

**Act No. 166 (H.355). Professions and occupations; Secretary of State; Office of Professional Regulation; foresters**

**An act relating to licensing and regulating foresters**

This act requires foresters to be licensed and professionally regulated by the Secretary of State's Office of Professional Regulation (OPR) starting July 1, 2016. The definition of "forestry" in the act focuses on forest management, with forestry services being defined to include investigations, consultations, timber inventory, appraisal, development of forest management plans, and responsible supervision of forest management or other forestry activities. The act specifically excludes from the definition of "forestry" services for the physical implementation of cutting, hauling, handling, or processing of forest products or for the physical implementation of silvicultural treatments and practices.

The act contains specific exemptions from the new licensure requirement. These exemptions apply to certain persons practicing forestry on their own lands, including businesses that practice forestry on an aggregate of not more than 400 acres of their own lands; persons who carry out forest practices under the general supervision of a forester; and other persons who are performing specified acts related to forestry or forests.

OPR will regulate foresters as an advisor profession. As an advisor profession, the Secretary of State will appoint three foresters to act as advisor appointees, and these advisor appointees will assist the Director of OPR in the regulation of the profession.

The act contains four standard pathways to licensure, based on an applicant's degree, experience, and passage of the Society of American Foresters' (SAF) examination, or licensure in another jurisdiction. The act's transitional provisions also provide alternative pathways to licensure for current foresters who may not meet all of the qualifications for standard licensure. These alternative pathways permit licensure based in part on past forestry practice, a peer review process, or SAF certification, and will expire on January 1, 2019. Once licensed, a forester must renew his or her license every two years, with 24 hours of continuing education required for renewal. OPR's standard advisor profession license fees set forth in 3 V.S.A. § 125(b) apply, which are currently \$100.00 for initial licensure and \$200.00 for a biennial renewal.

As in other OPR professions, the act contains unprofessional conduct provisions specific to forestry. These include conviction of a crime related to the practice of forestry and aiding, abetting, encouraging, or negligently causing a substantial violation of the statutes or rules of the Vermont Department of Forests, Parks and Recreation.

Multiple effective dates, beginning on June 6, 2016