

## **H.472. An Act Relating to Miscellaneous Agricultural Subjects**

### **Section by Section Summary**

#### **Sec. 1. 6 V.S.A. chapter 219. Agricultural Fairs**

- There are multiple agricultural fairs and field days in the State. For years, those fairs received a stipend from the State under a rule authorized by 31 V.S.A. § 617. However, 31 V.S.A. § 617 was inadvertently repealed by a technical boards and commissions bill.
- Sec. 1 adds a new chapter in Title 6 setting forth the criteria for continued financial assistance to agricultural fairs and fields days.
- § 5152 would define “agricultural fair and field days” as an exhibition held at least annually by an agricultural fair association that offers premiums for competitive exhibits in at least five different categories. § 5152 also defines the terms “agricultural fair association” and “competitive exhibit.”
- § 5153 provides that the chapter would apply to grants to agricultural fairs and field days when funds are appropriated for that purpose.
- § 5154 establishes a grant program for agricultural fairs and field days and sets the criteria for eligibility. A fair or field day shall be eligible if it:
  - Operates an agricultural fair or field days that is open a minimum of three consecutive eight-hour days each year or it operates a fair that received grant funding through the previous State stipend fund for agricultural fairs.
    - [Note: A 2-day fair funded under prior stipend would continue to receive grants. See Sec. 2]
  - Timely applies for a grant, submits a complete application, and provides all requested information.
  - Is in good standing with the Agency of Agriculture, Food and Markets.
  - Fully intends to continue operating an agricultural fair or field days that is open a minimum of three consecutive eight-hour days during both the current and next calendar year.
- § 5154 also requires AAFM to create an application for the grants and to follow Administrative Bulletin 5.0 in the award of grants. And AAFM is authorized to collect information regarding the implementation of the grants.
- § 5154(f) requires AAFM to distribute the grants equitably to qualified applicants through a formula that measures the combined activity at each fair or field day.

#### **Sec. 2. Transition; Continued Eligibility Agricultural Fairs and Field Days**

- Sec. 2 provides that notwithstanding the new eligibility criteria for agricultural fairs and field days, those fair and field days that received grants under the previous stipend rule would continue to remain eligible for grants under the new statutory grant program.

#### **Sec. 3. 6 V.S.A. § 3306(d). Meat Processing**

- Replaces the obsolete term “meat cutting” with the more accurate term “meat processing” under the statutory requirements for licensing facilities to conduct livestock and poultry slaughter.

#### **Sec. 4. 9 V.S.A. § 2730. Licensing Weights and Measures Devices**

- Authorizes AAFM to extend the time period under which a weights and measures device must be inspected, provided that the extended period shall not be more than 24 months from the date of application for the license.

#### **Sec. 5. Repeal of Livestock Brand Requirements**

- Sec. 5 repeals the State's laws for branding animals. Branding is becoming increasingly obsolete under federal law as ear tags, radio frequency identification, and brand registration are now the standard for livestock identification. [Note a person can still brand livestock, but it will have no legal consequence under State law.]

#### **Secs. 6 to 16. Apiary Requirements**

- Secs. 6 to 16 make multiple amendments to State statutes governing the sale, siting, and movement of bees, hives and bee colonies. Many changes are gender conformity changes recommended by AAFM.
- Sec. 6, 6 V.S.A. § 3023, repeals the requirement that the owner of an apiary report whether the location of the apiary will change within two weeks of the annual required report to AAFM. The Section also repeals a reference to an exemption for reporting the transport of colonies into the State as Sec. 14 proposes to repeal that exemption.
- Sec. 7, 6 V.S.A. § 3024, makes gender conformity language changes to the apiary inspection statute.
- Sec. 8, 6 V.S.A. § 3025, makes gender conformity language changes to the second inspection statute.
- Sec. 9, 6 V.S.A. § 3026, makes a technical language change to the statute regarding sale of diseased bees.
- Sec. 10, 6 V.S.A. § 3027, makes a gender conformity language change to section on abandoned apiaries.
- Sec. 11, 6 V.S.A. § 3028, requires a person rearing bees for sale to have that person's apiary inspected within 45 days prior to any sale. Currently, the statute requires inspection once a summer.
- Sec. 12, 6 V.S.A. § 3029, makes gender conformity and technical language changes to the statute addressing movable combs within hives.
- Sec. 13, 6 V.S.A. § 3031, makes gender conformity language changes to the statute on AAFM right of entry to any apiary or place where bees or equipment are kept.
- Sec. 14, 6 V.S.A. § 3032. Currently, a permit from AAFM is required to import bees, colonies, or used apiary equipment into the State except if the bees are registered in Vermont, were not transported more than 75 miles from the registered location, and are imported back into the State within 30 days of the date of original transport.
  - Sec. 14 would repeal the exemption from permitting as AAFM is concerned that it could allow for importation of bees, colonies, or used equipment that is diseased.
- Sec. 15, 6 V.S.A. § 3033, makes gender conformity language changes to the statute addressing the shipping of bees.
- Sec. 16, 6 V.S.A. § 3034, in the statute governing the siting of apiaries, the term hives is replaced by the term colonies, as hives are the physical boxes, but a colony is the bees, hives, and equipment.

### **Sec. 17. 6 V.S.A. § 363(19). Soil Amendments**

- Clarifies that soil amendments regulated by AAFM include substances or mixtures to be used in growing media other than soil. For example, substances used in hydroponic growing.

### **Secs. 18 to 20. Requirements for Nurseries**

- Sec. 18, 6 V.S.A. § 4021, amends the definition of “nursery dealer” to include persons who install nursery stock for commercial gain. The section then defines the term “install” to clarify that the term means the placing, fixing, or planting of nursery stock in ground or soil and does not mean delivery or placing of potted nursery stock.
- Sec. 19, 6 V.S.A. 4024, makes gender conformity language changes to the statute requiring a nursery to obtain a license from AAFM.
- Sec. 20, 6 V.S.A. § 4027, authorizes AAFM to issue verbal orders requiring destruction or stop sale of infested nursery stock, provided that a written order is issued within 7 days or as soon as practicable.

### **Secs. 21 and 22. Pest Survey and Detection**

- Sec. 21, 6 V.S.A. § 1037, provides that AAFM orders to enforce plant pest requirements, including stop-sale orders, must be in writing and include a description of the plant pest, plants, parts of plants, plant products, or regulated articles at issue; any instructions to separate the described items; any recommended treatment or action to prevent spread; and appeal rights.
  - Stop sale tags shall not be removed within AAFM’s written approval or a written determination of disposal.
- Sec. 22. Repeal of 6 V.S.A. § 1040. Repeals the requirement that AAFM compensate plant owners when the Agency orders destruction of plants due to insect infestation or plant disease.

### **Sec. 23. Effective Date**

- The act takes effect July 1, 2023.