

Journal of the House

Wednesday, May 13, 2020

At ten o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Recess

At ten o'clock and thirty-one minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kathleen James of Manchester.

Message from the Senate No. 37

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 347. An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 52. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

House Bill Introduced

H. 952

By Reps. Donovan of Burlington, Cina of Burlington, Colburn of Burlington, Hooper of Burlington, Krowinski of Burlington, McCormack of Burlington, Ode of Burlington, Rachelson of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of

Burlington;

Which was read and referred to the committee on Government Operations.

Committee Bill Introduced

H. 953

By the committee on Appropriations,

An act relating to fiscal year 2020 supplemental budget adjustments;

Was read and pursuant to House rule 48, bill placed on the Calendar for Notice.

Senate Bill Referred

S. 347

Senate bill, entitled

An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses

Was read and referred to the committee on Judiciary.

Bill Referred to Committee on Appropriations

H. 607

House bill, entitled

An act relating to increasing the supply of primary care providers in Vermont

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 52

By Senator Ashe,

J.R.S. 52. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, May 14, 2020, or, Friday, May 15, 2020, it be to meet again no later than Tuesday, May 19, 2020.

Was taken up, read and adopted in concurrence.

Action on Bill Postponed**H. 162**

House bill, entitled

An act relating to removal of buprenorphine from the misdemeanor crime of possession of a narcotic

Was taken up and pending consideration of the report of the committee on Human Services, on motion of **Rep. Pugh of South Burlington**, action on the bill was postponed until June 3, 2020.

Action on Bill Postponed**H. 492**

House bill, entitled

An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes

Was taken up and pending consideration of the report of the committee on General; Housing; and Military Affairs, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until June 3, 2020.

Action on Bill Postponed**H. 535**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Brattleboro

Was taken up and pending consideration of the the report of the committee on Government Operations, on motion of **Rep. Gannon of Wilmington**, action on the bill was postponed until June 3, 2020.

Action on Bill Postponed**H. 923**

House bill, entitled

An act relating to entering a vehicle without legal authority or consent

Was taken up and pending second reading of the bill, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until June 3, 2020.

Bill Amended; Read Third Time; Bill Passed**H. 948**

House bill, entitled

An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

In Sec. 1 (municipal quasi-judicial proceedings), in subsection (b), immediately following the period, by inserting “If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the Board shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn. “Electronic means” means the transmittal of video or photographic evidence by the appellant at the direction of the Board members.”

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 951

Rep. Townsend of South Burlington spoke for the committee on Appropriations.

House bill entitled

An act relating to the municipal emergency statewide education property tax borrowing program

Having appeared on the Calendar one day for Notice, was taken up, read the second time.

Pending the question, Shall the bill be read a third time? **Reps. Townsend of South Burlington, Conquest of Newbury, Fagan of Rutland City, Helm of Fair Haven, Hooper of Montpelier, Jessup of Middlesex, Lanpher of Vergennes, Myers of Essex, Toll of Danville, and Yacovone of Morristown** moved that the bill be amended as follows:

In Sec. 1, Municipal Emergency Statewide Education Property Tax Borrowing Program, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof the following:

(1) “Municipality” means a city, town, incorporated village, the unorganized towns and gores of Essex County, and Buel’s Gore.

Which was agreed to.

Thereupon third reading ordered.

**Rules Suspended; Favorable Reports;
Second Reading; Third Reading Ordered**

S. 343

On motion of **Rep McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to delaying special education changes due to the COVID-19 state of emergency

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Rep. Cupoli of Rutland City, for the committee on Education, to which had been referred Senate bill reported in favor of its passage in concurrence.

Rep. Conquest of Newbury, for the committee on Appropriations reported in favor of its passage in concurrence.

Thereupon the bill was read the second time and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 656

Rep. Fegard of Berkshire, for the committee on Agriculture and Forestry, to which had been referred House bill, entitled

An act relating to miscellaneous agricultural subjects

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Commercial Feed * * *

Sec. 1. 6 V.S.A. § 324 is amended to read:

§ 324. REGISTRATION AND FEES

(a) No person shall manufacture a commercial feed in this State unless that person has first filed with the Vermont Agency of Agriculture, Food and Markets, in a form and manner to be prescribed by rules by the Secretary:

- (1) the name of the manufacturer;
- (2) the manufacturer's place of business;
- (3) the location of each manufacturing facility; and

(4) any other information ~~which~~ that the Secretary considers to be necessary.

(b) A person shall not distribute in this State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of \$105.00 per product. The registration fees, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

(c) No person shall distribute in this State any feed required to be registered under this chapter upon which the Secretary has placed a withdrawal from distribution order because of nonregistration. A surcharge of \$10.00, in addition to the registration fee required by subsection (b) of this section, shall accompany the application for registration of each product upon which a withdrawal from distribution order has been placed for reason of nonregistration, and must be received before removal of the withdrawal from distribution order.

(d) No person shall distribute a commercial feed product in the State that is labeled as bait or feed for white-tailed deer.

* * * Livestock Management * * *

Sec. 2. 6 V.S.A. § 768 is amended to read:

§ 768. DUTIES OF DEALERS, TRANSPORTERS, AND PACKERS

A livestock dealer, transporter, or packer licensed under section 762 of this title shall:

(1) Maintain in a clean and sanitary condition all premises, buildings, and conveyances used in the business of buying, selling, or transporting livestock or operating a livestock auction or sales ring.

(2) Submit premises, buildings, and conveyances to inspection and livestock to inspection and test at any and such times as the Secretary may deem it necessary and advisable.

(3) Allow no livestock on livestock dealer's premises from herds or premises quarantined by the Secretary of Agriculture, Food and Markets.

(4)(A) Maintain, subject to inspection by the Secretary of Agriculture, Food and Markets or his or her agent, a record compliant with applicable State and federal statutes, rules, and regulations specified by the Secretary, including the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R.

part 86. When not required under the requirements set forth in State and federal statute, the records required under this subdivision shall include:

(i) all livestock purchased, repossessed, sold, or loaned by a livestock dealer, transporter, or packer;

(ii) the complete name and address of the person from whom livestock was obtained and to whom delivered; and

(iii) the official individual identification number that is required to be applied to each livestock under the requirements of sections 1460, 1461, and 1461a of this title.

(B) For equine livestock, the requirements for the records to be maintained and the method of individual identification are set forth under chapter 102, subchapter 2 of this title.

(5) Abide by other reasonable rules that may be adopted by the Secretary of Agriculture, Food and Markets to prevent the spread of disease. A copy of all applicable rules shall be provided to all livestock dealers, packers, and transporters licensed under the terms of section 762 of this title at the time they first obtain a license.

(6) Pay the seller within 72 hours following the sale of the animal or animals.

Sec. 3. 6 V.S.A. § 1165 is amended to read:

§ 1165. TESTING OF CAPTIVE DEER

(a) Definitions. As used in this section:

(1) “Captive deer operation” means a place where deer are privately or publicly maintained, in an artificial manner, or held for economic or other purposes within a perimeter fence or confined space.

(2) “Chronic wasting disease” or “CWD” means a transmissible spongiform encephalopathy.

(b) Testing. A person operating a captive deer operation under the jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the Secretary when a captive deer in his or her control dies or is sent to slaughter. The person operating the captive deer operation shall make the carcass of a deceased or slaughtered animal available to the Secretary for testing for CWD.

(c) Cost. The cost of CWD testing required under this section shall be ~~paid by the Secretary and shall not be assessed to the person operating the captive deer operation from which a tested captive deer originated~~ assessed to the

person operating the captive deer operation from which the tested captive deer originated.

Sec. 4. 6 V.S.A. § 1461a is amended to read:

§ 1461a. INTRASTATE MOVEMENT

(a) ~~The Secretary of Agriculture, Food and Markets shall require~~ Except as provided under subsection (b) of this section, all livestock being transported within the State ~~to shall~~ satisfy the requirements for official identification for interstate movement under the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86, including any future amendments to the rule, prior to leaving the premises of origin, regardless of the reason for movement or duration of absence from the premises.

(b)(1) Livestock transported from the premises of origin for purposes of receiving veterinary care at a hospital in this State are exempt from the requirements of subsection (a) of this section, provided that the livestock are returned to the premises of origin immediately following the conclusion of veterinary care.

(2) The Secretary, by procedure, may waive the requirements of subsection (a) for certain types or categories of intrastate transport of livestock.

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

(d) Vermont-origin livestock and poultry that are transported to a slaughter facility outside this State shall not be removed from the facility and returned to Vermont without the facility's owner first obtaining written permission from the State Veterinarian. For purposes of this section, arrival of the conveyance onto facility property constitutes transport to a slaughter facility, regardless of whether the animals have been offloaded or presented for antemortem inspection. The State Veterinarian may require inspection and testing prior to issuing consent for removal.

(e) A person shall not transport out-of-state livestock or poultry into Vermont for slaughter or other purpose without written consent from the State Veterinarian if the livestock or poultry is classified as a suspect or a reactor by

the U.S. Department of Agriculture or was exposed to livestock or poultry classified as a suspect or a reactor.

* * * Apiaries * * *

Sec. 5. 6 V.S.A. § 3023 is amended to read:

§ 3023. REGISTRATION; REPORT

(a) Registration. A person who is the owner of any bees, apiary, colony, or hive in the State shall register with the Secretary in writing on a form provided by the Secretary.

(b) Report. Annually the owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall submit a report to the Secretary that includes all of the following information:

(1) The location of all apiaries and number of colonies that the person owns. The location of an apiary shall become its registered location, provided that the apiary is located in accordance with the requirements of section 3034 of this title.

(2) Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location is to provide pollination services and the colonies will be returned to a registered apiary. Hives from a registered apiary may be moved to another registered apiary without reregistering.

(3) Whether a ~~serious~~ disease was discovered within any hive or colony in a registered apiary.

(4) Whether the owner transported into the State any colonies or used equipment, except as authorized under subsection 3032(c) of this title.

(5) Whether the owner is engaged in the rearing of queen bees or any other bees for sale, ~~if applicable.~~

(6) A current varroa mite and pest mitigation plan for each registered apiary.

(c) Notification of Secretary. The owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall notify the Secretary as soon as practicable of the detection within an apiary or hive of American foulbrood disease or other disease designated by the Secretary.

Sec. 6. 6 V.S.A. § 3025 is amended to read:

§ 3025. SECOND INSPECTION OF DISEASED COLONIES;

DESTRUCTION

The Secretary or his or her inspectors shall inspect all diseased apiaries a second time no less than 10 days after the first inspection. If the existence of disease within the apiary has been confirmed by a ~~federal~~ laboratory approved by the Secretary, the inspector may destroy any colonies of bees if he or she finds them not cured of such disease, or not treated or handled according to his or her instructions, together with honey combs, hives, or other equipment, without recompense to the owner thereof. This section shall not preclude an inspector from destroying diseased colonies at any time with the consent of the owner or his or her agent.

Sec. 7. 6 V.S.A. § 3028 is amended to read:

§ 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

A person engaged in the rearing of bees for sale shall have his or her apiary inspected by the Secretary prior to sale at least ~~twice during~~ once each summer season and, if any disease is found which is injurious to bees, shall at once cease to ship bees from such diseased apiary until the Secretary declares, in writing, such apiary free from all such diseases, and whenever the Secretary shall find the apiary rearing bees for sale free from disease, he or she shall furnish the owner with a certificate to that effect.

Sec. 8. 6 V.S.A. § 3032 is amended to read:

§ 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
THE STATE

(a) Except as provided under subsections (c) and (d) of this section, bees, used equipment, or colonies shall not be brought into the State of Vermont unless approved by the Secretary by permit. The Secretary shall not approve the import of bees, used equipment, or colonies from out of state unless accompanied by a valid certificate of inspection within the previous ~~60~~ 45 days from the state or country of origin stating that the bees, used equipment, or bee colonies are free from bee disease.

(b) Any person, other than a common carrier, who knowingly transports or causes to be transported used equipment or colonies to a point within this State shall provide the Secretary with ~~a copy of the certificate of inspection not more than 72 hours after an approved import permit and certificate of inspection~~ no less than 10 days prior to entry into this State.

(c) This section shall not apply to a shipment of bees, equipment, or colonies that originated outside the State and is destined for another point that is also located outside this State.

(d) The Secretary shall not require an import permit or a valid certificate of inspection under subsection (a) of this section for bees, used equipment, or colonies that:

- (1) are registered in Vermont;
- (2) were transported not more than 75 miles from the registered location of the owner of the bees or colonies; and
- (3) are imported back into the State within ~~90~~ 30 days of the date of original transport.

Sec. 9. 6 V.S.A. § 3033 is amended to read:

§ 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR
COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;
CERTIFICATE

(a) If an owner wishes to ship bees or equipment into another state or country he or she may apply to the Secretary for an inspection for ~~serious~~ bee diseases likely to prevent the acceptance of the bees or beekeeping equipment in the state or country.

(b) Upon receipt of the application, or as soon thereafter as may be conveniently practicable, the Secretary shall comply with the request.

Sec. 10. 6 V.S.A. § 3034 is amended to read:

§ 3034. ESTABLISHING AN APIARY LOCATION

No person shall locate an apiary within two miles of an existing apiary registered to a different person, with the following exceptions:

- (1) a person may locate an apiary anywhere on his or her own property;
- (2) beekeepers with a total ownership of ten hives or less shall be exempt from this restriction;
- (3) existing apiaries so long as they are properly registered with the State are exempt;
- (4) a person may locate an apiary within two miles of another existing apiary provided the owner of the existing apiary gives written permission or the existing apiary has less than 15 hives; or

(5) if a registered apiary of 15 or more hives should fall below and remain below 15 hives, anyone can petition the State and establish an apiary within two miles of the existing apiary provided the number of hives in the existing apiary stays below 15 for two years from the time of the petition. An

apiary that loses the protection of the two-mile limit in this manner cannot be built back above the number of hives it had at the end of the two-year period.

* * * Meat Inspection * * *

Sec. 11. 6 V.S.A. § 3302 is amended to read:

§ 3302. DEFINITIONS

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

* * *

(21) “Livestock” means any cattle, sheep, swine, goats, ~~domestic rabbits,~~ horses, mules, or other equines, whether live or dead.

* * *

(24) “Meat food product” and “meat product” mean any product capable of use as human food ~~which that~~ is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbits,~~ or goats, excepting products ~~which that~~ are exempted from definition as a meat food product by the Secretary under conditions ~~which that~~ he or she may prescribe to assure that the meat or other portions of carcass contained in products are unadulterated and that products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this subdivision with respect to cattle, sheep, swine, ~~domestic rabbits,~~ and goats.

* * *

* * * Agricultural Water Quality * * *

Sec. 12. 6 V.S.A. §§ 4831 and 4832 are added to read:

§ 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

(a) The Secretary of Agriculture, Food and Markets is authorized to develop a Vermont critical source area seeding and filter strip program in addition to the federal Conservation Reserve Enhancement Program in order to compensate farmers for establishing and maintaining harvestable perennial vegetative grassed waterways and filter strips on agricultural cropland perpendicular and adjacent to the surface waters of the State, including ditches. Eligible acreage would include annually tilled cropland or a portion of cropland currently cropped as hay that will not be rotated into an annual crop for a 10-year period of time. Acreage that is currently managed as hay shall have a prior history of rotation as corn or other annual commodity crop.

(b) Incentive payments from the Agency of Agriculture, Food and Markets shall be made at the outset of a 10-year agreement to establish or maintain the acreage as harvestable grassed waterway or filter strip.

(c) The Secretary of Agriculture, Food and Markets may establish by procedure financial and technical criteria for the implementation and operation of the Vermont critical source area seeding and filter strip program.

(d) Land enrolled in the Vermont agricultural buffer program shall be considered to be in "active use" as that term is defined in 32 V.S.A. § 3752(15).

§ 4832. FARM AGRONOMIC PRACTICES PROGRAM

(a) The Farm Agronomic Practices Assistance Program is created in the Agency of Agriculture, Food and Markets to provide the farms of Vermont with State financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. The following practices may be eligible for assistance to farms under the grant program:

(1) conservation crop rotation;

(2) cover cropping;

(3) strip cropping;

(4) cross-slope tillage;

(5) zone or no-tillage;

(6) pre-sidedress nitrate tests;

(7) annual maintenance of a nutrient management plan that is no longer receiving funding under a State or federal contract, provided the maximum assistance provided to a farmer under this subdivision shall be \$2,000.00 per year;

(8) educational and instructional activities to inform the farmers and citizens of Vermont of:

(A) the impact on Vermont waters of agricultural waste discharges;
and

(B) the federal and State requirements for controlling agricultural waste discharges;

(9) implementing alternative manure application techniques; and

(10) additional soil erosion reduction practices.

(b) Funding available under section 4827 of this title for nutrient management planning may be used to fund practices under this section.

Sec. 13. REPEALS

The following are repealed on July 1, 2020:

(1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and filter strip program); and

(2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices program).

Sec. 14. 6 V.S.A. § 4871(d) is amended to read:

(d) Rulemaking; small farm certification. ~~On or before July 1, 2016, the~~ The Secretary of Agriculture, Food and Markets shall ~~adopt~~ maintain by rule requirements for a small farm certification of compliance with the ~~required agricultural practices~~ Required Agricultural Practices. The rules required by this subsection shall be adopted as part of the ~~required agricultural practices~~ Required Agricultural Practices under section 4810 of this title.

Sec. 15. 6 V.S.A. § 4988 is amended to read:

§ 4988. CERTIFICATION OF CUSTOM APPLICATOR

(a) On or before July 1, 2016, as part of the revision of the ~~required agricultural practices~~ Required Agricultural Practices, the Secretary of Agriculture, Food and Markets shall adopt by rule a process by which a custom applicator shall be certified to operate within the State. The certification process shall require a custom applicator to complete eight hours of training over each five-year period regarding:

(1) application methods or techniques to minimize the runoff of land-applied manure or nutrients to waters of the State; and

(2) identification of weather or soil conditions that increase the risk of runoff of land-applied manure or nutrients to waters of the State.

* * *

(d) The requirements of this section shall not apply to:

(1) an owner or operator of a farm applying manure or nutrients to a field that he or she owns or controls, ~~provided that the owner or operator has completed the agricultural water quality training required under section 4981 of this title;~~ or

(2) application of manure or nutrients by a farm owner or operator on a field of another farm owner or operator when the total annual volume applied is less than 50 percent of the annual manure or agricultural waste by volume

generated on the farm where the manure is spread, provided that the Secretary may approve the application of more than 50 percent of the annual manure generated on a farm by another farm operator when circumstances require and application of the manure would not pose a significant potential of discharge or runoff to State waters.

(e) The Secretary may require any person applying manure under subsection (d)(2) of this section to comply with the requirement for certification of a custom applicator.

Sec. 16. 6 V.S.A. § 4817 is added to read:

§ 4817. MANAGEMENT OF NON-SEWAGE WASTE

(a) As used in this section:

(1) “Non-sewage waste” means any waste other than sewage that may contain organisms pathogenic to human beings but does not mean stormwater runoff.

(2) “Sewage” means waste containing human fecal coliform and other potential pathogenic organisms from sanitary waste and used water from any building, including carriage water and shower and wash water. “Sewage” shall not mean stormwater runoff as that term is defined in 10 V.S.A. § 1264.

(b) The Secretary may require a person transporting or arranging for the transport of food substrates to a farm for deposit in a manure pit or for use as an input in a methane digester to report to the Secretary one or more of the following:

(1) the composition of the material transported, including the source of the material; and

(2) the volume of the material transported.

(c) After receipt of a report required under subsection (a), the Secretary may prohibit the import of food substrates onto a farm upon a determination that the import of the material would violate the nutrient management plan for the farm or otherwise present a threat to water quality.

* * * Agricultural Development * * *

Sec. 17. 9 V.S.A. § 2465a is amended to read:

§ 2465a. DEFINITION OF LOCAL, LOCAL TO VERMONT, AND
LOCALLY GROWN OR MADE IN VERMONT

(a) As used in this section:

(1) “Eggs” means eggs that are the product of laying birds, including: chickens, turkeys, ducks, geese, or quail, and that are in the shell.

(2) “Majority of ingredients” means more than 50 percent of all product ingredients by volume, excluding water.

(3) “Processed food” means any food other than a raw agricultural product and includes a raw agricultural product that has been subject to processing, such as canning, cooking, dehydrating, milling, or the addition of other ingredients. Processed food includes dairy, meat, maple products, beverages, fruit, or vegetables that have been subject to processing, baked, or modified into a value-added or unique food product.

(4) “Raw agricultural product” means any food in its raw or natural state without added ingredients, including pasteurized or homogenized milk, maple sap or syrup, honey, meat, eggs, apple cider, and fruits or vegetables that may be washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(5) “Substantial period of its life” means an animal that was harvested in Vermont and lived in Vermont for at least one third of its life or one year.

(6) “Unique food product” means food processed in Vermont from ingredients that are not regularly produced in Vermont or not available in sufficient quantities to meet production requirements.

(b) For the purposes of this chapter and rules adopted pursuant to subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown or made in Vermont,” and any substantially similar term shall mean that the goods being advertised originated within Vermont or 30 miles of the place where they are sold, measured directly, point to point, except that the term “local” may be used in conjunction with a specific geographic location, such as “local to New England,” or a specific mile radius, such as “local-within 100 miles,” as long as the specific geographic location or mile radius appears as prominently as the term “local,” and the representation of origin is accurate have the following meaning based on the type of food or food product:

(1) For products that are raw agricultural products, “local to Vermont” means the product:

(A) was exclusively grown or tapped in Vermont;

(B) is not milk and was derived from an animal that was raised for a substantial period of its lifetime in Vermont;

(C) is milk where a majority of the milk was produced from Vermont animals; or

(D) is honey produced by Vermont colonies located exclusively in Vermont when all nectar was collected.

(2) Except as provided in subdivision (3) of this subsection, for products that are processed foods, “local to Vermont” means:

(A) the majority of the ingredients are raw agricultural products that are local to Vermont; and

(B) the product meets one or both of the following criteria:

(i) the product was processed in Vermont; or

(ii) the headquarters of the company that manufactures the product is located in Vermont.

(3) For bakery products, beverages, or unique food products, the product meets two or more of the following criteria:

(A) the majority of the ingredients are raw agricultural products that are local to Vermont;

(B) substantial transformation of the ingredients in the product occurred in Vermont; or

(C) the headquarters of the company that manufactures the product is located in Vermont.

(c) For the purposes of this chapter and rules adopted pursuant to subsection 2453(c) of this chapter, when referring to products other than food, “local” and any substantially similar term shall mean that the goods being advertised originated within Vermont.

(d) For the purposes of this chapter and rules adopted under subsection 2453(c) of this title, “local,” “locally grown or made,” and substantially similar terms may be used in conjunction with a specific geographic location provided that the specific geographic location appears as prominently as the term “local” and the representation of origin is accurate. If a local representation refers to a specific city or town, the product shall have been grown or made in that city or town. If a local representation refers to a region with precisely defined political boundaries, the product shall have been grown or made within those boundaries. If a local representation refers to a region that is not precisely defined by political boundaries, then the region shall be prominently described when the representation is made, or the product shall have been grown or made within 30 miles of the point of sale, measured directly point to point.

(e) A person or company who sells or markets food or goods impacted by a change in this section shall have until January 1, 2021 to utilize existing

product labels or packaging materials and to come into compliance with the requirements of this section.

* * * Weights and Measures * * *

Sec. 18. 9 V.S.A. § 2635 is amended to read:

§ 2635. GENERAL TESTING

(a) When not otherwise provided by law, the Secretary may inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. The Secretary shall, within a 12-month period, or more or less frequently as deemed necessary, inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or of count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or of count. However, with respect to single-service devices—that is, devices designed to be used commercially only once and to be then discarded—and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, tests may be made on representative samples of those devices; and the lots of which those samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on those samples.

(b) Upon request by the Secretary, the owner or person responsible for a weighing or measuring device subject to the requirements of this chapter shall make the device available for inspection during that business's normal operating hours and shall provide reasonable assistance as determined by the Secretary to complete the inspection.

Sec. 19. 9 V.S.A. § 2770 is added to read:

§ 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

(a) In addition to other penalties provided by law, the Secretary may assess administrative penalties under 6 V.S.A. § 15 for each violation of this chapter. Each violation may be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof may be deemed a separate and distinct offense.

(b) After notice and opportunity for hearing, the Secretary may suspend or revoke a license issued under this chapter for any violation of this chapter.

* * * Vermont Agricultural Credit Program; Agritourism * * *

Sec. 20. 10 V.S.A. § 374b(8) is amended to read:

(8) “Farm operation” shall mean the cultivation of land or other uses of land for the production of food, fiber, horticultural, silvicultural, orchard, maple syrup, Christmas trees, forest products, or forest crops; the raising, boarding, and training of equines, and the raising of livestock; or any combination of the foregoing activities. “Farm operation” also includes means the storage, preparation, retail sale, and transportation of agricultural or forest commodities accessory to the cultivation or use of such land. “Farm operation” also shall mean the operation of an agritourism business on a farm subject to regulation under the Required Agricultural Practices.

* * * Feral Swine * * *

Sec. 21. 10 V.S.A. § 4709 is amended to read:

§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
OF WILD ANIMALS; POSSESSION OF WILD BOAR OR
FERAL SWINE

(a) A person shall not bring into, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind, including any manner of feral swine, without authorization from the Commissioner or his or her designee. The importation permit may be granted under such regulations therefor as the Commissioner shall prescribe and only after the Commissioner has made such investigation and inspection of the birds or animals as she or he may deem necessary. The Department may dispose of unlawfully possessed or imported wildlife as it may judge best, and the State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) No person shall bring into the State from another country, state, or province wildlife illegally taken, transported, or possessed contrary to the laws governing the country, state, or province from which the wildlife originated.

(c) No person shall place a Vermont-issued tag on wildlife taken outside the State. No person shall report big game in Vermont when the wildlife is taken outside the State.

(d) Nothing in this section shall prohibit the Commissioner or duly authorized agents of the Department of Fish and Wildlife from bringing into the State for the purpose of planting, introducing, or stocking or from planting, introducing, or stocking in the State any wild bird or animal.

(e) Applicants shall pay a permit fee of \$100.00.

(f)(1) The Commissioner shall not issue a permit under this section for the importation or possession of the following live species, a hybrid or genetic

variant of the following species, offspring of the following species, or offspring or a hybrid of a genetically engineered variant of the following species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old world swine, razorback, Eurasian wild boar, or Russian wild boar (Sus scrofo Linnaeus). A feral swine is:

(A) a domestic pig that is outside of an enclosure for more than 96 hours and is free roaming on public or private land;

(B) an animal that exhibits at least one of the following skeletal characteristics:

(i) skull characteristics of an elongated snout or sloping appearance with little or no stop at the eye line;

(ii) a shoulder structure with a steep or predominate ridge along the back appearance, known as a razorback;

(iii) hindquarters proportionally smaller than the forequarters lacking natural muscling found in commercial species; or

(iv) visible tusks; or

(C) an animal that is genetically determined to be a Eurasian wild boar or Eurasian wild boar-domestic pig hybrid as characterized with an appropriate genome-wide molecular tool by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to be a feral swine hybrid based on results of genetic testing conducted at the National Wildlife Research Center.

(2) The definition of feral swine under subdivision (1) of this subsection shall not include feral swine collared and used by State or federal wildlife damage management entities, such as the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, to determine the location of free-ranging feral swine.

(3) This subsection shall not apply to the domestic pig (Sus domesticus) involved in domestic hog production and shall not restrict or limit the authority of the Secretary of Agriculture, Food and Markets to regulate the importation or possession of the domestic pig as livestock or as a domestic animal under Title 6 of the Vermont Statutes Annotated.

(4) Any feral swine may be removed or destroyed by the Department; the Agency of Agriculture, Food and Markets or a designee; or the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services. The Department shall notify the Agency of Agriculture, Food and Markets prior to removal of or destruction of the feral swine.

(5) The Department shall notify the Agency of Agriculture, Food and Markets of the disposition of feral swine.

(6) Any person who kills a feral swine in Vermont shall report to a State game warden and shall present the carcass to the State game warden within 24 hours.

(7) The State or its designee shall not be liable for damages or claims associated with the removal or destruction of feral swine provided that the actions of the State agents or designees are reasonable. The removal or destruction of feral swine shall be deemed reasonable where:

(A) the Department has acted in accordance with subdivision (4) of this subsection (f); and

(B) the Department determines that the swine:

(i) is a threat to public safety;

(ii) has harmed or posed a threat to any person or domestic animal;

(iii) has damaged private or public property; or

(iv) has damaged or is damaging natural resources, including wetlands; vernal pools; wildlife and their habitats; rare and irreplaceable natural areas; or rare, threatened, or endangered species; or

(v) the Department determines that the swine constitutes or could establish a breeding feral swine population in Vermont. The Department shall consult with U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services and the Agency of Agriculture, Food and Markets in making this determination.

Sec. 22. 13 V.S.A. § 351b is amended to read:

§ 351b. SCOPE OF SUBCHAPTER

This subchapter shall not apply to:

(1) activities regulated by the Department of Fish and Wildlife pursuant to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance with 10 V.S.A. § 4709(f);

(2) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;

(3) livestock and poultry husbandry practices for raising, management, and use of animals;

(4) veterinary medical or surgical procedures; and

(5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

Sec. 23. 20 V.S.A. § 3350 is added to read:

§ 3350. THE DISPOSITION OF FERAL SWINE

(a) The General Assembly finds that feral swine, as defined in 10 V.S.A. § 4709, have the potential for spreading serious disease to domestic livestock, may cause devastating destruction to natural ecosystems, and pose a threat to human health and safety.

(b) In light of the potential impacts of feral swine, and notwithstanding the provisions of law in this chapter, the Department of Fish and Wildlife may destroy or euthanize a feral swine in accordance with the requirements of 10 V.S.A. § 4709(f).

(c) The exercise by the Department of Fish and Wildlife of the authority under 10 V.S.A. § 4709(f) shall not prevent any person from pursuing or collecting the remedies set forth in this chapter.

* * * Payment for Ecosystem Services and Soil Health Working Group * * *

Sec. 24. 2019 Act and Resolves No. 83, Sec. 3 is amended to read:

Sec. 3. ~~SOIL CONSERVATION PRACTICE AND PAYMENT FOR~~
ECOSYSTEM SERVICES AND SOIL HEALTH WORKING
GROUP

~~(a) The Secretary of Agriculture, Food and Markets shall convene a Soil Conservation Practice and Payment for Ecosystem Services and Soil Health Working Group~~ is established to recommend financial incentives designed to encourage farmers in Vermont to implement agricultural practices that exceed the requirements of 6 V.S.A. chapter 215 and that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters. The Working Group shall:

(1) identify agricultural standards or practices that farmers can implement that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters;

(2) recommend existing financial incentives available to farmers that could be modified or amended to incentivize implementation of the agricultural standards identified under subdivision (1) of this subsection or incentivize the reclamation or preservation of wetlands and floodplains;

(3) propose new financial incentives, including a source of revenue, for implementation of the agricultural standards identified under subdivision (1) of

this subsection if existing financial incentives are inadequate or if the goal of implementation of the agricultural standards would be better served by a new financial incentive; and

(4) recommend legislative changes that may be required to implement any financial incentive recommended or proposed in the report.

(b) ~~The Soil Conservation Practice and~~ Payment for Ecosystem Services and Soil Health Working Group shall consist of persons with knowledge or expertise in agricultural water quality, soil health, economic development, or agricultural financing. The Secretary of Agriculture, Food and Markets shall appoint the members that are not ex officio members. The Working Group shall include the following members:

- (1) the Secretary of Agriculture, Food and Markets or designee;
- (2) the Secretary of Natural Resources or designee;
- (3) a representative of the Vermont Housing and Conservation Board;
- (4) a member of the former Dairy Water Collaborative;
- (5) two persons representing farmer's watershed alliances in the State;
- (6) a representative of the Natural Resources Conservation Council;
- (7) a representative of the Gund Institute for Environment of the University of Vermont;
- (8) a representative of the University of Vermont (UVM) Extension;
- (9) two members of the Agricultural Water Quality Partnership;
- (10) a representative of small-scale, diversified farming; ~~and~~
- (11) a member of the Vermont Healthy Soils Coalition;
- (12) a person engaged in farming other than dairy farming;
- (13) a representative of an environmental organization with a statewide membership that has technical expertise or fundraising experience;
- (14) an agricultural economist from a university or other relevant organization within the State;
- (15) an ecosystem services specialist from UVM Extension; and
- (16) a soil scientist.

(c)(1) The Secretary of Agriculture, Food and Markets or designee shall be the Chair of the Working Group, and the representative of the Vermont Housing and Conservation Board shall be the Vice Chair.

(2) A majority of the membership of the Working Group shall constitute a quorum.

(3) The Working Group shall have the administrative, technical, and legal assistance of the Agency of Agriculture, Food and Markets.

(4) The Working Group shall cease to exist on February 1, 2022.

(d) On or before January 15, 2020 2022, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry a report including the findings and recommendations of the Soil Conservation Practice and Payment for Ecosystem Services Working Group regarding financial incentives designed to encourage farmers in Vermont to implement agricultural practices that improve soil health, enhance crop resilience, and reduce agricultural runoff to waters that shall include:

(1) a recommended payment for ecosystem services approach the State should pursue that benefits water quality, flood resilience, and climate stability, including ecosystem services to prioritize and capital or funding sources available for payments;

(2) a recommended definition of healthy soils, a recommended method or systems for measuring soil health and other indicators of ecosystem health, and a recommended tool for modeling and monitoring soil health;

(3) a recommended price, supported by evidence or other justification, for a unit of soil health or other unit of ecosystem service or benefit provided;

(4) proposed eligibility criteria for persons participating in the program;

(5) proposed methods for incorporating the recommended payment for ecosystem services approach into existing research and funding programs;

(6) an estimate of the potential future benefits of the recommended payment for ecosystem services approach, including the projected duration of the program;

(7) an estimate of the cost to the State to administer the recommended payment for ecosystem services approach; and

(8) proposed funding or sources of funds to implement and operate the recommended payment for ecosystem services approach.

(e) The Working Group may seek grants or funding other than annual appropriation in order to further the work of the Working Group.

* * * Effective Dates * * *

Sec. 25. EFFECTIVE DATES

(a) This section, Sec. 17 (local food), and Sec. 24 (Payment for Ecosystem Services and Soil Health Working Group) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2020.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the committee on Agriculture and Forestry? **Rep. Fegard of Berkshire** moved to amend the report of the committee as follows:

First: In Sec. 16, 6 V.S.A. § 4817, in subsections (b) and (c), by striking out the term “food substrates” where it appears and inserting in lieu thereof the term “non-sewage waste”

Second: By striking out Sec. 25 and its reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Hemp 2020 Growing Season * * *

Sec. 25. 2020 HEMP GROWING SEASON

(a) The General Assembly finds that:

(1) the federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec. 7606, codified at 7 U.S.C. § 5940, authorizes states subject to certain requirements to implement agricultural pilot programs for the growing, cultivation, and marketing of industrial hemp, notwithstanding restrictions under the federal Controlled Substances Act;

(2) in Section 10113 of the Agricultural Improvement Act of 2018, Pub. L. No. 115-334, codified at 7 U.S.C. §§ 1639 (o)–(s), Congress authorized the growing, cultivation, and marketing of industrial hemp under U.S. Department of Agriculture-approved state programs and not as agricultural pilot programs;

(3) the Agricultural Improvement Act of 2018, however, authorized states operating an agricultural pilot program for industrial hemp to continue operating the agricultural pilot program until October 31, 2020;

(4) Vermont operates an agricultural pilot program for industrial hemp, but 2019 Acts and Resolves No. 44 amended 6 V.S.A. chapter 34 to provide that the State Hemp Program shall operate under the Agricultural Improvement Act of 2018;

(5) Vermont's State Hemp Program has not yet been federally approved for operation under the Agricultural Improvement Act of 2018; and

(6) to clarify the authority and requirements for the cultivation and processing of industrial hemp during the 2020 growing season, the General Assembly should authorize hemp to be grown in the State under the terms and requirements of the State agricultural pilot program for hemp and not under the requirements of the Agricultural Improvement Act of 2018.

(b)(1) Notwithstanding the provisions of 6 V.S.A. chapter 34 that provide that Vermont shall operate the State Hemp Program under the Agricultural Improvement Act of 2018, the Secretary of Agriculture, Food and Markets may, during the 2020 growing season for hemp, continue to operate an agricultural pilot program for hemp as authorized by and in compliance with 7 U.S.C. § 5940.

(2) If the Secretary of Agriculture, Food and Markets operates an agricultural pilot program for hemp during the 2020 hemp growing season, the program shall not be subject to the terms of Section 10113 of the Agricultural Improvement Act of 2018, Pub. L. No. 115-334, and shall not be subject to any provision of 6 V.S.A. chapter 34 that requires compliance with the Agricultural Improvement Act of 2018. Under an agricultural pilot program, a grower or processor of hemp during the 2020 growing season shall comply with the federal requirements for the cultivation and processing of hemp established by the Agricultural Act of 2014 as codified at 7 U.S.C. § 5940 until the 2020 crop is sold and is no longer in the possession of a grower or processor.

(c) Notwithstanding any provision of State law to the contrary and notwithstanding the scheduled repeal of 7 U.S.C. § 5940 on October 31, 2020, a person shall not be in violation of the requirements of 6 V.S.A. chapter 34 if he or she grows or cultivates hemp during the 2020 hemp season or markets hemp grown during the 2020 hemp season in compliance with the terms established by the federal Agricultural Act of 2014.

* * * Hemp Seed Program * * *

Sec. 26. 6 V.S.A. § 571 is added to read:

§ 571. HEMP SEED; LABELING; STANDARDS

(a) A person shall not sell, offer for sale, expose for sale, transport for sale, or distribute in the State hemp seed that:

(1) is not labeled in accordance with the requirements of this section or rules adopted by the Secretary;

(2) fails to meet germination standards, feminized seed claims, or other claims made on the label or in an advertisement or provides false or misleading information on a label or in an advertisement;

(3) fails to meet certification standards if standards have been adopted by the Secretary by rule; or

(4) consists of or contains prohibited noxious weed seeds, as that term is defined in section 641 of this title.

(b) Hemp seed sold, offered for sale, exposed for sale, transported for sale, or distributed in the State shall have a label attached to the bag or container in which the seed is sold, offered for sale, exposed for sale, transported for sale, or distributed. The label shall contain the following information:

(1) the name and kind of each hemp seed present in excess of five percent of the whole percentage by weight;

(2) the origin state or foreign country of the hemp seed;

(3) whether the hemp seed was certified by a state or foreign country;

(4) the percentage by weight of any weed seeds in the container or bag;

(5) the percentage by weight of inert matter in the container or bag;

(6) the percentage of feminized seed;

(7) the percentage of germination of the seed;

(8) the date the seed was packed or packaged; and

(9) the name and address of the person who labeled the hemp seed or who sells, offers for sale, exposes for sale, or distributes the hemp seed in the State.

(c) The Secretary may issue a stop sale order for the violation of the requirements of this section or rules adopted by the Secretary under this chapter. The sale, processing, and movement of any seed subject to a stop sale order is prohibited until the Secretary issues a release from the stop sale order.

(d) A violation of this section or rules adopted by the Secretary under this chapter shall be subject to an administrative penalty under section 569 of this title.

(e)(1) A person injured or damaged by a violation of this section or a rule adopted by the Secretary under this chapter regarding the sale, offer for sale, exposure for sale, transport for sale, or distribution of hemp seed in the State may bring an action for equitable relief or damages arising from the violation.

(2) The cause of action authorized under this section is in addition to any common law or statutory remedies otherwise available and does not amend or conflict with the powers and authority of the Agency of Agriculture, Food and Markets.

(f) The Secretary may conduct inspections and otherwise enforce requirements for the sale or distribution of hemp seed established under this chapter according to the Secretary's general authority to regulate seed under chapter 35 of this title, provided that the Secretary shall issue any penalty for the violation of the requirements of this chapter under the provisions of this chapter or rules adopted under this chapter.

Sec. 27. 6 V.S.A. § 566 is amended to read:

§ 566. RULEMAKING AUTHORITY

(a) The Secretary may adopt rules to provide for the implementation of this chapter and the Program authorized under this chapter, which may include rules to:

(1) require hemp to be tested during growth for tetrahydrocannabinol levels;

(2) authorize or specify the method or methods of testing hemp, including, where appropriate, the ratio of cannabidiol to tetrahydrocannabinol levels or a taxonomic determination using genetic testing;

(3) require inspection and supervision of hemp during sowing, growing season, harvest, storage, and processing; and

(4) require labels or label information for hemp products in order to provide consumers with product content or source information or to conform with federal requirements;

(5) establish certification requirements for hemp seed sold or distributed in the State; and

(6) require disclosure or labeling of the amount of cannabinoid known to be present in hemp seed sold or distributed in the State.

(b) The Secretary shall adopt rules establishing how the Agency of Agriculture, Food and Markets will conduct research within the Program for industrial hemp.

(c) The Secretary shall adopt rules establishing requirements for the registration of processors of hemp and hemp-infused products.

* * * Effective Dates * * *

Sec. 28. EFFECTIVE DATES

(a) This section, Sec. 17 (local food), Sec. 24 (payment for ecosystem services and Soil Health Working Group), and Sec. 25 (2020 hemp growing season) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2020.

Which was agreed to.

Thereupon the report of the committee on Agriculture and Forestry, as amended, was agreed to and third reading ordered.

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

H. 948

House bill, entitled

An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak

Committee Bill Introduced

H. 954

By the committee on Ways and Means,

An act relating to miscellaneous tax provisions;

Was read and pursuant to House rule 48, bill placed on the Calendar for Notice.

Adjournment

At three o'clock and fifty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Friday, May 15 2020, at ten o'clock in the forenoon.