to that effect.

15 Sec. 8. 6 V.S.A. § 3032 is amended to read:

16 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
17 THE STATE

18 (a) Except as provided under subsections (c) and (d) of this section, bees,
19 used equipment, or colonies shall not be brought into the State of Vermont
20 unless approved by the Secretary by permit. The Secretary shall not approve
21 the import of bees, used equipment, or colonies from out of state unless

1 accompanied by a valid certificate of inspection within the previous ~~60~~ 45 days
2 from the state or country of origin stating that the bees, used equipment, or bee
3 colonies are free from bee disease.

4 (b) Any person, other than a common carrier, who knowingly transports or
5 causes to be transported used equipment or colonies to a point within this State
6 shall provide the Secretary with ~~a copy of the certificate of inspection not more~~
7 ~~than 72 hours after~~ an approved import permit and certificate of inspection no
8 less than 10 days prior to entry into this State.

9 (c) This section shall not apply to a shipment of bees, equipment, or
10 colonies that originated outside the State and is destined for another point that
11 is also located outside this State.

12 (d) The Secretary shall not require an import permit or a valid certificate of
13 inspection under subsection (a) of this section for bees, used equipment, or
14 colonies that:

15 (1) are registered in Vermont;

16 (2) were transported not more than 75 miles from the registered location
17 of the owner of the bees or colonies; and

18 (3) are imported back into the State within ~~90~~ 30 days of the date of
19 original transport.

1 Sec. 9. 6 V.S.A. § 3033 is amended to read:

2 § 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR
3 COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;
4 CERTIFICATE

5 (a) If an owner wishes to ship bees or equipment into another state or
6 country he or she may apply to the Secretary for an inspection for ~~serious~~ bee
7 diseases likely to prevent the acceptance of the bees or beekeeping equipment
8 in the state or country.

9 (b) Upon receipt of the application, or as soon thereafter as may be
10 conveniently practicable, the Secretary shall comply with the request.

11 Sec. 10. 6 V.S.A. § 3034 is amended to read:

12 § 3034. ESTABLISHING AN APIARY LOCATION

13 No person shall locate an apiary within two miles of an existing apiary
14 registered to a different person, with the following exceptions:

15 (1) a person may locate an apiary anywhere on his or her own property;

16 (2) beekeepers with a total ownership of ten hives or less shall be
17 exempt from this restriction;

18 (3) existing apiaries so long as they are properly registered with the
19 State are exempt;

1 (4) a person may locate an apiary within two miles of another existing
2 apiary provided the owner of the existing apiary gives written permission or
3 the existing apiary has less than 15 hives; or

4 (5) if a registered apiary of 15 or more hives should fall below and
5 remain below 15 hives, anyone can petition the State and establish an apiary
6 within two miles of the existing apiary provided the number of hives in the
7 existing apiary stays below 15 for two years from the time of the petition. An
8 apiary that loses the protection of the two-mile limit in this manner cannot be
9 built back above the number of hives it had at the end of the two-year period.

10 * * * Meat Inspection * * *

11 Sec. 11. 6 V.S.A. § 3302 is amended to read:

12 § 3302. DEFINITIONS

13 As used in this chapter, except as otherwise specified, the following terms
14 shall have the meanings stated below:

15 * * *

16 (21) “Livestock” means any cattle, sheep, swine, goats, ~~domestic~~
17 ~~rabbits~~, horses, mules, or other equines, whether live or dead.

18 * * *

19 (24) “Meat food product” and “meat product” mean any product capable
20 of use as human food ~~which~~ that is made wholly or in part from any meat or
21 other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbits~~, or

1 goats, excepting products ~~which~~ that are exempted from definition as a meat
2 food product by the Secretary under conditions ~~which~~ that he or she may
3 prescribe to assure that the meat or other portions of carcass contained in
4 products are unadulterated and that products are not represented as meat food
5 products. This term as applied to food products of equines shall have a
6 meaning comparable to that provided in this subdivision with respect to cattle,
7 sheep, swine, ~~domestic rabbits~~, and goats.

8 * * *

9 * * * Agricultural Water Quality * * *

10 Sec. 12. 6 V.S.A. §§ 4831 and 4832 are added to read:

11 § 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

12 (a) The Secretary of Agriculture, Food and Markets is authorized to
13 develop a Vermont critical source area seeding and filter strip program in
14 addition to the federal Conservation Reserve Enhancement Program in order to
15 compensate farmers for establishing and maintaining harvestable perennial
16 vegetative grassed waterways and filter strips on agricultural cropland
17 perpendicular and adjacent to the surface waters of the State, including ditches.
18 Eligible acreage would include annually tilled cropland or a portion of
19 cropland currently cropped as hay that will not be rotated into an annual crop
20 for a 10-year period of time. Acreage that is currently managed as hay shall
21 have a prior history of rotation as corn or other annual commodity crop.

1 (b) Incentive payments from the Agency of Agriculture, Food and Markets
2 shall be made at the outset of a 10-year agreement to establish or maintain the
3 acreage as harvestable grassed waterway or filter strip.

4 (c) The Secretary of Agriculture, Food and Markets may establish by
5 procedure financial and technical criteria for the implementation and operation
6 of the Vermont critical source area seeding and filter strip program.

7 (d) Land enrolled in the Vermont agricultural buffer program shall be
8 considered to be in “active use” as that term is defined in 32 V.S.A.
9 § 3752(15).

10 § 4832. FARM AGRONOMIC PRACTICES PROGRAM

11 (a) The Farm Agronomic Practices Assistance Program is created in the
12 Agency of Agriculture, Food and Markets to provide the farms of Vermont
13 with State financial assistance for the implementation of soil-based practices
14 that improve soil quality and nutrient retention, increase crop production,
15 minimize erosion potential, and reduce agricultural waste discharges. The
16 following practices may be eligible for assistance to farms under the grant
17 program:

18 (1) conservation crop rotation;

19 (2) cover cropping;

20 (3) strip cropping;

21 (4) cross-slope tillage;

1 (5) zone or no-tillage;

2 (6) pre-sidedress nitrate tests;

3 (7) annual maintenance of a nutrient management plan that is no longer
4 receiving funding under a State or federal contract, provided the maximum
5 assistance provided to a farmer under this subdivision shall be \$2,000.00 per
6 year;

7 (8) educational and instructional activities to inform the farmers and
8 citizens of Vermont of:

9 (A) the impact on Vermont waters of agricultural waste discharges;
10 and

11 (B) the federal and State requirements for controlling agricultural
12 waste discharges;

13 (9) implementing alternative manure application techniques; and

14 (10) additional soil erosion reduction practices.

15 (b) Funding available under section 4827 of this title for nutrient
16 management planning may be used to fund practices under this section.

17 Sec. 13. REPEALS

18 The following are repealed on July 1, 2020:

19 (1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and
20 filter strip program); and

1 (2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices
2 program).

3 Sec. 14. 6 V.S.A. § 4871(d) is amended to read:

4 (d) Rulemaking; small farm certification. ~~On or before July 1, 2016, the~~
5 The Secretary of Agriculture, Food and Markets shall ~~adopt~~ maintain by rule
6 requirements for a small farm certification of compliance with the ~~required~~
7 ~~agricultural practices~~ Required Agricultural Practices. The rules required by
8 this subsection shall be adopted as part of the ~~required agricultural practices~~
9 Required Agricultural Practices under section 4810 of this title.

10 Sec. 15. 6 V.S.A. § 4988 is amended to read:

11 § 4988. CERTIFICATION OF CUSTOM APPLICATOR

12 (a) On or before July 1, 2016, as part of the revision of the ~~required~~
13 ~~agricultural practices~~ Required Agricultural Practices, the Secretary of
14 Agriculture, Food and Markets shall adopt by rule a process by which a custom
15 applicator shall be certified to operate within the State. The certification
16 process shall require a custom applicator to complete eight hours of training
17 over each five-year period regarding:

18 (1) application methods or techniques to minimize the runoff of land-
19 applied manure or nutrients to waters of the State; and

20 (2) identification of weather or soil conditions that increase the risk of
21 runoff of land-applied manure or nutrients to waters of the State.

* * *

(d) The requirements of this section shall not apply to:

(1) an owner or operator of a farm applying manure or nutrients to a field that he or she owns or controls, ~~provided that the owner or operator has completed the agricultural water quality training required under section 4981 of this title;~~ or

(2) application of manure or nutrients by a farm owner or operator on a field of another farm owner or operator when the total annual volume applied is less than 50 percent of the annual manure or agricultural waste by volume generated on the farm where the manure is spread, provided that the Secretary may approve the application of more than 50 percent of the annual manure generated on a farm by another farm operator when circumstances require and application of the manure would not pose a significant potential of discharge or runoff to State waters.

(e) The Secretary may require any person applying manure under subsection (d)(2) of this section to comply with the requirement for certification of a custom applicator.

Sec. 16. 6 V.S.A. § 4817 is added to read:

§ 4817. MANAGEMENT OF NON-SEWAGE WASTE

(a) As used in this section:

1 (1) “Non-sewage waste” means any waste other than sewage that may
2 contain organisms pathogenic to human beings but does not mean stormwater
3 runoff.

4 (2) “Sewage” means waste containing human fecal coliform and other
5 potential pathogenic organisms from sanitary waste and used water from any
6 building, including carriage water and shower and wash water. “Sewage” shall
7 not mean stormwater runoff as that term is defined in 10 V.S.A. § 1264.

8 (b) The Secretary may require a person transporting or arranging for the
9 transport of food substrates to a farm for deposit in a manure pit or for use as
10 an input in a methane digester to report to the Secretary one or more of the
11 following:

12 (1) the composition of the material transported, including the source of
13 the material; and

14 (2) the volume of the material transported.

15 (c) After receipt of a report required under subsection (a), the Secretary
16 may prohibit the import of food substrates onto a farm upon a determination
17 that the import of the material would violate the nutrient management plan for
18 the farm or otherwise present a threat to water quality.

* * * Agricultural Development * * *

Sec. 17. 9 V.S.A. § 2465a is amended to read:

§ 2465a. DEFINITION OF LOCAL, LOCAL TO VERMONT, AND
LOCALLY GROWN OR MADE IN VERMONT

(a) As used in this section:

(1) “Eggs” means eggs that are the product of laying birds, including:
chickens, turkeys, ducks, geese, or quail, and that are in the shell.

(2) “Majority of ingredients” means more than 50 percent of all product
ingredients by volume, excluding water.

(3) “Processed food” means any food other than a raw agricultural
product and includes a raw agricultural product that has been subject to
processing, such as canning, cooking, dehydrating, milling, or the addition of
other ingredients. Processed food includes dairy, meat, maple products,
beverages, fruit, or vegetables that have been subject to processing, baked, or
modified into a value-added or unique food product.

(4) “Raw agricultural product” means any food in its raw or natural state
without added ingredients, including pasteurized or homogenized milk, maple
sap or syrup, honey, meat, eggs, apple cider, and fruits or vegetables that may
be washed, colored, or otherwise treated in their unpeeled natural form prior to
marketing.

1 (5) “Substantial period of its life” means an animal that was harvested in
2 Vermont and lived in Vermont for at least one third of its life or one year.

3 (6) “Unique food product” means food processed in Vermont from
4 ingredients that are not regularly produced in Vermont or not available in
5 sufficient quantities to meet production requirements.

6 (b) For the purposes of this chapter and rules adopted pursuant to
7 subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown
8 or made in Vermont,” and any substantially similar term shall mean that the
9 goods being advertised originated within Vermont or 30 miles of the place
10 where they are sold, measured directly, point to point, except that the term
11 “local” may be used in conjunction with a specific geographic location, such as
12 “local to New England,” or a specific mile radius, such as “local within 100
13 miles,” as long as the specific geographic location or mile radius appears as
14 prominently as the term “local,” and the representation of origin is accurate
15 have the following meaning based on the type of food or food product:

16 (1) For products that are raw agricultural products, “local to Vermont”
17 means the product:

18 (A) was exclusively grown or tapped in Vermont;

19 (B) is not milk and was derived from an animal that was raised for a
20 substantial period of its lifetime in Vermont;

1 (C) is milk where a majority of the milk was produced from Vermont
2 animals; or

3 (D) is honey produced by Vermont colonies located exclusively in
4 Vermont when all nectar was collected.

5 (2) Except as provided in subdivision (3) of this subsection, for products
6 that are processed foods, “local to Vermont” means:

7 (A) the majority of the ingredients are raw agricultural products that
8 are local to Vermont; and

9 (B) the product meets one or both of the following criteria:

10 (i) the product was processed in Vermont; or

11 (ii) the headquarters of the company that manufactures the product
12 is located in Vermont.

13 (3) For bakery products, beverages, or unique food products, the product
14 meets two or more of the following criteria:

15 (A) the majority of the ingredients are raw agricultural products that
16 are local to Vermont;

17 (B) substantial transformation of the ingredients in the product
18 occurred in Vermont; or

19 (C) the headquarters of the company that manufactures the product is
20 located in Vermont.

1 (c) For the purposes of this chapter and rules adopted pursuant to
2 subsection 2453(c) of this chapter, when referring to products other than food,
3 “local” and any substantially similar term shall mean that the goods being
4 advertised originated within Vermont.

5 (d) For the purposes of this chapter and rules adopted under subsection
6 2453(c) of this title, “local,” “locally grown or made,” and substantially similar
7 terms may be used in conjunction with a specific geographic location provided
8 that the specific geographic location appears as prominently as the term “local”
9 and the representation of origin is accurate. If a local representation refers to a
10 specific city or town, the product shall have been grown or made in that city or
11 town. If a local representation refers to a region with precisely defined
12 political boundaries, the product shall have been grown or made within those
13 boundaries. If a local representation refers to a region that is not precisely
14 defined by political boundaries, then the region shall be prominently described
15 when the representation is made, or the product shall have been grown or made
16 within 30 miles of the point of sale, measured directly point to point.

17 (e) A person or company who sells or markets food or goods impacted by a
18 change in this section shall have until January 1, 2021 to utilize existing
19 product labels or packaging materials and to come into compliance with the
20 requirements of this section.

* * * Weights and Measures * * *

Sec. 18. 9 V.S.A. § 2635 is amended to read:

§ 2635. GENERAL TESTING

(a) When not otherwise provided by law, the Secretary may inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. The Secretary shall, within a 12-month period, or more or less frequently as deemed necessary, inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or ~~of~~ count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or ~~of~~ count. However, with respect to single-service devices—that is, devices designed to be used commercially only once and to be then discarded—and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, tests may be made on representative samples of those devices; and the lots of which those samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on those samples.

(b) Upon request by the Secretary, the owner or person responsible for a weighing or measuring device subject to the requirements of this chapter shall make the device available for inspection during that business's normal

1 operating hours and shall provide reasonable assistance as determined by the
2 Secretary to complete the inspection.

3 Sec. 19. 9 V.S.A. § 2770 is added to read:

4 § 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

5 (a) In addition to other penalties provided by law, the Secretary may assess
6 administrative penalties under 6 V.S.A. § 15 for each violation of this chapter.
7 Each violation may be a separate and distinct offense, and, in the case of a
8 continuing violation, each day's continuance thereof may be deemed a separate
9 and distinct offense.

10 (b) After notice and opportunity for hearing, the Secretary may suspend or
11 revoke a license issued under this chapter for any violation of this chapter.

12 * * * Vermont Agricultural Credit Program; Agritourism * * *

13 Sec. 20. 10 V.S.A. § 374b(8) is amended to read:

14 (8) "Farm operation" shall mean the cultivation of land or other uses of
15 land for the production of food, fiber, horticultural, silvicultural, orchard,
16 maple syrup, Christmas trees, forest products, or forest crops; the raising,
17 boarding, and training of equines, and the raising of livestock; or any
18 combination of the foregoing activities. "Farm operation" also ~~includes~~ means
19 the storage, preparation, retail sale, and transportation of agricultural or forest
20 commodities accessory to the cultivation or use of such land. "Farm

1 operation” also shall mean the operation of an agritourism business on a farm
2 subject to regulation under the Required Agricultural Practices.

3 * * * Feral Swine * * *

4 Sec. 21. 10 V.S.A. § 4709 is amended to read:

5 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
6 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR
7 FERAL SWINE

8 (a) A person shall not bring into, transport into, transport within, transport
9 through, or possess in the State any live wild bird or animal of any kind,
10 including any manner of feral swine, without authorization from the
11 Commissioner or his or her designee. The importation permit may be granted
12 under such regulations therefor as the Commissioner shall prescribe and only
13 after the Commissioner has made such investigation and inspection of the birds
14 or animals as she or he may deem necessary. The Department may dispose of
15 unlawfully possessed or imported wildlife as it may judge best, and the State
16 may collect treble damages from the violator of this subsection for all expenses
17 incurred.

18 (b) No person shall bring into the State from another country, state, or
19 province wildlife illegally taken, transported, or possessed contrary to the laws
20 governing the country, state, or province from which the wildlife originated.

1 (c) No person shall place a Vermont-issued tag on wildlife taken outside
2 the State. No person shall report big game in Vermont when the wildlife is
3 taken outside the State.

4 (d) Nothing in this section shall prohibit the Commissioner or duly
5 authorized agents of the Department of Fish and Wildlife from bringing into
6 the State for the purpose of planting, introducing, or stocking or from planting,
7 introducing, or stocking in the State any wild bird or animal.

8 (e) Applicants shall pay a permit fee of \$100.00.

9 (f)(1) The Commissioner shall not issue a permit under this section for the
10 importation or possession of the following live species, a hybrid or genetic
11 variant of the following species, offspring of the following species, or
12 offspring or a hybrid of a genetically engineered variant of the following
13 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral
14 hog, ~~feral swine~~, old world swine, razorback, Eurasian wild boar, or Russian
15 wild boar (*Sus scrofa* Linnaeus). A feral swine is:

16 (A) a domestic pig that is outside of an enclosure for more than 96
17 hours and is free roaming on public or private land;

18 (B) an animal that exhibits at least one of the following skeletal
19 characteristics:

20 (i) skull characteristics of an elongated snout or sloping
21 appearance with little or no stop at the eye line;

1 (ii) a shoulder structure with a steep or predominate ridge along
2 the back appearance, known as a razorback;

3 (iii) hindquarters proportionally smaller than the forequarters
4 lacking natural muscling found in commercial species; or

5 (iv) visible tusks; or

6 (C) an animal that is genetically determined to be a Eurasian wild
7 boar or Eurasian wild boar-domestic pig hybrid as characterized with an
8 appropriate genome-wide molecular tool by the U.S. Department of
9 Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to
10 be a feral swine hybrid based on results of genetic testing conducted at the
11 National Wildlife Research Center.

12 (2) The definition of feral swine under subdivision (1) of this subsection
13 shall not include feral swine collared and used by State or federal wildlife
14 damage management entities, such as the U.S. Department of Agriculture,
15 Animal and Plant Health Inspection Service, Wildlife Services, to determine
16 the location of free-ranging feral swine.

17 (3) This subsection shall not apply to the domestic pig (*Sus domesticus*)
18 involved in domestic hog production and shall not restrict or limit the authority
19 of the Secretary of Agriculture, Food and Markets to regulate the importation
20 or possession of the domestic pig as livestock or as a domestic animal under
21 Title 6 of the Vermont Statutes Annotated.

1 (4) Any feral swine may be removed or destroyed by the Department;
2 the Agency of Agriculture, Food and Markets or a designee; or the U.S.
3 Department of Agriculture, Animal and Plant Health Inspection Service,
4 Wildlife Services. The Department shall notify the Agency of Agriculture,
5 Food and Markets prior to removal of or destruction of the feral swine.

6 (5) The Department shall notify the Agency of Agriculture, Food and
7 Markets of the disposition of feral swine.

8 (6) Any person who kills a feral swine in Vermont shall report to a State
9 game warden and shall present the carcass to the State game warden within 24
10 hours.

11 (7) The State or its designee shall not be liable for damages or claims
12 associated with the removal or destruction of feral swine provided that the
13 actions of the State agents or designees are reasonable. The removal or
14 destruction of feral swine shall be deemed reasonable where:

15 (A) the Department has acted in accordance with subdivision (4) of
16 this subsection (f); and

17 (B) the Department determines that the swine:

18 (i) is a threat to public safety;

19 (ii) has harmed or posed a threat to any person or domestic
20 animal;

21 (iii) has damaged private or public property; or

1 (iv) has damaged or is damaging natural resources, including
2 wetlands; vernal pools; wildlife and their habitats; rare and irreplaceable
3 natural areas; or rare, threatened, or endangered species; or

4 (v) the Department determines that the swine constitutes or could
5 establish a breeding feral swine population in Vermont. The Department shall
6 consult with U.S. Department of Agriculture, Animal and Plant Health
7 Inspection Service, Wildlife Services and the Agency of Agriculture, Food and
8 Markets in making this determination.

9 Sec. 22. 13 V.S.A. § 351b is amended to read:

10 § 351b. SCOPE OF SUBCHAPTER

11 This subchapter shall not apply to:

12 (1) activities regulated by the Department of Fish and Wildlife pursuant
13 to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance
14 with 10 V.S.A. § 4709(f);

15 (2) scientific research governed by accepted procedural standards
16 subject to review by an institutional animal care and use committee;

17 (3) livestock and poultry husbandry practices for raising, management,
18 and use of animals;

19 (4) veterinary medical or surgical procedures; and

20 (5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

1 Sec. 23. 20 V.S.A. § 3350 is added to read:

2 § 3350. THE DISPOSITION OF FERAL SWINE

3 (a) The General Assembly finds that feral swine, as defined in 10 V.S.A.
4 § 4709, have the potential for spreading serious disease to domestic livestock,
5 may cause devastating destruction to natural ecosystems, and pose a threat to
6 human health and safety.

7 (b) In light of the potential impacts of feral swine, and notwithstanding the
8 provisions of law in this chapter, the Department of Fish and Wildlife may
9 destroy or euthanize a feral swine in accordance with the requirements of
10 10 V.S.A. § 4709(f).

11 (c) The exercise by the Department of Fish and Wildlife of the authority
12 under 10 V.S.A. § 4709(f)(3) shall not prevent any person from pursuing or
13 collecting the remedies set forth in this chapter.

14 * * * Payment for Ecosystem Services and Soil Health Working Group * * *

15 Sec. 24. 2019 Act and Resolves No. 83, Sec. 3 is amended to read:

16 Sec. 3. ~~SOIL CONSERVATION PRACTICE AND PAYMENT FOR~~
17 ECOSYSTEM SERVICES AND SOIL HEALTH WORKING
18 GROUP

19 ~~(a) The Secretary of Agriculture, Food and Markets shall convene a Soil~~
20 ~~Conservation Practice and Payment for Ecosystem Services~~ and Soil Health
21 Working Group is established to recommend financial incentives designed to

1 encourage farmers in Vermont to implement agricultural practices that exceed
2 the requirements of 6 V.S.A. chapter 215 and that improve soil health, enhance
3 crop resilience, increase carbon storage and stormwater storage capacity, and
4 reduce agricultural runoff to waters. The Working Group shall:

5 (1) identify agricultural standards or practices that farmers can
6 implement that improve soil health, enhance crop resilience, increase carbon
7 storage and stormwater storage capacity, and reduce agricultural runoff to
8 waters;

9 (2) recommend existing financial incentives available to farmers that
10 could be modified or amended to incentivize implementation of the
11 agricultural standards identified under subdivision (1) of this subsection or
12 incentivize the reclamation or preservation of wetlands and floodplains;

13 (3) propose new financial incentives, including a source of revenue, for
14 implementation of the agricultural standards identified under subdivision (1) of
15 this subsection if existing financial incentives are inadequate or if the goal of
16 implementation of the agricultural standards would be better served by a new
17 financial incentive; and

18 (4) recommend legislative changes that may be required to implement
19 any financial incentive recommended or proposed in the report.

20 (b) The ~~Soil Conservation Practice and Payment for Ecosystem Services~~
21 and Soil Health Working Group shall consist of persons with knowledge or

1 expertise in agricultural water quality, soil health, economic development, or
2 agricultural financing. The Secretary of Agriculture, Food and Markets shall
3 appoint the members that are not ex officio members. The Working Group
4 shall include the following members:

- 5 (1) the Secretary of Agriculture, Food and Markets or designee;
- 6 (2) the Secretary of Natural Resources or designee;
- 7 (3) a representative of the Vermont Housing and Conservation Board;
- 8 (4) a member of the former Dairy Water Collaborative;
- 9 (5) two persons representing farmer's watershed alliances in the State;
- 10 (6) a representative of the Natural Resources Conservation Council;
- 11 (7) a representative of the Gund Institute for Environment of the
12 University of Vermont;
- 13 (8) a representative of the University of Vermont (UVM) Extension;
- 14 (9) two members of the Agricultural Water Quality Partnership;
- 15 (10) a representative of small-scale, diversified farming; ~~and~~
- 16 (11) a member of the Vermont Healthy Soils Coalition;
- 17 (12) a person engaged in farming other than dairy farming;
- 18 (13) a representative of an environmental organization with a statewide
19 membership that has technical expertise or fundraising experience;
- 20 (14) an agricultural economist from a university or other relevant
21 organization within the State;

1 (15) an ecosystem services specialist from UVM Extension; and

2 (16) a soil scientist.

3 (c)(1) The Secretary of Agriculture, Food and Markets or designee shall be
4 the Chair of the Working Group, and the representative of the Vermont
5 Housing and Conservation Board shall be the Vice Chair.

6 (2) A majority of the membership of the Working Group shall constitute
7 a quorum.

8 (3) The Working Group shall have the administrative, technical, and
9 legal assistance of the Agency of Agriculture, Food and Markets.

10 (4) The Working Group shall cease to exist on February 1, 2022.

11 (d) On or before January 15, ~~2020~~ 2022, the Secretary of Agriculture, Food
12 and Markets shall submit to the Senate Committee on Agriculture and the
13 House Committee on Agriculture and Forestry a report ~~including the findings~~
14 ~~and recommendations of the Soil Conservation Practice and Payment for~~
15 ~~Ecosystem Services Working Group regarding financial incentives designed to~~
16 ~~encourage farmers in Vermont to implement agricultural practices that improve~~
17 ~~soil health, enhance crop resilience, and reduce agricultural runoff to waters~~
18 that shall include:

19 (1) a recommended payment for ecosystem services approach the State
20 should pursue that benefits water quality, flood resilience, and climate stability.

1 including ecosystem services to prioritize and capital or funding sources
2 available for payments;

3 (2) a recommended definition of healthy soils, a recommended method
4 or systems for measuring soil health and other indicators of ecosystem health,
5 and a recommended tool for modeling and monitoring soil health;

6 (3) a recommended price, supported by evidence or other justification,
7 for a unit of soil health or other unit of ecosystem service or benefit provided;

8 (4) proposed eligibility criteria for persons participating in the program;

9 (5) proposed methods for incorporating the recommended payment for
10 ecosystem services approach into existing research and funding programs;

11 (6) an estimate of the potential future benefits of the recommended
12 payment for ecosystem services approach, including the projected duration of
13 the program;

14 (7) an estimate of the cost to the State to administer the recommended
15 payment for ecosystem services approach; and

16 (8) proposed funding or sources of funds to implement and operate the
17 recommended payment for ecosystem services approach.

18 (e) The Working Group may seek grants or funding other than annual
19 appropriation in order to further the work of the Working Group.

* * * Effective Dates * * *

Sec. 25. EFFECTIVE DATES

(a) This section, Sec. 17 (local food), and Sec. 24 (Payment for Ecosystem Services and Soil Health Working Group) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2020.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE