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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.