

1 H.891

2 Introduced by Committee on Agriculture and Forest Products

3 Date:

4 Subject: Agriculture; general powers; public health hazard; adulterated  
5 commodities

6 Statement of purpose of bill as introduced: This bill proposes to authorize the  
7 Secretary of Agriculture, Food and Markets to respond to public health hazards  
8 and other emergencies on farms. In addition, the bill would authorize the  
9 Secretary of Agriculture, Food and Markets to cooperate with State and federal  
10 agencies regarding the prevention of adulteration of food and compliance with  
11 food safety laws.

12 An act relating to the authority of the Secretary of Agriculture, Food and  
13 Markets to respond to and remediate potential public health hazards

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 6 V.S.A. § 21 is added to read:

16 § 21. AUTHORITY TO ADDRESS PUBLIC HEALTH HAZARDS AND  
17 FOOD SAFETY ISSUES

18 (a) As used in this section:

19 (1) "Adulterated" shall have the same meaning as in 18 V.S.A. § 4059  
20 and shall include adulteration under rules adopted under 18 V.S.A. chapter 82.

1           (2) “Emergency” means any natural disaster, weather-related incident,  
2 health- or disease-related incident, resource shortage, plant pest outbreak,  
3 accident, or fire that poses a threat or may pose a threat, as determined by the  
4 Secretary, to health, safety, the environment, or property in Vermont.

5           (3) “Farm” means a site or parcel on which farming is conducted.

6           (4) “Farming” shall have the same meaning as in 10 V.S.A. § 6001(22).

7           (5) “Public health hazard” means the potential harm to the public health  
8 by virtue of any condition or any biological, chemical, or physical agent. In  
9 determining whether a health hazard is public or private, the Secretary shall  
10 consider at least the following factors:

11           (A) the number of persons at risk;

12           (B) the characteristics of the person or persons at risk;

13           (C) the characteristics of the condition or agent that is the source of  
14 potential harm;

15           (D) the availability of private remedies;

16           (E) the geographical area and characteristics thereof where the  
17 condition or agent that is the source of the potential harm or the receptors  
18 exist; and

19           (F) policy of the Agency of Agriculture, Food and Markets as  
20 established by rule or procedure.

1           (6) “Raw agricultural commodity” means any food in its raw or natural  
2           state, including all fruits or vegetables that are washed, colored, or otherwise  
3           treated in their unpeeled natural form prior to marketing.

4           (7) “Secretary” means the Secretary of Agriculture, Food and Markets.

5           (b) The Secretary shall have the authority to:

6           (1) respond to and remediate incidences of mass animal death,  
7           agricultural structure fires, or other emergencies on a farm in order to prevent a  
8           public health hazard;

9           (2) condemn, confiscate, or establish restrictions on the use, sale, or  
10           distribution of adulterated raw agricultural commodities or animal feed; and

11           (3) cooperate with the Department of Health and other State and federal  
12           agencies regarding:

13           (A) the prevention or remediation of the adulteration of raw  
14           agricultural commodities, food, or animal feed or farms; and

15           (B) application of the FDA Food Safety Modernization Act,  
16           21 U.S.C. §§ 2201–2252, to farms, farm products, or value-added products  
17           produced in the State.

18           Sec. 2. EFFECTIVE DATE

19           This act shall take effect on passage.