

H.778

An act relating to State enforcement of the federal Food Safety
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).

(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.