

1  
2  
3  
4  
5  
6  
7  
8  
9  
  
10  
11  
  
12  
13  
14  
15  
16  
17  
18  
19

H.778

Introduced by Representatives Partridge of Windham, Eastman of Orwell,  
Graham of Williamstown, and Lawrence of Lyndon

Referred to Committee on

Date:

Subject: Agriculture; food safety; produce inspection

Statement of purpose of bill as introduced: This bill proposes to grant the  
Agency of Agriculture, Food and Markets the authority to enforce the federal  
Food Safety and Modernization Act through on-farm inspections.

An act relating to State enforcement of the federal Food Safety and  
Modernization Act

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

~~Sec. 1. 6 V.S.A. chapter 66 is added to read.~~

CHAPTER 66. PRODUCE INSPECTION

§ 850. DEFINITIONS

As used in this chapter:

(1) "Agency" means the Agency of Agriculture, Food and Markets.

(2) "Farm" means lands that are owned or leased by a person engaged in  
any of the activities stated in 10 V.S.A. § 6001(22).

1 ~~(3) "Produce" shall have the same meaning as used in~~

2 21 C.F.R. § 112.3.

3 (4) "Produce farm" means any farm engaged in the growing, harvesting,  
4 packing, or holding of produce.

5 (5) "Secretary" means the Secretary of Agriculture, Food and Markets.

6 § 851. AUTHORITY; ENFORCEMENT

7 (a) The Secretary may enforce in the State the requirements of the rules  
8 adopted under the federal Food Safety and Modernization Act, Public Law No.  
9 111-353, for standards for growing, harvesting, packing, and holding of  
10 produce for human consumption, 80 Fed. Reg. No. 228, 74354-74568.

11 (b) The Agency may collaborate with the Vermont Department of Health  
12 regarding application of the federal Food Safety and Modernization Act and  
13 the rules adopted thereunder for which the Agency and the Department may  
14 share regulatory authority.

15 § 852. FARM INSPECTIONS

16 (a) The Secretary may inspect a produce farm at any time for the purposes  
17 of ensuring compliance with the federal standards for growing, harvesting,  
18 packing, and holding of produce for human consumption, 80 Fed. Reg.  
19 No. 228, 74354-74568, or rules adopted under this chapter.

1 ~~(b) After inspection, the Secretary may issue an inspection certificate that~~  
2 ~~shall include the date and place of inspection along with any other pertinent~~  
3 ~~facts that the Secretary may require.~~

4 § 853. RECORDS

5 The owner or operator of a produce farm shall maintain records required by  
6 the federal Food Safety and Modernization Act, rules adopted thereunder, and  
7 rules adopted under this chapter and shall make those records available to the  
8 Agency upon request.

9 § 854. RULES

10 The Secretary may adopt rules pursuant to 3 V.S.A. chapter 25 as may be  
11 necessary to implement this chapter.

12 Sec. 2. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2016.~~

*Sec. 1. 6 V.S.A. chapter 66 is added to read:*

*CHAPTER 66. PRODUCE INSPECTION*

*§ 850. DEFINITIONS*

*As used in this chapter:*

*(1) "Agency" means the Agency of Agriculture, Food and Markets.*

*(2) "Farm" means lands that are owned or leased by a person engaged*  
*in any of the activities stated in 10 V.S.A. § 6001(22).*

~~(3) "Produce" shall have the same meaning as used in  
21 C.F.R. § 112.3.~~

~~(4) "Produce farm" means any farm engaged in the growing,  
harvesting, packing, or holding of produce.~~

~~(5) "Secretary" means the Secretary of Agriculture, Food and Markets.  
§ 851. AUTHORITY; ENFORCEMENT~~

~~(a) The Secretary may enforce in the State the requirements of the rules  
adopted under the federal Food Safety Modernization Act, Public Law No.  
111-353, for standards for growing, harvesting, packing, and holding of  
produce for human consumption, 21 C.F.R. part 112.~~

~~(b) The Agency may collaborate with the Vermont Department of Health  
regarding application of the federal Food Safety Modernization Act and the  
rules adopted thereunder for which the Agency and the Department may share  
regulatory authority.~~

~~§ 852. FARM INSPECTIONS~~

~~(a) The Secretary may inspect a produce farm at any time for the purposes  
of ensuring compliance with the federal standards for growing, harvesting,  
packing, and holding of produce for human consumption, 21 C.F.R. part 112,  
or rules adopted under this chapter.~~

~~(b) After inspection, the Secretary may issue an inspection certificate that shall include the date and place of inspection along with any other pertinent facts that the Secretary may require.~~

§ 853. RECORDS

~~The owner or operator of a produce farm shall maintain records required by the federal Food Safety Modernization Act, rules adopted thereunder, and rules adopted under this chapter and shall make those records available to the Agency upon request.~~

§ 854. RULES

~~The Secretary may adopt rules pursuant to 3 V.S.A. chapter 25 as may be necessary to implement this chapter.~~

Sec. 2. EFFECTIVE DATE

~~This act shall take effect on July 1, 2016.~~

Sec. 1. 6 V.S.A. chapter 66 is added to read:

CHAPTER 66. PRODUCE INSPECTION

§ 851. DEFINITIONS

As used in this chapter:

(1) "Agency" means the Agency of Agriculture, Food and Markets.

(2) "Farm" means lands that are owned or leased by a person engaged in any of the activities stated in 10 V.S.A. § 6001(22).

(3) "Produce" shall have the same meaning as used in 21 C.F.R. § 112.3.

(4) "Produce farm" means any farm engaged in the growing, harvesting, packing, or holding of produce.

(5) "Secretary" means the Secretary of Agriculture, Food and Markets.

§ 852. AUTHORITY; ENFORCEMENT

(a) The Secretary may enforce in the State the requirements of the rules adopted under the federal Food Safety Modernization Act, Public Law No. 111-353, for standards for growing, harvesting, packing, and holding of produce for human consumption, 21 C.F.R. part 112.

(b) The Agency may collaborate with the Vermont Department of Health regarding application of the federal Food Safety Modernization Act and the rules adopted thereunder.

(c) The Secretary shall carry out the provisions of this chapter using:

(1) monies appropriated to the Agency by the federal government for the purpose of administering the federal Food Safety Modernization Act and the rules adopted thereunder;

(2) monies appropriated to the Agency by the State for the purpose of administering this chapter; and

(3) other gifts, bequests, and donations by private entities for the purposes of administering this chapter.

§ 853. FARM INSPECTIONS

(a)(1) The Secretary may inspect a produce farm during reasonable hours for the purposes of ensuring compliance with:

(A) the federal standards for growing, harvesting, packing, and holding of produce for human consumption, as adopted under 21 C.F.R. part 112; or

(B) the rules adopted under this chapter.

(2) This section shall not limit the Secretary's authority to respond to an emergency in order to prevent a public health hazard under section 21 of this title.

(b) After inspection, the Secretary may issue an inspection certificate that shall include the date and place of inspection along with any other pertinent facts that the Secretary may require.

(c) The Secretary may coordinate with other State agencies and organizations to carry out inspections at or near the same time on a given produce farm.

§ 854. RECORDS

The owner or operator of a produce farm shall maintain records required by the federal Food Safety Modernization Act, rules adopted thereunder, and rules adopted under this chapter and shall make those records available to the Agency upon request.

§ 855. RULES

*The Secretary may adopt rules pursuant to 3 V.S.A. chapter 25 as may be necessary to implement this chapter.*

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on passage.*