

Agriculture Acts Passed by the Vermont General Assembly in 2021-2022 Biennium

Bill Number and Name	Summary of Act
<p>Act No. 43 of 2021 (H.88)</p> <p>An act relating to certification of agricultural use for purposes of the use value appraisal program</p>	<ul style="list-style-type: none"> • H.88 makes changes to the current use eligibility requirements and to the administration of the program, effective July 1, 2021. • If a farmer misses the annual requirement to certify that enrolled land and buildings continue to meet the program requirements, the Commissioner of Taxes may waive the certification requirement and not remove the land or buildings from the program. However, to waive certification, the Commissioner must have access to other information demonstrating that the land and buildings continue to meet the other current use requirements. • H.88 also amends the current use definition of “development” to allow land underlying solar arrays to stay in the current use program, if the solar array is located on a total of one tenth of an acre or less. The land must still qualify as agricultural land or open land that qualifies as managed forestland as determined by Department of Forests, Parks and Recreation. • An administrative requirement that the Department of Taxes obtain the Current Use Advisory Board’s approval of changes to the current use application forms is eliminated by H.88.
<p>Act No. 31 of 2021 (H.89)</p> <p>An act relating to limiting liability for agritourism</p>	<ul style="list-style-type: none"> • H.89 immunize providers of agritourism activities from civil liability if a participant in the agritourism activity is injured as a result of risks inherent in the activity and the provider has posted a required warning about those risks. • “Agritourism activity,” is defined as an interactive or passive activity that is carried out for recreational, entertainment, or educational purposes on a farm, including farming, food production, historical, cultural, pick-your-own, and nature-based activities. “Agritourism activity” does not include lodging at a farm or shopping at a roadside farm stand or operation exclusively devoted to the sale of merchandise or food at retail. • “Inherent risk,” means any danger or condition that is an integral part of, or arises from, an agritourism activity, including propensity of a wild animal or domestic animal to behave in ways that may result in injury or death; a hazard such as a surface or subsurface condition; a natural condition of land, vegetation, or waters; the ordinary dangers of structures or equipment used in farming; and potential of a participant to act in a negligent way that may contribute to injury or death to the participant or others, such as failing to follow safety procedures or failing to act with reasonable caution. • The limitation on the agritourism host’s liability does not apply to an agritourism host who: <ul style="list-style-type: none"> ○ Commits a negligent act or omission concerning a participant’s safety that proximately causes injury or death; ○ Has actual knowledge of: a dangerous condition used in the activity, or the dangerous propensity of an animal used in the activity, which proximately causes injury or death to a participant, and does not make that danger known to the participant; ○ Intentionally injures a participant or intentionally damages a participant’s property; ○ Commits an act, error, or omission that constitutes willful or wanton misconduct or criminal conduct that proximately causes injury or death to the participant; or • Fails to post the warning required under the bill.

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<p>Act No. 22 of 2021 (H.218)</p> <p>An act relating to the sale of unpasteurized raw milk</p>	<ul style="list-style-type: none"> • H.218 authorizes a Tier 2 raw milk producer to sell raw milk off the farm at farm stands and community-supported agriculture organizations (CSAs) operated by a person other than the Tier 2 raw milk producer provided that Tier 2 producer and the farm stands and CSAs meet specific requirements. • Sale or delivery of raw milk at a farm stand or by a CSA organization shall conform to the existing requirements for warning purchasers of raw milk and for labelling of the product. • The Tier 2 producer selling at a farm stand or CSA shall submit to the Agency of Agriculture Food and Markets (AAFM) notice of the farm stands or CSA organizations with whom the producer has contracted to sell the producer's raw milk. • A farm stand or a CSA selling raw milk produced on a farm other than the farm where the farm stand or CSA is located shall: <ul style="list-style-type: none"> ○ maintain a customer list: including addresses; telephone numbers; when available; date of purchase; and amount purchased; ○ submit the required records to the producer weekly; ○ store raw milk in a refrigerated unit or other storage capable of keeping milk at 40°F or lower sanitarily; and • display the sign required for producers in a place clearly visible to and easily readable by customers at a farm stand or CSA.
<p>Act No. 47 of 2021 (H.420)</p> <p>An act relating to miscellaneous agricultural subjects</p>	<ul style="list-style-type: none"> • H.420 makes multiple amendments to several agriculture or weights and measures statutes administered by AAFM. • Repeals the sunset of on-farm personal slaughter authority and doubles the number of animals authorized for on-farm slaughter. • Directs Legislative Counsel to work with AAFM and interested parties to resolve issues related to allowing an owner of a share of an animal or animal herd to receive meat slaughtered under the federal personal slaughter exemption from inspection. • Clarifies the definition of livestock dealer and authorizes AAFM to require a person to obtain a livestock dealer license if the Agency determines the person is trying to circumvent license requirements. • Renames the Large Animal Veterinarian Loan Repayment Program as the Food Animal Veterinarian Education Loan Repayment Program for consistency with a similar USDA program. • Amends eligibility for the Food Animal Veterinarian Education Loan Repayment Program by requiring recipients to be significantly dedicated to treating food animals and grants AAFM authority to determine what constitutes significant dedication. • Amends the definition of “commercial weighing and measuring device” to clarify what weights or scales must register. Provides that a commercial weighing device does not include: a device in a business used internally to determine weight, measure, or count of a commodity or thing while manufacturing, processing, or preparing the commodity or thing for market; a pharmacy device used to determine appropriate dosage of medication or medical treatment; or U.S. Postal Service scales. • Extends to Feb. 1, 2023, authorized operation of the Payment for Ecosystem Services and Soil Health Working Group. • Clarifies that custom applicators must be certified to operate in the State to apply manure or agricultural wastes.

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	<ul style="list-style-type: none"> • Clarifies that information that AAFM collects in databases is public but identifying information of farms and agricultural businesses will be redacted or removed when information is disclosed to the public. • Provides that the State will operate its hemp program under the federally authorized 2014 pilot program until January 1, 2022 due to issues of compliance with the USDA rule authorized by the 2018 Farm Bill. • Directs AAFM to update the Agriculture Annex to the State Emergency Management Plan to improve State capacity to maintain food supply during emergency or other food insecurity.
<p>Act No. 38 of 2021 (H.421)</p> <p>An act relating to animal cruelty investigation response and training</p>	<ul style="list-style-type: none"> • H.421 requires humane officers authorized to conduct animal cruelty investigations to be certain types of law enforcement, designated humane society employees, or animal control officers that receive specialized animal cruelty investigation training. • Requires animal cruelty response training developed by the Animal Cruelty Investigation Advisory Board (Board) and administered by the Criminal Justice Council (Council) for designated humane society employees and animal control officers to serve as humane officers. • Requires trainings for current humane officers to be completed by the end of 2023, and the Council must provide the Board with a list of individuals who completed the training by January 1, 2024.
<p>Act No. 49 of 2021 (H.434)</p> <p>An act relating to establishing the Agricultural Innovation Board</p>	<ul style="list-style-type: none"> • H.434 establishes the Agricultural Innovation Board (Board) to provide a forum for new issues arising in agriculture. The Board replaces and assumes the authority of the Vermont Pesticide Advisory Council and the Seed Review Panel. The Board will also: <ul style="list-style-type: none"> ○ Review historic recommendations for pesticide reduction and coordinate work by existing work groups to avoid conflicting policy recommendation to the legislature regarding regulation of pesticides and farming. ○ Recommend practices that reduce the use of and exposure to pesticides and synthetic fertilizers in order to protect soil biology, human health, and the environment, including targets to achieve the State goal of pesticide reduction. ○ Advise the Governor and Legislature regarding legislation on use of agricultural pest control and integrated pest management. ○ Recommend to the Secretary of Agriculture policies, proposed rules, or legislation for regulation of treated articles. ○ Recommend practices to reduce the use and generation of waste associated with plastic in farming. ○ Incentivize farming practices to reduce the use and dependence on pesticides in their practices. ○ Advise AAFM with regard to the regulation of plant biostimulants. ○ Explore methods or standards for transitioning farmers to practices that reduce pesticide usage. ○ Explore methods or standards for farmers to engage in carbon sequestration or mitigation. ○ Review the seed traits of new genetically engineered seed proposed for sale in the State. • Study and issue recommendations regarding the feasibility of the use of biodegradable plastics in agriculture and the promotion of the use of and production of biodegradable plastics and similar products in the State.

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<p>Act No. 41 of 2021 S.102</p> <p>An act relating to the regulation of agricultural inputs for farming</p>	<ul style="list-style-type: none"> • S.102 clarifies that the importation of food residuals onto a farm is “farming” provided that no more than 2,000 cubic yards of food residuals per year are imported and the compost is principally used on the farm or the farm is a small poultry farm. • S.102 also requires the registration and regulation of certain categories of products sold or proposed for sale in the State. • Feed supplements and dosage form animal products will be regulated under the existing commercial feed chapter in laws and will be subject to registration, labelling, quality, and inspection requirements. <ul style="list-style-type: none"> ○ The registration fee for feed supplements will be \$105 per product and the registration fee for dosage form animal health products will be \$35 per product. Fees are deposited into a special fund for use by AAFM to implement the program • Plant biostimulants and soil amendments will be regulated under the existing fertilizer and agricultural lime chapter in laws and will be subject to registration, labelling, and inspection requirements. • The registration fee for plant biostimulants and soil amendments will be \$85 per grade or formulation registered. Fees are deposited into a special fund for use by AAFM to implement the program.
<p>Act No. 151 of 2022 (S.100)</p> <p>An act relating to universal school meals</p>	<ul style="list-style-type: none"> • Creates a one-year universal school meals program to provide free breakfast and lunch to all public school students. Approved independent schools located in Vermont may participate in the universal school meals program for students on public tuition. • Schools that participate in the universal school meals program are required to maximize access to federal funds. • Creates a one-year moratorium on the ability of a school district to ask for an exemption from participation in a school meals program under 16 V.S.A. § 1265. • Requires the Agency of Education to report to the Senate and House Committees on Education and Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance on the impact and status of this act. • Requires the Joint Fiscal Office to prepare a report examining possible revenue sources for the universal school meals program that are not ordinarily used for General Fund purposes.
<p>Act No. 158 of 2022 (S.188)</p> <p>An act relating to regulating licensed small cannabis cultivation as farming</p>	<ul style="list-style-type: none"> • Provides that a licensed small cultivator of cannabis will receive certain regulatory benefits of farming if they initiate cultivation of cannabis outside, on a parcel of land that was subject to the Required Agricultural Practices prior to license cultivation. • Cannabis cultivation continues not to be farming under statute, but current farmers who become licensed small cultivators will continue to receive the following regulatory benefits on the land used for cannabis cultivation: <ul style="list-style-type: none"> ○ Small cultivators will be regulated as “farming” under Act 250 and not be required to obtain an Act 250 permit; ○ Small cultivators will not be regulated by municipal bylaws just as farming under the RAPs is not regulated by bylaws; ○ Small cultivators will be eligible to enroll in UVA or continue enrollment, as currently allowed; and ○ Small cultivators will be eligible for 3 sales tax exemptions afforded farmers: 32 V.S.A. §§9741(3)(agriculture feeds, seed, plants, baler twine, etc.), 9741(25)(agricultural machinery), and 9741(50)(bulk compost, animal manure, and planting mix).

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<p>Act No. 162 of 2022 (S.258)</p> <p>An act relating to agricultural water quality, enforcement, and dairy farming</p>	<ul style="list-style-type: none"> • Amends or enacts multiple provisions related to agricultural subjects. • Requires applicants for AAFM grants to be in good standing with all AAFM programs. • Clarifies that “agricultural waste” can be imported onto a farm rather than originating or emanating from a farm. • Authorizes AAFM to require modifications to a waste storage facility that is a threat to health or the environment. • Provides that if AAFM suspects a facility may be contaminating groundwater, AAFM shall pay for initial monitoring to determine if there is a threat to human health or the environment. • Allows AAFM to approve transport of non-sewage waste to a farm and to report waste’s composition and volume. • Repeals the statute authorizing nutrient management planning incentive grants as the program is no longer active. • Amends the allowable forms of Capital Equipment Assistance grants to allow for grants to address the priorities of the program, including improving water quality, reducing odors, and decreasing greenhouse gas emissions. • Repeals obsolete practices from the list of practices eligible for assistance under the Farm Agronomic Practices Program and grants AAFM authority to approve grants for soil-based practices that improve soil health of and services. • Clarifies what constitutes an agricultural activity entitled to nuisance protection under the State Right to Farm Law. • Amends the State Right to Farm Law to clarify that “farming” and “agricultural activities” as defined under agricultural statutes are eligible for the rebuttable presumption that they do not cause a nuisance. • Extends the duration and authority of the Task Force to Revitalize the Vermont Dairy Industry.
<p>Act No. 135 of 2022 (H.466)</p> <p>An act relating to surface water withdrawals and interbasin transfers</p>	<ul style="list-style-type: none"> • Establishes an ANR program for the registration, reporting, and permitting of surface water withdrawals in the State. Withdrawals for irrigation for farming, livestock watering, or other farming uses are exempt from the ANR program. • Withdrawals for irrigation for farming, livestock watering, or other farming uses shall be reported to the Agency of Agriculture, Food and Markets (AAFM). • Beginning on January 15, 2023, any person withdrawing 10,000 gallons or more of surface water within a 24-hour period in the preceding calendar year or 150,000 gallons or more of surface water over any 30-day period in the preceding calendar year for irrigation, livestock watering, or other farming use files an annual report with AAFM. • The report includes an estimate of water withdrawn, location of the withdrawal, and daily maximum withdrawal for each month. • The Secretary of Agriculture, Food and Markets annually shall submit the information it collects to ANR, and ANR annually shall submit all information on surface water withdrawals to the General Assembly.

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<p>Act No. 145 of 2022 (H.626)</p> <p>An act relating to the sale, use, or application of neonicotinoid pesticides</p>	<ul style="list-style-type: none"> • Requires the Secretary of Agriculture, Food and Markets (Secretary), after consultation with the Agricultural Innovation Board, to adopt by rule best management practices (BMPs) for the use of neonicotinoid treated article seeds in the State. • “Neonicotinoid treated article seeds” are defined as treated article seeds that are treated or coated with a neonicotinoid pesticide. • In developing the rules, the Secretary shall address specific issues, including: <ul style="list-style-type: none"> ○ establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds; ○ availability of nontreated article seeds; ○ economic impact from crop loss as compared to crop yield when neonicotinoid treated article seeds are used; ○ relative toxicities of different neonicotinoid treated article seeds; and ○ the effects of neonicotinoid treated article seeds on human health and the environment. • Requires the Secretary to submit a copy of the proposed rules to the General Assembly prior to the final filing of the rules under the Administrative Procedure Act. • Requires the Agricultural Innovation Board to submit to the General Assembly a report regarding whether BMPs should be adopted for the use of treated article seeds that are not neonicotinoid treated article seeds. • Requires the Secretary to monitor managed pollinator health to establish pollinator health benchmarks for Vermont, including: presence of pesticides in hives; mite pressure; disease pressure; mite control methods; genetic influence on survival; winter survival rate; and forage availability. • Authorizes the creation of two new positions at AAFM to staff the Agency’s Residuals Management Program.
<p>H.709 of 2022</p> <p>An act relating to miscellaneous agricultural subjects</p>	<ul style="list-style-type: none"> • Amends multiple miscellaneous agricultural statutes. • Amends the requirements for accessory on-farm businesses to clarify that a business can qualify as an accessory on-farm business under Act 250 if 50% of the total sales from that business are from qualifying products produced on the farm where the business is located. • Authorizes AAFM to serve persons during enforcement actions using electronic service instead of personal service or certified mail, provided that AAFM proves the person received service or the person subject to service agrees to electronic service. • Allows AAFM to consider an applicant’s pending violations or past history of compliance with AAFM requirements as part of a permit application. • Amends the AAFM’s authority to inspect produce and produce farms in order to conform with the U.S. Food and Drug Administration’s Food Safety Modernization Act (FSMA). • Provides that the in-kind services of application of mosquito adulticide no longer qualifies as a mosquito control district’s match for purposes of State grants for application of mosquito larvicides.

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	<ul style="list-style-type: none">• Amends the statutes authorizing the State hemp program in order to conform with the U.S. Department of Agriculture’s rules for the cultivation of hemp.• Eliminates a requirement that AAFM visit a medium farm operation upon renewal of the farm’s coverage under the medium farm general permit. AAFM will only be required to visit a medium farm operation when the farm first applies for coverage under the medium farm general permit. All farms under the general permit will continue to be inspected every three years.• Repeals the requirement that small farms notify AAFM of a change of ownership.• Clarifies that the type of small farms that qualify for the Act 250 small farm food residual exemption includes certified small farms or other small farms subject to the Required Agricultural Practices.