

1 Introduced by Committee on Agriculture and Forestry  
2 Date:  
3 Subject: Agriculture; agricultural development  
4 Statement of purpose of bill as introduced: This bill proposes to adopt  
5 multiple provisions related to improving the agricultural economy. The bill  
6 would require the Agency of Agriculture, Food and Markets (Agency) to  
7 evaluate an Agricultural Loan Loss Reserve Fund to serve as credit  
8 enhancement for farmers and forest products businesses. The bill would  
9 appropriate additional funds to the Working Lands Program. The bill would  
10 enact a limitation on liability for agritourism activity. The bill would require  
11 the Agency to report to the General Assembly regarding the prioritization and  
12 potential funding sources for additional farm and food business service  
13 providers needed to support the agricultural industry in Vermont. The bill  
14 would require the creation of a directory of legal and financial service  
15 providers who provide services or expertise needed by working lands  
16 businesses. The bill would appropriate funds for a grant to support the  
17 statewide direct market electronic benefit transfer doubling programs. The bill  
18 would appropriate funds to the Agency for a grant to establish and implement a  
19 hemp trade association in the State.

20 An act relating to the agricultural economy

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

2 \* \* \* Working Lands Program \* \* \*

3 Sec. 1. APPROPRIATIONS; WORKING LANDS PROGRAM

4 In fiscal year 2021, in addition to the \$1,300,000.00 otherwise appropriated  
5 to the program, \$200,000.00 is appropriated from the General Fund to the  
6 Agency of Agriculture, Food and Markets for grants to be awarded through the  
7 Vermont Working Lands program, pursuant to 6 V.S.A. chapter 207,  
8 subchapter 2.

9 \* \* \* Agricultural Loan Reserve Fund \* \* \*

10 Sec. 2. AGRICULTURAL LOAN LOSS RESERVE FUND

11 The Secretary of Agriculture, Food and Markets, in consultation with the  
12 Vermont Sustainable Jobs Fund, the Vermont Economic Development  
13 Authority, and other interested parties, shall evaluate the potential to create an  
14 Agricultural Loan Loss Reserve Fund in the State to serve as credit  
15 enhancement for farmers and forest products businesses that cannot obtain  
16 financing due to lack of collateral or other financing restrictions. On or before  
17 January 15, 2021, the Secretary of Agriculture, Food and Markets shall submit  
18 to the House Committee on Agriculture and Forestry and the Senate  
19 Committee on Agriculture a proposal for establishing an Agricultural  
20 Resources Fund in the State. The proposal shall:

1           (1) identify a financial lender or lenders or other institution that would  
2           administer the Fund;

3           (2) recommend criteria for use of the Fund by a lender, including  
4           whether the Fund would be available to buy down interest rates on loans or  
5           pay, in whole or in part, for defaults on loans and forest products; and

6           (3) estimate the amount funds necessary to capitalize the Fund,  
7           including the proposed source of the funds.

8                           \* \* \* Agritourism; Limitation on Liability \* \* \*

9           Sec. 3. 12 V.S.A. Chapter 212 is added to read:

10                   CHAPTER 212. LIMITATION ON LIABILITY FOR AGRITOURISM

11                                   ACTIVITY

12           § 5871. DEFINITIONS

13           As used in this chapter:

14                   (1)(A) “Agritourism activity” means an interactive or passive activity  
15           that is:

16                           (i) carried out with or without payment to an agritourism host on a  
17           farm regulated under 6 V.S.A. chapter 215, related to farming, food  
18           production, historic tradition, or nature watching; and

19                           (ii) conducted by an agritourism host for the education,  
20           entertainment, or recreation of participants.

1           (B) “Agritourism activity” includes a farming activity; the viewing of  
2           a historic, cultural, or natural attraction; a pick-your-own activity; nature  
3           watching; and an activity involving an animal exhibition at an agricultural fair.

4           (C) “Agritourism activity” does not include a roadside farm stand or  
5           operation exclusively devoted to the sale of merchandise or food at retail.

6           (2) “Agritourism host” means a person who provides the facilities and  
7           equipment necessary to participate in an agritourism activity.

8           (3) “Farm” means a parcel or parcels of land owned, leased, or managed  
9           by a person and devoted primarily to farming that meets the threshold criteria  
10           established by the Required Agricultural Practices.

11           (4) “Farming” has the same meaning as in 10 V.S.A. § 6001.

12           (5) “Inherent risk” means any danger or condition that is an integral part  
13           of, or arises from, an agritourism activity, including:

14           (A) the propensity of a wild animal or domestic animal to behave in  
15           ways that may result in injury or death to persons on or near the wild animal or  
16           domestic animal;

17           (B) a hazard such as a surface or subsurface condition;

18           (C) a natural condition of land, vegetation, or waters;

19           (D) the ordinary dangers of structures or equipment used in farming;

20           and

1           (E) the potential of a participant to act in a negligent way that may  
2           contribute to injury or death to the participant or others, such as failing to  
3           follow safety procedures or failing to act with reasonable caution while  
4           engaging in an agritourism activity.

5           (6) “Participant” means any person who is invited onto the farm for the  
6           purpose of participating in an agritourism activity.

7           § 5872. LIMITATION ON DUTY TO PROTECT

8           (a) Except as provided in subsection (b) of this section, an agritourism host  
9           shall not have a legal duty to protect a participant from the inherent risks of an  
10           agritourism activity and shall not be liable for injury to or death of a participant  
11           resulting from the inherent risks of an agritourism activity, provided that the  
12           agritourism host posts the warning required under section 5873 of this title.

13           (b) Nothing in subsection (a) of this section shall limit the liability of an  
14           agritourism host who:

15           (1) commits an act or omission of gross negligence concerning the  
16           safety of a participant that proximately causes injury or death to the  
17           participant;

18           (2) has actual knowledge of:

19           (A) a dangerous condition on the land, facilities, or equipment used  
20           in the activity, or

1           (B) the dangerous propensity of an animal used in the activity, which  
2           proximately causes injury or death to the participant, and does not make that  
3           danger known to the participant;

4           (3) intentionally injures a participant; or

5           (4) commits any other act, error, or omission that constitutes willful or  
6           wanton misconduct, gross negligence, or criminal conduct that proximately  
7           causes injury or death to the participant.

8           (c) Any limitation on liability afforded by this section to an agritourism  
9           host is in addition to any other limitations on liability otherwise provided by  
10           law.

11           § 5873. WARNING NOTICE; POSTING; CONTRACTS

12           (a) An agritourism host shall post and maintain a sign in a clearly visible  
13           location at or near the main entrance to each agritourism activity and in black  
14           letters at least one inch in height containing the warning notice specified in  
15           subsection (c) of this section.

16           (b) Every written contract entered into between an agritourism host and a  
17           participant for goods or services related to an agritourism activity shall contain  
18           in clearly visible print the warning notice specified in subsection (c) of this  
19           section.

20           (c) The warning notice required under subsections (a) and (b) of this  
21           section shall read: “WARNING: Under Vermont law, an agritourism host is

1 not liable for the injury or death of a participant in an agritourism activity  
2 resulting from the inherent risk of the agritourism activity. Inherent risks  
3 include the risk of animals, weather, land conditions, and the potential for you  
4 as a participant to act in a negligent way that may contribute to your own  
5 injury or death. You are assuming the risk of participating in this agritourism  
6 activity.”

7 (d) Failure to comply with the requirements of this section shall result in  
8 the agritourism host being unable to invoke the limitation on liability provided  
9 in section 5872 of this title.

10 \* \* \* Farm and Food Business Service Providers \* \* \*

11 Sec. 4. FARM AND FOOD BUSINESS SERVICE PROVIDERS; REPORT

12 On or before November 15, 2020, the Secretary of Agriculture, Food and  
13 Markets shall submit to the House Committee on Agriculture and Forestry and  
14 the Senate Committee on Agriculture a report regarding the prioritization and  
15 potential funding sources for additional farm and food business service  
16 providers identified in the 2020 Agriculture Strategic Plan Report as necessary  
17 to support the agricultural industry in Vermont. In developing the report, the  
18 Secretary of Agriculture, Food and Markets shall consult with the Vermont  
19 Sustainable Jobs Fund and the Vermont Farm and Forest Viability Program  
20 and shall meet with relevant stakeholders.

1                   \* \* \* Directory of Financial Service Providers \* \* \*

2           Sec. 5. CREATION OF DIRECTORY OF LEGAL AND FINANCIAL  
3                   SERVICE PROVIDERS FOR WORKING LANDS BUSINESSES;  
4                   APPROPRIATIONS

5           (a) On or before January 15, 2021, the Vermont Sustainable Jobs Funds, in  
6           collaboration with the Vermont Farm and Forest Viability Program and other  
7           relevant stakeholders, shall develop a directory of legal and financial service  
8           providers, such as estate and corporate attorneys, accountants, or bookkeepers,  
9           who could provide services or expertise needed by working lands businesses in  
10           the State. The directory shall include:

11                   (1) a listing of qualified legal and financial service providers in the State  
12                   that have expertise that is relevant to the needs of working lands businesses;  
13                   and

14                   (2) a statement that provides a transparent accounting of how the  
15                   directory was developed and how relevant legal or financial service providers  
16                   can be listed in the directory.

17           (b) On or before January 15, 2021, the Vermont Sustainable Jobs Fund  
18           shall submit to the House Committee on Agriculture and Forestry and the  
19           Senate Committee on Agriculture, a report that:

20                   (1) proposes an entity to maintain the directory;

21                   (2) estimates the annual cost to operate and update the directory; and



1           (3) summarizes whom the directory will be available to and how it will  
2           be accessed and disseminated.

3           (c) In fiscal year 2021, \$15,000.00 is appropriated from the General Fund  
4           to the Agency of Agriculture, Food and Markets for a grant to the Vermont  
5           Sustainable Jobs Fund to assemble the contents of the directory required under  
6           subsection (a) of this section.

7                                                   \* \* \* Direct Market EBT \* \* \*

8           Sec. 6. APPROPRIATIONS; NOFA DIRECT MARKET EBT

9           In fiscal year 2021, \$43,000.00 is appropriated from the General Fund to the  
10           Agency of Agriculture, Food and Markets for a grant to the Northeast Organic  
11           Farming Association-VT to support the statewide direct market electronic  
12           benefit transfer doubling programs.

13                                                   \* \* \* Hemp Trade Association \* \* \*

14           Sec. 7. APPROPRIATIONS; HEMP TRADE ASSOCIATION

15           In fiscal year 2021, \$25,000.00 is appropriated to the Agency of  
16           Agriculture, Food and Markets for a grant to establish and implement a hemp  
17           trade association in the State to provide information, market access, education,  
18           and regulatory and policy assistance to persons cultivating hemp in the State.

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

20           Sec. 8. EFFECTIVE DATE

21           This act shall take effect on July 1, 2020.