

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House
3 Bill No. 656 entitled “An act relating to miscellaneous agricultural subjects”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Commercial Feed * * *

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

9 § 324. REGISTRATION AND FEES

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

- 13 (1) the name of the manufacturer;
14 (2) the manufacturer’s place of business;
15 (3) the location of each manufacturing facility; and
16 (4) any other information ~~which~~ that the Secretary considers to be
17 necessary.

18 (b) A person shall not distribute in this State a commercial feed that has not
19 been registered pursuant to the provisions of this chapter. Application shall be
20 in a form and manner to be prescribed by rule of the Secretary. The
21 application for registration of a commercial feed shall be accompanied by a

1 registration fee of \$105.00 per product. The registration fees, along with any
2 surcharges collected under subsection (c) of this section, shall be deposited in
3 the special fund created by subsection 364(e) of this title. Funds deposited in
4 this account shall be restricted to implementing and administering the
5 provisions of this title and any other provisions of the law relating to fertilizer,
6 lime, or seeds. If the Secretary so requests, the application for registration
7 shall be accompanied by a label or other printed matter describing the product.

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

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

18 * * * Livestock Management * * *

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

20 § 768. DUTIES OF DEALERS, TRANSPORTERS, AND PACKERS

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

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

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

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

11 (4)(A) Maintain, subject to inspection by the Secretary of Agriculture,
12 Food and Markets or his or her agent, a record compliant with applicable State
13 and federal statutes, rules, and regulations specified by the Secretary, including
14 the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R.
15 part 86. When not required under the requirements set forth in State and
16 federal statute, the records required under this subdivision shall include:

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

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

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

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

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

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

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

15 § 1165. TESTING OF CAPTIVE DEER

16 (a) Definitions. As used in this section:

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

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

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

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

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

12 § 1461a. INTRASTATE MOVEMENT

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

20 (b)(1) Livestock transported from the premises of origin for purposes of
21 receiving veterinary care at a hospital in this State are exempt from the

1 requirements of subsection (a) of this section, provided that the livestock are
2 returned to the premises of origin immediately following the conclusion of
3 veterinary care.

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

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

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

1 (e) A person shall not transport out-of-state livestock or poultry into
2 Vermont for slaughter or other purpose without written consent from the State
3 Veterinarian if the livestock or poultry is classified as a suspect or a reactor by
4 the U.S. Department of Agriculture or was exposed to livestock or poultry
5 classified as a suspect or a reactor.

6 * * * Apiaries * * *

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

8 § 3023. REGISTRATION; REPORT

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

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

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

19 (2) Whether the location of any apiary will change within two weeks of
20 the date that the report is submitted unless the change of location is to provide
21 pollination services and the colonies will be returned to a registered apiary.

1 Hives from a registered apiary may be moved to another registered apiary
2 without reregistering.

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

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

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

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

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

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

16 § 3025. SECOND INSPECTION OF DISEASED COLONIES;
17 DESTRUCTION

18 The Secretary or his or her inspectors shall inspect all diseased apiaries a
19 second time no less than 10 days after the first inspection. If the existence of
20 disease within the apiary has been confirmed by a federal laboratory approved
21 by the Secretary, the inspector may destroy any colonies of bees if he or she

1 finds them not cured of such disease, or not treated or handled according to his
2 or her instructions, together with honey combs, hives, or other equipment,
3 without recompense to the owner thereof. This section shall not preclude an
4 inspector from destroying diseased colonies at any time with the consent of the
5 owner or his or her agent.

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

7 § 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

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

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

16 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
17 THE STATE

18 (a) Except as provided under subsections (c) and (d) of this section, bees,
19 used equipment, or colonies shall not be brought into the State of Vermont
20 unless approved by the Secretary by permit. The Secretary shall not approve
21 the import of bees, used equipment, or colonies from out of state unless

1 accompanied by a valid certificate of inspection within the previous ~~60~~ 45 days
2 from the state or country of origin stating that the bees, used equipment, or bee
3 colonies are free from bee disease.

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

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

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

15 (1) are registered in Vermont;

16 (2) were transported not more than 75 miles from the registered location
17 of the owner of the bees or colonies; and

18 (3) are imported back into the State within ~~90~~ 30 days of the date of
19 original transport.

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

21 § 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR

1 COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;
2 CERTIFICATE

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

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

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

10 § 3034. ESTABLISHING AN APIARY LOCATION

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

13 (1) a person may locate an apiary anywhere on his or her own property;

14 (2) beekeepers with a total ownership of ten hives or less shall be
15 exempt from this restriction;

16 (3) existing apiaries so long as they are properly registered with the
17 State are exempt;

18 (4) a person may locate an apiary within two miles of another existing
19 apiary provided the owner of the existing apiary gives written permission or
20 the existing apiary has less than 15 hives; or

1 (5) if a registered apiary of 15 or more hives should fall below and
2 remain below 15 hives, anyone can petition the State and establish an apiary
3 within two miles of the existing apiary provided the number of hives in the
4 existing apiary stays below 15 for two years from the time of the petition. An
5 apiary that loses the protection of the two-mile limit in this manner cannot be
6 built back above the number of hives it had at the end of the two-year period.

7 * * * Meat Inspection * * *

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

9 § 3302. DEFINITIONS

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

12 * * *

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

15 * * *

16 (24) “Meat food product” and “meat product” mean any product capable
17 of use as human food ~~which~~ that is made wholly or in part from any meat or
18 other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbits~~, or
19 goats, excepting products ~~which~~ that are exempted from definition as a meat
20 food product by the Secretary under conditions ~~which~~ that he or she may
21 prescribe to assure that the meat or other portions of carcass contained in

1 products are unadulterated and that products are not represented as meat food
2 products. This term as applied to food products of equines shall have a
3 meaning comparable to that provided in this subdivision with respect to cattle,
4 sheep, swine, ~~domestic rabbits~~, and goats.

5 * * *

6 * * * Agricultural Water Quality * * *

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

8 § 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

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

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

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

4 (d) Land enrolled in the Vermont agricultural buffer program shall be
5 considered to be in “active use” as that term is defined in 32 V.S.A.
6 § 3752(15).

7 § 4832. FARM AGRONOMIC PRACTICES PROGRAM

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

15 (1) conservation crop rotation;

16 (2) cover cropping;

17 (3) strip cropping;

18 (4) cross-slope tillage;

19 (5) zone or no-tillage;

20 (6) pre-sidedress nitrate tests;

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

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

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

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

11 (9) implementing alternative manure application techniques; and

12 (10) additional soil erosion reduction practices.

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

15 Sec. 13. REPEALS

16 The following are repealed on July 1, 2020:

17 (1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and
18 filter strip program); and

19 (2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices
20 program).

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

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

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

8 § 4988. CERTIFICATION OF CUSTOM APPLICATOR

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

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

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

19 * * *

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

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

5 (2) application of manure or nutrients by a farm owner or operator on a
6 field of another farm owner or operator when the total annual volume applied
7 is less than 50 percent of the annual manure or agricultural waste by volume
8 generated on the farm where the manure is spread, provided that the Secretary
9 may approve the application of more than 50 percent of the annual manure
10 generated on a farm by another farm operator when circumstances require and
11 application of the manure would not pose a significant potential of discharge or
12 runoff to State waters.

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

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

17 § 4817. MANAGEMENT OF FOOD SUBSTRATES

18 (a) As used in this section:

19 (1) “Food residual” has the same meaning as in 10 V.S.A. § 6602.

20 (2) “Non-sewage waste” means ?

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

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

7 (2) the volume of the material transported.

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

12 * * * Agricultural Development * * *

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

14 § 2465a. DEFINITION OF LOCAL, LOCAL TO VERMONT, AND
15 LOCALLY GROWN OR MADE IN VERMONT

16 (a) As used in this section:

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

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

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

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

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

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

17 (b) For the purposes of this chapter and rules adopted pursuant to
18 subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown
19 or made in Vermont,” and any substantially similar term shall ~~mean that the~~
20 ~~goods being advertised originated within Vermont or 30 miles of the place~~
21 ~~where they are sold, measured directly, point to point, except that the term~~

1 ~~“local” may be used in conjunction with a specific geographic location, such as~~
2 ~~“local to New England,” or a specific mile radius, such as “local within 100~~
3 ~~miles,” as long as the specific geographic location or mile radius appears as~~
4 ~~prominently as the term “local,” and the representation of origin is accurate~~
5 have the following meaning based on the type of food or food product:

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

8 (A) was exclusively grown or tapped in Vermont;

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

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

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

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

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

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

20 (i) the product was processed in Vermont; or

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

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

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

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

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

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

15 (d) For the purposes of this chapter and rules adopted under subsection
16 2453(c) of this title, “local,” “locally grown or made,” and substantially similar
17 terms may be used in conjunction with a specific geographic location provided
18 that the specific geographic location appears as prominently as the term “local”
19 and the representation of origin is accurate. If a local representation refers to a
20 specific city or town, the product shall have been grown or made in that city or
21 town. If a local representation refers to a region with precisely defined

1 political boundaries, the product shall have been grown or made within those
2 boundaries. If a local representation refers to a region that is not precisely
3 defined by political boundaries, then the region shall be prominently described
4 when the representation is made, or the product shall have been grown or made
5 within 30 miles of the point of sale, measured directly point to point.

6 (e) A person or company who sells or markets food or goods impacted by a
7 change in this section shall have until January 1, 2021 to utilize existing
8 product labels or packaging materials and to come into compliance with this
9 section's new requirements.

10 * * * Weights and Measures * * *

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

12 § 2635. GENERAL TESTING

13 (a) When not otherwise provided by law, the Secretary may inspect and
14 test, to ascertain if they are correct, all weights and measures kept, offered, or
15 exposed for sale. The Secretary shall, within a 12-month period, or more or
16 less frequently as deemed necessary, inspect and test, to ascertain if they are
17 correct, all weights and measures commercially used (1) in determining the
18 weight, measurement, or count of commodities or things sold, or offered or
19 exposed for sale, on the basis of weight, measure, or ~~of~~ count, or (2) in
20 computing the basic charge or payment for services rendered on the basis of
21 weight, measure, or ~~of~~ count. However, with respect to single-service

1 devices—that is, devices designed to be used commercially only once and to
2 be then discarded—and with respect to devices uniformly mass-produced, as
3 by means of a mold or die, and not susceptible of individual adjustment, tests
4 may be made on representative samples of those devices; and the lots of which
5 those samples are representative shall be held to be correct or incorrect upon
6 the basis of the results of the inspections and tests on those samples.

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

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

13 § 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

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

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

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

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

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

12 * * * Feral Swine * * *

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

14 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
15 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR
16 FERAL SWINE

17 (a) A person shall not bring into, transport into, transport within, transport
18 through, or possess in the State any live wild bird or animal of any kind,
19 including any manner of feral swine, without authorization from the
20 Commissioner or his or her designee. The importation permit may be granted
21 under such regulations therefor as the Commissioner shall prescribe and only

1 after the Commissioner has made such investigation and inspection of the birds
2 or animals as she or he may deem necessary. The Department may dispose of
3 unlawfully possessed or imported wildlife as it may judge best, and the State
4 may collect treble damages from the violator of this subsection for all expenses
5 incurred.

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

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

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

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

17 (f)(1) The Commissioner shall not issue a permit under this section for the
18 importation or possession of the following live species, a hybrid or genetic
19 variant of the following species, offspring of the following species, or
20 offspring or a hybrid of a genetically engineered variant of the following
21 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral

1 hog, ~~feral swine~~, old world swine, razorback, Eurasian wild boar, or Russian
2 wild boar (*Sus scrofa* Linnaeus). A feral swine is:

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

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

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

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

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

13 (iv) visible tusks; or

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

20 (2) The definition of feral swine under subdivision (1) of this subsection
21 shall not include feral swine collared and used by State or federal wildlife

1 damage management entities, such as the U.S. Department of Agriculture,
2 Animal and Plant Health Inspection Service, Wildlife Services, to determine
3 the location of free-ranging feral swine.

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

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

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

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

19 (7) The State or its designee shall not be liable for damages or claims
20 associated with the removal or destruction of feral swine provided that the

1 actions of the State agents or designees are reasonable. The removal or
2 destruction of feral swine shall be deemed reasonable where:

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

5 (B) the Department determines that the swine:

6 (i) is a threat to public safety;

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

9 (iii) has damaged private or public property; or

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

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

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

19 § 351b. SCOPE OF SUBCHAPTER

20 This subchapter shall not apply to:

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

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

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

8 (4) veterinary medical or surgical procedures; and

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

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

11 § 3350. THE DISPOSITION OF FERAL SWINE

12 (a) The General Assembly finds that feral swine, as defined in 10 V.S.A.
13 § 4709, have the potential for spreading serious disease to domestic livestock,
14 may cause devastating destruction to natural ecosystems, and pose a threat to
15 human health and safety.

16 (b) In light of the potential impacts of feral swine, and notwithstanding the
17 provisions of law in this chapter, the Department of Fish and Wildlife may
18 destroy or euthanize a feral swine in accordance with the requirements of
19 10 V.S.A. § 4709(f).

1 (c) The exercise by the Department of Fish and Wildlife of the authority
2 under 10 V.S.A. § 4709(f)(3) shall not prevent any person from pursuing or
3 collecting the remedies set forth in this chapter.

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

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

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

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

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

20 (2) recommend existing financial incentives available to farmers that
21 could be modified or amended to incentivize implementation of the

1 agricultural standards identified under subdivision (1) of this subsection or
2 incentivize the reclamation or preservation of wetlands and floodplains;

3 (3) propose new financial incentives, including a source of revenue, for
4 implementation of the agricultural standards identified under subdivision (1) of
5 this subsection if existing financial incentives are inadequate or if the goal of
6 implementation of the agricultural standards would be better served by a new
7 financial incentive; and

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

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

16 (1) the Secretary of Agriculture, Food and Markets or designee;

17 (2) the Secretary of Natural Resources or designee;

18 (3) a representative of the Vermont Housing and Conservation Board;

19 (4) a member of the former Dairy Water Collaborative;

20 (5) two persons representing farmer's watershed alliances in the State;

21 (6) a representative of the Natural Resources Conservation Council;

- 1 (7) a representative of the Gund Institute for Environment of the
2 University of Vermont;
- 3 (8) a representative of the University of Vermont (UVM) Extension;
- 4 (9) two members of the Agricultural Water Quality Partnership;
- 5 (10) a representative of small-scale, diversified farming; ~~and~~
- 6 (11) a member of the Vermont Healthy Soils Coalition;
- 7 (12) a person engaged in farming other than dairy farming;
- 8 (13) a representative of an environmental organization with a statewide
9 membership that has technical expertise or fundraising experience;
- 10 (14) an agricultural economist from a university or other relevant
11 organization within the State;
- 12 (15) an ecosystem services specialist from UVM Extension; and
- 13 (16) a soil scientist.
- 14 (c)(1) The Secretary of Agriculture, Food and Markets or designee shall be
15 the Chair of the Working Group, and the representative of the Vermont
16 Housing and Conservation Board shall be the Vice Chair.
- 17 (2) A majority of the membership of the Working Group shall constitute
18 a quorum.
- 19 (3) The Working Group shall have the administrative, technical, and
20 legal assistance of the Agency of Agriculture, Food and Markets.
- 21 (4) The Working Group shall cease to exist on February 1, 2022.

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

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

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

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

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

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

