

1 Introduced by Committee on Agriculture and Forestry

2 Date:

3 Subject: Agriculture; miscellaneous subjects; produce inspection; livestock  
4 offloading

5 Statement of purpose of bill as introduced: This bill proposes to amend the  
6 Secretary of Agriculture, Food and Markets' authority to administer and  
7 enforce requirements for the growing, harvesting, packing, and holding of  
8 produce for human consumption. The bill would also clarify what constitutes  
9 arrival of the conveyance onto facility property for the purpose of the transport  
10 of livestock and poultry to slaughter.

11 An act relating to miscellaneous agricultural subjects

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

13 \* \* \* Produce Inspection \* \* \*

14 Sec. 1. 6 V.S.A. § 21(b) is amended to read:

15 (b) The Secretary shall have the authority to:

16 (1) respond to and remediate incidences of mass animal death,  
17 agricultural structure fires, or other emergencies on a farm in order to prevent a  
18 public health hazard;

19 (2) condemn, confiscate, or establish restrictions on the use, sale, or  
20 distribution of adulterated raw agricultural commodities or animal feed; and

1 (3) cooperate with the Department of Health and other State and federal  
2 agencies regarding:

3 (A) the prevention or remediation of the adulteration of raw  
4 agricultural commodities, food, or animal feed on farms; and

5 (B) application of the FDA Food Safety Modernization Act,  
6 ~~21 U.S.C. §§ 2201-2252~~ Pub. L. No. 111-353, to farms, farm products, or  
7 value-added products produced in the State.

8 Sec. 2. 6 V.S.A. § 852 is amended to read:

9 § 852. AUTHORITY; ENFORCEMENT

10 (a) The Secretary may enforce in the State the requirements of:

11 (1) the rules adopted under the ~~federal~~ U.S. Food and Drug  
12 Administration Food Safety Modernization Act, ~~Public Law No. 111-353~~, for  
13 ~~standards for growing, harvesting, packing, and holding of produce for human~~  
14 ~~consumption~~ Standards for Growing, Harvesting, Packing, and Holding of  
15 Produce for Human Consumption, 21 C.F.R. part 112; and

16 (2) rules adopted under this chapter.

17 (b)(1) The Secretary may issue administrative orders necessary to  
18 implement the purposes of this chapter, including orders for the stop sale,  
19 recall, embargo, destruction, quarantine, and release of produce. The Secretary  
20 also may take any action authorized under chapter 1 of this title.

1           (2) An administrative order issued under this section shall include:

2                   (A) a statement of the legal authority and jurisdiction under which  
3 the hearing is to be held;

4                   (B) a statement of the matter at issue, including reference to the  
5 particular statute allegedly violated and a factual description of the alleged  
6 violation;

7                   (C) the proposed administrative action;

8                   (D) a statement that the administrative order is effective upon receipt  
9 unless stayed by a request for a hearing filed within 15 days from the date the  
10 order was issued.

11           (3) A person who receives an administrative order pursuant to this  
12 section shall be deemed to have waived the right to a hearing, unless within  
13 15 days of the receipt of the administrative order, the person requests a hearing  
14 in writing.

15           (4) A person aggrieved by an administrative order may request a hearing  
16 before the Secretary in accordance with 3 V.S.A. chapter 25.

17           (5) A person aggrieved by a final decision of the Secretary may appeal  
18 de novo to the Civil Division of the Superior Court within 30 days of the final  
19 decision of the Secretary.

20           (c) The Agency may collaborate with the ~~Vermont~~ Department of Health  
21 regarding application of the ~~federal Food Safety Modernization Act and the~~

1 ~~rules adopted thereunder~~ U.S. Food and Drug Administration Food Safety  
2 Modernization Act, Standards for Growing, Harvesting, Packing, and Holding  
3 of Produce for Human Consumption, 21 C.F.R. part 112, and application of the  
4 rules adopted under this chapter.

5 ~~(e)~~(d) The Secretary shall carry out the provisions of this chapter using:

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

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

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

13 Sec. 3. 6 V.S.A. § 853 is amended to read:

14 § 853. FARM INSPECTIONS

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

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

20 (B) the rules adopted under this chapter.

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

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

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

10                   \* \* \* Livestock and Poultry Transport for Slaughter \* \* \*

11           Sec. 4. 6 V.S.A. § 1461a(c) is amended to read:

12           (c) Livestock and poultry that are transported to a commercial slaughter  
13 facility within the State shall not be removed from the facility without the  
14 facility’s owner first obtaining written permission from the State Veterinarian.  
15 For purposes of this section, arrival of the conveyance onto facility property  
16 and the offloading of livestock or poultry constitutes transport to a slaughter  
17 facility, regardless of whether the animals have been ~~offloaded~~ or presented for  
18 antemortem inspection. The State Veterinarian may require inspection and  
19 testing prior to issuing consent for removal.

1

\* \* \* Effective Date \* \* \*

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Sec. 5. EFFECTIVE DATE

3

This act shall take effect on passage.