

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forest Products to which was referred
3 Senate Bill No. 169 entitled “An act relating to the Rozo McLaughlin
4 Farm-to-School Program” respectfully reports that it has considered the same
5 and recommends that the House propose to the Senate that the bill be amended
6 by striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 *** Farm-to-School ***

9 Sec. 1. 6 V.S.A. chapter 211 is amended to read:

10 CHAPTER 211. THE ROZO MCLAUGHLIN

11 FARM-TO-SCHOOL PROGRAM

12 § 4719. PURPOSE AND STATE GOAL

13 (a) Purpose. It is the purpose of this chapter to establish a farm-to-school
14 program to:

15 (1) encourage Vermont residents in developing healthy and lifelong
16 habits of eating nutritious local foods;

17 (2) maximize use by Vermont schools of fresh and locally grown,
18 produced, or processed food;

19 (3) work with partners to establish a food, farm, and nutrition education
20 program that educates Vermont students regarding healthy eating habits
21 through the use of educational materials, classes, and hands-on techniques that

1 inform students of the connections between farming and the foods that students
2 consume;

3 (4) increase the size and stability of direct sales markets available to
4 farmers; and

5 (5) increase participation of Vermont students in school meal programs
6 by increasing the selection of available foods.

7 (b) State Farm to School Network goal. It is the goal of the
8 Farm-to-School Program to establish a food system that by 2025:

9 (1) engages 75 percent of Vermont schools in an integrated food system
10 education program that incorporates community-based learning; and

11 (2) purchases 50 percent of food from local or regional food sources.

12 § 4720. DEFINITIONS

13 As used in this chapter, “Farm-to-School Program” means an integrated
14 food, farm, and nutrition education program that utilizes community-based
15 learning opportunities to connect schools with nearby farms to provide
16 students with locally produced fresh fruits and vegetables, dairy and protein
17 products, and other nutritious, locally produced foods in child nutrition
18 programs; help children develop healthy eating habits; provide nutritional and
19 agricultural education in the classroom, cafeteria, and school community; and
20 improve farmers’ incomes and direct access to markets.

1 § 4721. LOCAL FOODS GRANT PROGRAM

2 (a) There is created in the Agency of Agriculture, Food and Markets the
3 Rozo McLaughlin Farm-to-School Program to award local grants for the
4 purpose of helping Vermont schools develop farm-to-school programs that will
5 sustain relationships with local farmers and producers, enrich the educational
6 experience of students, improve the health of Vermont children, and enhance
7 Vermont's agricultural economy.

8 (b) A school, a school district, a consortium of schools, ~~or~~ a consortium of
9 school districts, or licensed childcare providers may apply to the Secretary of
10 Agriculture, Food and Markets for a grant award to:

11 (1) fund equipment, resources, training, and materials that will help to
12 increase use of local foods in the School ~~Food Service~~ Nutrition Program;

13 (2) fund items, including local ~~farm~~ food products, gardening supplies,
14 field trips to farms, gleaning on farms, and stipends to visiting farmers, that
15 will help teachers to use hands-on educational techniques to teach children
16 about nutrition and farm-to-school connections; and

17 (3) ~~provide~~ fund professional development and technical assistance, in
18 partnership with the Agency of Education and farm-to-school technical service
19 providers, to help teachers, school nutrition personnel, and members of the
20 farm-to-school community educate students about nutrition and farm-to-school
21 connections and assist schools in developing a farm-to-school program.

1 (4) fund technical assistance or support strategies to increase
2 participation in federal child nutrition programs that increase viability of
3 sustainable meal programs.

4 (c) The Secretaries of Agriculture, Food and Markets and of Education and
5 the Commissioner of Health, in consultation with farmers, ~~food service~~
6 ~~workers~~ school nutrition staff, and educators, and farm-to-school technical
7 service providers jointly shall ~~jointly~~ adopt ~~rules~~ procedures relating to the
8 content of the grant application and the criteria for making awards.

9 (d) The Secretary shall determine that there is significant interest in the
10 school community before making an award and shall give priority
11 consideration to schools ~~and~~ school districts and licensed child care providers
12 that are developing farm-to-school connections and education that indicate a
13 willingness to make changes to their school or childcare nutrition programs
14 that increase student access and participation and that are making progress
15 toward the implementation of the Vermont ~~nutrition and fitness policy~~
16 ~~guidelines~~ School Wellness Policy Guidelines developed by the Agency of
17 Agriculture, Food and Markets, the Agency of Education, and the Department
18 of Health, ~~dated November 2005~~ updated in June 2015 or of the successor of
19 these guidelines.

20 (e) No award shall be greater than \$15,000.00.

1 § 4722. FARM ASSISTANCE; SECRETARY OF AGRICULTURE, FOOD
2 AND MARKETS

3 (a) The Secretary of Agriculture, Food and Markets shall work with
4 existing programs and organizations to develop and implement educational
5 opportunities for farmers to help them to increase their markets through selling
6 their products to schools, licensed child care providers, and State government
7 agencies ~~and participating in the federal food commodities program, including~~
8 ~~the federal Department of Defense Fresh Program, and selling to regulated~~
9 ~~child care programs participating in the Adult and Child Food Program that~~
10 operate or participate in child nutrition programs.

11 (b) ~~For the purposes of this section and section 4723 of this title, the~~
12 ~~Secretary may provide funds to one or more technical assistance providers to~~
13 ~~provide farm to school education and teacher training to more school districts~~
14 ~~and to assist the Secretaries of Agriculture, Food and Markets and of Education~~
15 ~~to carry out farmer and food service worker training. The Secretary of~~
16 Agriculture, Food and Markets shall work with distributors that sell products to
17 schools, licensed child care providers, and State government agencies to
18 increase the availability of local products.

1 § 4723. PROFESSIONAL DEVELOPMENT FOR FOOD SERVICE

2 PERSONNEL

3 (a) The Secretary of Education, in consultation with the Secretary of
4 Agriculture, Food and Markets, the Commissioner of Health, and
5 farm-to-school organizations and partners, shall offer ~~expanded regional~~
6 ~~training sessions~~ professional development opportunities for public school
7 food service and child care personnel and child care resource development
8 specialists ~~as funds are made available~~. Training shall include information
9 about strategies for ~~purchasing~~ procuring, processing, and serving locally
10 grown foods, especially with regard to federal procurement program
11 requirements, as well as information about nutrition, obesity prevention,
12 coping with severe food allergies, universal recycling, and food service
13 operations. The Secretary of Education may use a portion of the funds
14 appropriated for this training session to pay a portion of or all expenses for
15 attendees and to develop manuals or other materials to help in the training.

16 (b) The Secretary of Education shall ~~train people as funds are made~~
17 ~~available to~~, with existing programs and organizations, provide training related
18 to procurement of local food and technical assistance to school food service
19 and child care personnel and use a portion of the funds appropriated for this
20 purpose to enable the trained people to provide technical assistance at the
21 school and school district levels.

1 (c) Training provided under this section shall promote the policies
2 established in the Vermont ~~nutrition and fitness policy guidelines~~ School
3 Wellness Policy Guidelines developed by the Agencies of Agriculture, Food
4 and Markets and of Education and the Department of Health, ~~dated November~~
5 2005 updated in June 2015, or the guidelines' successor.

6 § 4724. ~~LOCAL FOODS COORDINATOR~~ FOOD SYSTEMS

7 ADMINISTRATOR

8 (a) The position of ~~local food coordinator~~ Food Systems Administrator is
9 established in the ~~agency of agriculture, food and markets~~ Agency of
10 Agriculture, Food and Markets for the purpose of assisting Vermont producers
11 ~~to increase~~ in increasing their access to commercial markets and institutions,
12 including schools, ~~state~~ licensed child care providers, State and municipal
13 governments, and hospitals.

14 (b) The duties of the ~~local foods coordinator~~ Food Systems Administrator
15 shall include:

16 (1) working with institutions, schools, licensed child care providers,
17 distributors, producers, commercial markets, and others to create matchmaking
18 opportunities that increase the number of Vermont institutions that purchase
19 foods grown or produced in Vermont;

20 (2) coordinating funding and providing support to the farm-to-school
21 and farm-to-institutions programs within the ~~agency of agriculture, food and~~

1 ~~markets~~ Agency of Agriculture, Food and Markets, and coordinating with
2 interested parties to access funding or create matchmaking opportunities across
3 the supply chain that increase participation in those programs;

4 (3) encouraging and facilitating ~~the enrollment of state employees~~ State
5 employee access and awareness of opportunities for purchasing local food,
6 including: enrollment in a local community supported agriculture (CSA)
7 organization, purchasing from local farm stands, and participation in a farmers'
8 market;

9 (4) developing a database of producers and potential purchasers and
10 enhancing the ~~agency's website~~ Agency and partners' ability to improve and
11 support local foods coordination through the use of information
12 technology; and

13 (5) providing technical support to local communities with their food
14 security efforts.

15 (c) The ~~local foods coordinator~~ Food Systems Administrator, working with
16 the ~~commissioner of buildings and general services~~ Commissioner of
17 Buildings and General Services pursuant to rules adopted under 29 V.S.A.
18 § 152(14), shall:

19 (1) encourage and facilitate ~~CSA enrollment~~ awareness of and
20 opportunities to procure healthy local foods by state State employees through

1 the use of approved advertisements and solicitations on ~~state-owned~~
2 State-owned property; and

3 (2) implement guidelines for the appropriate use of ~~state~~ State property
4 for employee participation in CSA organizations, including reasonable
5 restrictions on the time, place, and manner of solicitations, advertisements,
6 deliveries, and related activities to ensure the safety and welfare of ~~state~~ State
7 property and its occupants.

8 (d) The ~~local foods coordinator~~ Food Systems Administrator shall
9 administer a local foods grant program, the purpose of which shall be to
10 provide grants to allow Vermont producers to increase their access to
11 commercial and institutional markets.

12 Sec. 2. 16 V.S.A. § 559 is amended to read:

13 § 559. PUBLIC BIDS

14 (a) When the cost exceeds \$15,000.00. A school board or supervisory
15 union board shall publicly advertise or invite three or more bids from persons
16 deemed capable of providing items or services if costs are in excess of
17 \$15,000.00 for any of the following:

18 (1) the construction, purchase, lease, or improvement of any school
19 building;

20 (2) the purchase or lease of any item or items required for supply,
21 equipment, maintenance, repair, or transportation of students; or

1 (3) a contract for transportation, maintenance, or repair services.

2 * * *

3 (e) Application of this section. Any contract entered into or purchase made
4 in violation of the provisions of this section shall be void; provided, however,
5 that:

6 * * *

7 (4) nothing in this section shall be construed to prohibit a school board
8 from awarding a school nutrition contract after using any method of bidding or
9 requests for proposals permitted under federal law for award of the contract.
10 Notwithstanding the monetary amount in subsection (a) of this section for
11 which a school board is required to advertise publicly or invite three or more
12 bids or requests for proposal, a school board is required to publicly advertise or
13 invite three or more bids or requests for proposal for purchases made from the
14 nonprofit school food service account for purchases in excess of \$25,000.00,
15 unless a municipality sets a lower threshold for purchases from the nonprofit
16 school food service account;

17 * * *

18 * * * Shelter of Dogs and Cats * * *

19 Sec. 3. 13 V.S.A. § 351 is amended to read:

20 § 351. DEFINITIONS

21 As used in this chapter:

1 (1) “Animal” means all living sentient creatures, not human beings.

2 * * *

3 (11) “Livestock” means cattle, bison, horses, sheep, goats, swine,
4 cervidae, ratites, and camelids.

5 * * *

6 (13) “Livestock and poultry husbandry practices” means the raising,
7 management, and using of animals to provide humans with food, fiber, or
8 transportation in a manner consistent with:

9 (A) husbandry practices recommended for the species by agricultural
10 colleges and the U.S. Department of Agriculture Extension Service;

11 (B) husbandry practices modified for the species to conform to the
12 Vermont environment and terrain; and

13 (C) husbandry practices that minimize pain and suffering.

14 * * *

15 (15) “Living space” means any cage, crate, or other structure used to
16 confine an animal that serves as its principal, primary housing and that
17 provides protection from the elements. Living space does not include a
18 structure, such as a doghouse, in which an animal is not confined, or a cage,
19 crate, or other structure in which the animal is temporarily confined.

20 (16) “Adequate food” means food that is not spoiled or contaminated
21 and is of sufficient quantity and quality to meet the normal daily requirements

1 for the condition and size of the animal and the environment in which it is
2 kept. An animal shall be fed or have food available at least once each day,
3 unless a licensed veterinarian instructs otherwise, or withholding food is in
4 accordance with accepted ~~agricultural or veterinarian~~ veterinary practices or
5 livestock and poultry husbandry practices.

6 (17) “Adequate water” means ~~fresh, potable water provided at suitable~~
7 ~~intervals for the species, and which, in no event, shall exceed 24 hours at any~~
8 ~~interval. The animal must have access to the water~~ potable water that is either
9 accessible to the animal at all times or is provided at suitable intervals for the
10 species and in sufficient quantity for the health of the animal. In no event shall
11 the interval when water is provided exceed 24 hours. Snow or ice is not an
12 adequate water source unless provided in accordance with livestock and
13 poultry husbandry practices.

14 (18) “Adequate shelter” means shelter ~~which~~ that protects the animal
15 from injury and environmental hazards.

16 (19) “Enclosure” means any structure, fence, device, or other barrier
17 used to restrict an animal or animals to a limited amount of space.

18 (20) “Livestock guardian dog” means a purpose-bred dog that is:

19 (A) specifically trained to live with livestock without causing them
20 harm while repelling predators;

21 (B) being used to live with and guard livestock; and

1 (C) acclimated to local weather conditions.

2 Sec. 4. 13 V.S.A. § 365 is amended to read:

3 § 365. SHELTER OF ANIMALS

4 (a) Adequate shelter. All livestock and animals ~~which that~~ are to be
5 predominantly maintained out-of-doors must in an outdoor area shall be
6 provided with adequate shelter to prevent direct exposure to the elements.

7 (b) Shelter for livestock.

8 (1) Adequate natural shelter, or a three-sided, roofed building with
9 exposure out of the prevailing wind and of sufficient size to adequately
10 accommodate all livestock maintained out-of-doors in an outdoor area shall be
11 provided. The building opening size and height ~~must shall~~, at a minimum,
12 extend one foot above the withers of the largest animal housed and ~~must shall~~
13 be maintained at that level even with manure and litter build-up. Nothing in
14 this section shall control dairy herd housing facilities, either loose housing,
15 comfort stall, or stanchion ties, or other housing under control of the
16 ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and
17 Markets. This section shall not apply to any accepted housing or grazing
18 practices for any livestock industry.

19 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
20 livestock may be temporarily confined in a space sufficient for them to stand
21 and turn about freely, provided that they are exercised in accordance with

1 livestock and poultry husbandry practices, and are provided sufficient food,
2 water, shelter, and proper ventilation.

3 (c) Minimum size of living space; dogs and cats.

4 (1) A dog, ~~whether chained or penned,~~ shall be provided an adequate
5 living space no less than three feet by four feet for 25 pound and smaller dogs,
6 four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50
7 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five
8 feet for 100 pound and larger dogs that is large enough to allow the dog, in a
9 normal manner, to turn about freely, stand, sit, and lie down. A dog shall be
10 presumed to have adequate living space if provided with the floor space in
11 square footage calculated according to the following formula: Floor space in
12 square feet = (length of dog in inches + 6) × (length of dog in inches + 6)
13 ÷ 144. The length of the dog in inches shall be measured from the tip of the
14 nose of the dog to the base of its tail.

15 (2) The specifications required by subdivision (c)(1) of this section shall
16 ~~apply to~~ be required for each dog, regardless of whether the dog is housed
17 individually or with other animals.

18 (3)(A) A cat over the age of two months shall be provided adequate
19 living space that is large enough to allow the cat, in a normal manner, to turn
20 about freely, stand, sit, and lie down. A cat shall be presumed to have
21 adequate living space if provided with:

1 (i) floor space, including raised resting platforms, of at least nine
2 square feet; and

3 (ii) a primary structure of at least 24 inches in height.

4 (B) The requirements of this subdivision (c)(3) shall apply to each cat
5 regardless of whether the cat is housed individually or with other animals.

6 (4)(A) Each female dog with nursing puppies shall be provided the
7 living space required under subdivision (1) of this subsection (c) plus sufficient
8 additional floor space to allow for a whelping box and the litter, based on the
9 size or the age of the puppies. When the puppies discontinue nursing, the
10 living space requirements of subdivisions (1) and (2) of this subsection shall
11 apply for all dogs housed in the same living space.

12 (B) Each female cat with nursing kittens shall be provided the living
13 space required under subdivision (3) of this subsection (c) plus sufficient
14 additional floor space to allow for a queening box and the litter, based on the
15 size or the age of the kittens. When the kittens discontinue nursing, the living
16 space requirements of subdivision (3) of this subsection shall apply for all cats
17 housed in the same living space.

18 (5) Dogs or cats that are housed in the same primary living space or
19 enclosure shall be compatible, as determined by observation, provided that:

20 (A) Females in heat (estrus) shall not be housed in the same primary
21 living space or enclosure with males, except for breeding purposes.

1 (B) A dog or cat exhibiting a vicious or overly aggressive disposition
2 shall be housed separately from other dogs or cats.

3 (6) All dogs or cats shall have access to adequate water and adequate
4 food.

5 (d) Daily exercise; dogs or cats. A dog or cat confined in a living space
6 shall be permitted outside the ~~eage, crate, or structure~~ living space for an
7 opportunity of at least one hour of daily exercise, unless otherwise modified or
8 restricted by a licensed veterinarian. Separate space for exercise is not
9 required if an animal's living space is at least three times larger than the
10 minimum requirements set forth in subdivision (c)(1) of this section.

11 (e) Shelter for dogs maintained outdoors in enclosures.

12 (1) ~~A~~ Except as provided in subdivision (2) of this subsection, a dog or
13 dogs maintained out of doors must outdoors in an enclosure shall be provided
14 with suitable housing that assures that the dog is protected from wind and
15 draft, and from excessive sun, rain and other environmental hazards throughout
16 the year a primary one or more shelter structure structures. A shelter structure
17 shall:

18 (A) Provide each dog housed in the structure sufficient space to, in a
19 normal manner, turn about freely, stand, sit, and lie down.

20 (B) Be structurally sound and constructed of suitable, durable
21 material.

1 (C) Have four sides, a roof, and a ground or floor surface that enables
2 the dog to stay clean and dry.

3 (D) Have an entrance or portal large enough to allow each dog
4 housed in the shelter unimpeded access to the structure, and the entrance or
5 portal shall be constructed with a windbreak or rainbreak.

6 (E) Provide adequate protection from cold and heat, including
7 protection from the direct rays of the sun and the direct effect of wind, rain, or
8 snow. Shivering due to cold is evidence of inadequate shelter for any dog.

9 (F) Contain clean, dry bedding material if the ambient temperature is
10 below 50 degrees Fahrenheit.

11 (2) A shelter structure is not required for a healthy livestock guardian
12 dog that is maintained outdoors in an enclosure.

13 (3) If multiple dogs are maintained outdoors in an enclosure at one time:

14 (A) Each dog will be provided with an individual structure, or the
15 structure or structures provided shall be cumulatively large enough to contain
16 all of the dogs at one time.

17 (B) A shelter structure shall be accessible to each dog in the
18 enclosure.

19 (4) The following categories of dogs shall not be maintained outdoors in
20 an enclosure when the ambient temperature is below 50 degrees Fahrenheit:

1 (A) dogs that are not acclimated to the temperatures prevalent in the
2 area or region where they are maintained;

3 (B) dogs that cannot tolerate the prevalent temperatures of the area
4 without stress or discomfort; and

5 (C) sick or infirm dogs or dogs that cannot regulate their own body
6 temperature.

7 (5) Metal barrels, cars, refrigerators, freezers, and similar objects shall
8 not be used as a shelter structure for a dog maintained in an outdoor enclosure.

9 (6) In addition to the shelter structure, one or more separate outdoor
10 areas of shade shall be provided, large enough to contain all the animals and
11 protect them from the direct rays of the sun.

12 (f) Tethering of dog.

13 (1) ~~A~~ Except as provided under subdivision (2) of this subsection, a dog
14 ~~chained to a shelter must~~ maintained outdoors on a tether shall be on a tether
15 ~~chain~~ or trolley and cable system that is, in its entirety, at least four times the
16 length of the dog as measured from the tip of its nose to the base of its tail, and
17 shall allow the dog access to the shelter.

18 (2) A dog regularly used in training or participation in competitive or
19 recreational sled dog activities and housed outdoors in close proximity with
20 other dogs may, if necessary for the safety of the dog, be maintained on a

1 tether **at least two** times the length of the dog, as measured from the tip of its
2 nose to the base of its tail.

3 (3) A tether used for any dog shall be attached to both the dog and the
4 anchor using swivels or similar devices that prevent the tether from becoming
5 entangled or twisted. The tether shall be attached to a well-fitted collar or
6 harness on the dog. The tether shall be of a size and weight that will not cause
7 discomfort to a tethered dog. A choke collar shall not be used as part of a
8 tethering method. **The tether system shall function properly regardless of snow**
9 **depth.**

10 ~~(g) A cat, over the age of two months, shall be provided minimum living~~
11 ~~space of nine square feet, provided the primary structure shall be constructed~~
12 ~~and maintained so as to provide sufficient space to allow the cat to turn about~~
13 ~~freely, stand, sit, and lie down. Each primary enclosure housing cats must be~~
14 ~~at least 24 inches high. These specifications shall apply to each cat regardless~~
15 ~~of whether the cat is housed individually or with other animals. [Repealed.]~~

16 ~~(h) Notwithstanding the provisions of this section, animals may be~~
17 ~~temporarily confined in a space sufficient for them to stand and turn about~~
18 ~~freely, provided that they are exercised in accordance with accepted~~
19 ~~agricultural or veterinarian practices, and are provided sufficient food, water,~~
20 ~~shelter, and proper ventilation. [Repealed.]~~

1 (i) Violations. Failure to comply with this section shall be a violation of
2 subdivision 352(3) or (4) of this title.

3 (j) ~~Notwithstanding the provisions of this section, an animal may be~~
4 ~~sheltered, chained, confined, or maintained out of doors if doing so is directed~~
5 ~~by a licensed veterinarian or is in accordance with accepted agricultural or~~
6 ~~veterinarian practices.~~ [Repealed.]

7 * * * State Vegetable * * *

8 Sec. 5. 1 V.S.A. § 519 is added to read:

9 § 519. STATE VEGETABLE

10 The State Vegetable shall be the Gilfeather turnip.

11 * * * Effective Date * * *

12 Sec. 6. EFFECTIVE DATE

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

14 and that after passage the title of the bill be amended to read: “An act relating
15 to miscellaneous agricultural subjects”

16

17

18 (Committee vote: _____)

19

20

21

Representative _____

FOR THE COMMITTEE