

1 Introduced by Committee on Agriculture and Forest Products

2 Date:

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

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

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

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

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

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

17 (a) As used in this section:

18 (1) “Adulterated” shall be defined as in 18 V.S.A. § 4059 and shall  
19 include adulteration under rules adopted under 18 V.S.A. chapter 82.

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

5                   (A) the number of persons at risk;

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

7                   (C) the characteristics of the condition or agent which is the source of  
8           potential harm;

9                   (D) the availability of private remedies;

10                  (E) the geographical area and characteristics thereof where the condition  
11           or agent which is the source of the potential harm or the receptors exist; and

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

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

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

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

19                   (1) Respond to and remediate incidences of mass animal death,  
20           agricultural structure fires, or other emergencies on a farm in order to prevent a  
21           public health hazard.

1           (2) Condemn, confiscate, or establish restrictions on the use, sale, or  
2           distribution of adulterated raw agricultural commodities or animal feed.

3           (3) Seek reimbursement of costs expended by the Agency of  
4           Agriculture, Food and Markets to prevent or remediate the threat of a public  
5           health hazard on a farm caused by an emergency. The State shall be  
6           subrogated to the rights of the farmer, farm owner, or other person for any  
7           insurance payments to other sources of compensation due to be made because  
8           of or in response to the emergency and shall have a lien therefor and may  
9           commence an action or intervene in any action to protect and enforce such  
10          a lien.

11          (4) To cooperate with the Department of Health and other State and  
12          federal 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.