

1 H. 656

2 Introduced by Representatives Partridge of Windham, Bartholomew of
3 Hartland, Bock of Chester, Fegard of Berkshire, Graham of
4 Williamstown, Norris of Shoreham, O'Brien of Tunbridge, and
5 Strong of Albany

6 Referred to Committee on

7 Date:

8 Subject: Agriculture; agricultural development; food safety; water quality;
9 food wastes

10 Statement of purpose of bill as introduced: This bill proposes to make multiple
11 miscellaneous amendments to agricultural subjects. The bill would prohibit
12 the distribution of a commercial feed product in the State that is labeled as bait
13 or feed for white-tailed deer. The bill would amend records management
14 requirements for livestock dealers, transporters, or packers. The bill would
15 provide that the cost of testing captive deer for chronic wasting disease shall be
16 borne by the owner of the captive deer and not by the Secretary of Agriculture,
17 Food and Markets (Secretary). The bill would authorize the Secretary to waive
18 certain animal identification requirements for certain categories or types of
19 livestock transported intrastate. The bill would provide that rabbits are not
20 livestock for the purposes of the State's meat inspection requirements. The bill
21 would authorize farmers to land apply manure or nutrients on fields owned by
22 other farmers subject to certain criteria. The bill would also authorize the

1 Secretary to require a person transporting or arranging for the transport of food
2 substrates to a farm for deposit in a manure pit or methane digester to report
3 the composition and volume of the material transported. The bill would clarify
4 the inspection and enforcement authority of the Secretary over weighing and
5 measuring devices. In addition, the bill would grant the State the authority to
6 respond to feral swine, including authority to take or euthanize feral swine.

7 An act relating to miscellaneous agricultural subjects

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

9 * * * Commercial Feed * * *

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

11 § 324. REGISTRATION AND FEES

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

15 (1) the name of the manufacturer;

16 (2) the manufacturer's place of business;

17 (3) the location of each manufacturing facility; and

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

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

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

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

1 * * * Livestock Management * * *

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

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

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

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

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

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

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

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

1 (ii) the complete name and address of the person from whom
2 livestock was obtained and to whom delivered; and
3 (iii) the official individual identification number that is required to
4 be applied to each livestock under the requirements of sections 1460, 1461,
5 and 1461a of this title.

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

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

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

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

17 § 1165. TESTING OF CAPTIVE DEER

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

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

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

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

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

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

14 § 1461a. INTRASTATE MOVEMENT

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

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

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

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

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

1 inspection. The State Veterinarian may require inspection and testing prior to
2 issuing consent for removal.

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

8 * * * Meat Inspection * * *

9 Sec. 5. 6 V.S.A. § 3302 is amended to read:

10 § 3302. DEFINITIONS

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

13 * * *

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

16 * * *

17 (24) “Meat food product” and “meat product” mean any product capable
18 of use as human food ~~which~~ that is made wholly or in part from any meat or
19 other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbit~~, or
20 goats, excepting products ~~which~~ that are exempted from definition as a meat
21 food product by the Secretary under conditions ~~which~~ that he or she may
22 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. 6. 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;

21 (7) annual maintenance of a nutrient management plan that is no longer
22 receiving funding under a State or federal contract, provided the maximum

1 assistance provided to a farmer under this subdivision shall be \$2,000.00 per
2 year:

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

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

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

9 (9) implementing alternative manure application techniques; and
10 (10) additional soil erosion reduction practices.

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

13 Sec. 7. REPEALS

14 The following are repealed on July 1, 2020:

15 (1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and
16 filter strip program); and

17 (2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices
18 program).

19 Sec. 8. 6 V.S.A. § 4871(d) is amended to read:

20 (d) Rulemaking; small farm certification. ~~On or before July 1, 2016, the~~
21 The Secretary of Agriculture, Food and Markets shall ~~adopt~~ maintain by rule
22 requirements for a small farm certification of compliance with the ~~required~~

1 ~~agricultural practices~~ Required Agricultural Practices. The rules required by
2 this subsection shall be adopted as part of the ~~required agricultural practices~~
3 Required Agricultural Practices under section 4810 of this title.

4 Sec. 9. 6 V.S.A. § 4988 is amended to read:

5 § 4988. CERTIFICATION OF CUSTOM APPLICATOR

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

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

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

16 * * *

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

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

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

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

12 Sec. 10. 6 V.S.A. § 4817 is added to read:

13 § 4817. MANAGEMENT OF FOOD SUBSTRATES

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

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

20 (2) the volume of the material transported.

21 (b) After receipt of a report required under subsection (a), the Secretary
22 may prohibit the import of food substrates onto a farm upon a determination

1 that the import of the material would violate the nutrient management plan for
2 the farm or otherwise present a threat to water quality.

3 * * * Agricultural Development * * *

4 Sec. 11. 9 V.S.A. § 2465a is amended to read:

5 § 2465a. DEFINITION OF LOCAL, LOCAL TO VERMONT, AND
6 LOCALLY GROWN OR MADE IN VERMONT

7 (a) As used in this section:

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

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

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

20 (b) For the purposes of this chapter and rules adopted pursuant to
21 subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown
22 or made in Vermont,” and any substantially similar term shall ~~mean that the~~

1 ~~goods being advertised originated within Vermont or 30 miles of the place~~
2 ~~where they are sold, measured directly, point to point, except that the term~~
3 ~~“local” may be used in conjunction with a specific geographic location, such as~~
4 ~~“local to New England,” or a specific mile radius, such as “local within 100~~
5 ~~miles,” as long as the specific geographic location or mile radius appears as~~
6 ~~prominently as the term “local,” and the representation of origin is accurate~~
7 have the following meaning based on the type of food or product:

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

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

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

13 (C) is milk where a majority of the milk was produced from Vermont
14 animals.

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

17 (A)(i) the majority of the ingredients in the product were grown in
18 Vermont; or

19 (ii) the majority of the product is derived from an animal that was
20 raised in Vermont for a substantial period of its life; and

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

22 (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 specialty food products, the
4 product meets two or more of the following criteria:

5 (A) the majority of the ingredients in the product were grown in
6 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, “local,” “locally grown or made,” and
13 substantially similar terms may be used in conjunction with a specific
14 geographic location provided that the specific geographic location appears as
15 prominently as the term “local” and the representation of origin is accurate.

16 * * * Weights and Measures * * *

17 Sec. 12. 9 V.S.A. § 2635 is amended to read:

18 § 2635. GENERAL TESTING

19 (a) When not otherwise provided by law, the Secretary may inspect and
20 test, to ascertain if they are correct, all weights and measures kept, offered, or
21 exposed for sale. The Secretary shall, within a 12-month period, or more or
22 less frequently as deemed necessary, inspect and test, to ascertain if they are

1 correct, all weights and measures commercially used (1) in determining the
2 weight, measurement, or count of commodities or things sold, or offered or
3 exposed for sale, on the basis of weight, measure, or ~~of~~ count, or (2) in
4 computing the basic charge or payment for services rendered on the basis of
5 weight, measure, or ~~of~~ count. However, with respect to single-service
6 devices—that is, devices designed to be used commercially only once and to
7 be then discarded—and with respect to devices uniformly mass-produced, as
8 by means of a mold or die, and not susceptible of individual adjustment, tests
9 may be made on representative samples of those devices; and the lots of which
10 those samples are representative shall be held to be correct or incorrect upon
11 the basis of the results of the inspections and tests on those samples.

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

17 Sec. 13. 9 V.S.A. § 2770 is added to read:

18 § 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

19 (a) In addition to other penalties provided by law, the Secretary may assess
20 administrative penalties under 6 V.S.A. § 15 for each violation of this chapter.
21 Each violation may be a separate and distinct offense, and, in the case of a

1 continuing violation, each day's continuance thereof may be deemed a separate
2 and distinct offense.

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

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

6 Sec. 14. 10 V.S.A. § 374b(8) is amended to read:

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

16 * * * Feral Swine * * *

17 Sec. 15. 10 V.S.A. § 4709 is amended to read:

18 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
19 OF WILD ANIMALS; POSSESSION ~~OF WILD BOAR~~ AND
20 DISPOSITION OF FERAL SWINE

21 (a) A person shall not bring into, transport into, transport within, transport
22 through, or possess in the State any live wild bird or animal of any kind,

1 including any manner of feral swine, without authorization from the
2 Commissioner or his or her designee. The importation permit may be granted
3 under such regulations therefor as the Commissioner shall prescribe and only
4 after the Commissioner has made such investigation and inspection of the birds
5 or animals as she or he may deem necessary. The Department may dispose of
6 unlawfully possessed or imported wildlife as it may judge best, and the State
7 may collect treble damages from the violator of this subsection for all expenses
8 incurred.

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

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

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

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

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

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

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

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

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

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

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

15 (iv) visible tusks; or

16 (C) an animal that is determined by the U.S. Department of
17 Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to
18 be a feral swine hybrid based n results of genetic testing conducted at the
19 National Wildlife Research Center.

20 (2) This subsection shall not ~~apply to the domestic pig (*Sus domesticus*)~~
21 ~~involved in domestic hog production and shall not~~ restrict or limit the authority
22 of the Secretary of Agriculture, Food and Markets to regulate the importation

1 or possession of the domestic pig as livestock or as a domestic animal under
2 Title 6 of the Vermont Statutes Annotated.

3 (3) A feral swine may be destroyed by the Department; the Agency of
4 Agriculture, Food and Markets; or a designee, such as the U.S. Department of
5 Agriculture, Animal and Plant Health Inspection Service, Wildlife Services.
6 The Department shall notify: the owner of the feral swine, if possible; the
7 Agency of Agriculture, Food and Markets; and the municipality where the
8 feral swine is located prior to the removal or destruction of the feral swine.

9 (4) The Department shall notify the owner, if possible; the Agency of
10 Agriculture, Food and Markets; and the municipality where the feral swine is
11 located of the disposition of the feral swine.

12 (5) Any person who kills a feral swine in Vermont shall report to a State
13 game warden and shall present the carcass to the State game warden within 24
14 hours for identification and examination, disease sample collection, or case
15 assignment.

16 (6) The State shall not be liable for damages or claims associated with
17 the removal or destruction of feral swine provided that the actions of the State
18 agents are reasonable. The removal or destruction of feral swine shall be
19 deemed reasonable where:

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

22 (B) the Department determines that the swine:

- 1 (i) is a threat to public safety;
2 (ii) has harmed or posed a threat to any person or domestic
3 animal;
4 (iii) has damaged private or public property; or
5 (iv) has damaged or is damaging natural resources, including
6 wetlands, vernal pools, wildlife habitat, rare and irreplaceable natural areas, or
7 rare, threatened, or endangered species; or

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

13 Sec. 16. 13 V.S.A. § 351b is amended to read:

14 § 351b. SCOPE OF SUBCHAPTER

15 This subchapter shall not apply to:

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

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

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

1 (4) veterinary medical or surgical procedures; and

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

3 Sec. 17. 20 V.S.A. § 3350 is added to read:

4 § 3350. THE DISPOSITION OF FERAL SWINE

5 (a) The General Assembly finds that feral swine have the potential for
6 spreading disease to domestic livestock, may cause devastating destruction to
7 natural ecosystems, and pose a threat to human health and safety.

8 (b) In light of the potential impacts of feral swine and notwithstanding the
9 provisions of law in this chapter, the Department of Fish and Wildlife may
10 remove or destroy feral swine in accordance with the requirements of
11 10 V.S.A. § 4709(f)(3).

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

15 * * * Effective Date * * *

16 Sec. 18. EFFECTIVE DATE

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