

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 funds to the Working Lands Program. The bill would enact a  
10 limitation on liability for agritourism activity. The bill would require the  
11 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 to provide grants to charitable food  
19 organizations to purchase Vermont food. The bill would appropriate funds to  
20 the Agency for a grant to fund the coordination of gleaning service across the  
21 State. The bill would appropriate funds to the Agency for a grant to establish

1 and implement a hemp trade association in the State. The bill would require  
2 the Agency to report to the General Assembly regarding ways to simplify or  
3 facilitate regulatory compliance by farmers and food producers. In addition,  
4 the bill would appropriate funds to the Agency for financial assistance from the  
5 Farm-to-School Program.

6 An act relating to the agricultural economy

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

8 \* \* \* Working Lands Program \* \* \*

9 Sec. 1. APPROPRIATIONS; WORKING LANDS PROGRAM

10 In fiscal year 2021, \$1,500,00.00 is appropriated from the General Fund to  
11 the Agency of Agriculture, Food and Markets for grants to be awarded through  
12 the Vermont Working Lands program, pursuant to 6 V.S.A. chapter 207,  
13 subchapter 2.

14 \* \* \* Agricultural Loan Reserve Fund \* \* \*

15 Sec. 2. AGRICULTURAL LOAN LOSS RESERVE FUND

16 The Secretary of Agriculture, Food and Markets, in consultation with the  
17 Vermont Sustainable Jobs Fund, the Vermont Economic Development  
18 Authority, and other interested parties, shall evaluate the potential to create an  
19 Agricultural Loan Loss Reserve Fund in the State to serve as credit  
20 enhancement for farmers and forest products businesses that cannot obtain

1 financing due to lack of collateral or other financing restrictions. On or before  
2 January 15, 2021, the Secretary of Agriculture, Food and Markets shall submit  
3 to the House Committee on Agriculture and Forestry and the Senate  
4 Committee on Agriculture a proposal for establishing an Agricultural  
5 Resources Fund in the State. The proposal shall:

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

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

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

13 \* \* \* Agritourism; Limitation on Liability \* \* \*

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

15 CHAPTER 212. LIMITATION ON LIABILITY FOR AGRITOURISM

16 ACTIVITY

17 § 5871. DEFINITIONS

18 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

4           and

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

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

11          § 5872. LIMITATION ON DUTY TO PROTECT

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

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

19               (1) commits an act or omission of gross negligence concerning the  
20               safety of a participant that proximately causes injury or death to the  
21               participant;

1           (2) has actual knowledge of:

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

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

7           (3) intentionally injures a participant; or

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

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

14           § 5873. WARNING NOTICE; POSTING; CONTRACTS

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

19           (b) Every written contract entered into between an agritourism host and a  
20 participant for goods or services related to an agritourism activity shall contain

1 in clearly visible print the warning notice specified in subsection (c) of this  
2 section.

3 (c) The warning notice required under subsections (a) and (b) of this  
4 section shall read: “WARNING: Under Vermont law, an agritourism host is  
5 not liable for the injury or death of a participant in an agritourism activity  
6 resulting from the inherent risk of the agritourism activity. Inherent risks  
7 include the risk of animals, weather, land conditions, and the potential for you  
8 as a participant to act in a negligent way that may contribute to your own  
9 injury or death. You are assuming the risk of participating in this agritourism  
10 activity.”

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

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

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

16 On or before November 15, 2020, the Secretary of Agriculture, Food and  
17 Markets shall submit to the House Committee on Agriculture and Forestry and  
18 the Senate Committee on Agriculture a report regarding the prioritization and  
19 potential funding sources for additional farm and food business service  
20 providers identified in the 2020 Agriculture Strategic Plan Report as necessary  
21 to support the agricultural industry in Vermont. In developing the report, the

1 Secretary of Agriculture, Food and Markets shall consult with the Vermont  
2 Sustainable Jobs Fund and the Vermont Farm and Forest Viability Program  
3 and shall meet with relevant stakeholders.

4 \* \* \* Directory of Financial Service Providers \* \* \*

5 Sec. 5. CREATION OF DIRECTORY OF LEGAL AND FINANCIAL  
6 SERVICE PROVIDERS FOR WORKING LANDS BUSINESSES;  
7 APPROPRIATIONS

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

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

16 and

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

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

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

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

6             (3) summarizes who the directory will be available to and how it will be  
7       accessed and disseminated.

8       (c) In fiscal year 2021, \$15,000.00 is appropriated from the General Fund  
9       to the Agency of Agriculture, Food and Markets for a grant to an entity  
10       recommended by the Vermont Sustainable Jobs Fund to assemble the contents  
11       of the directory required under subsection (a) of this section.

12                   \* \* \* Marketing of Food and Farm Products \* \* \*

13       Sec. 6. APPROPRIATIONS; MARKETING OF FOOD AND FARM  
14                   PRODUCTS

15       (a) In fiscal year 2021, \$100,000.00 is appropriated from the General Fund  
16       to the Agency of Agriculture, Food and Markets for the marketing of Vermont  
17       food and farm products.

18       (b) In fiscal year 2021, \$50,000.00 is appropriated from the General Fund  
19       to the Agency of Agriculture, Food and Markets for grants to food producers  
20       and food service providers to subsidize the cost to producers and providers of  
21       attendance at national sales and marketing events.

1           \* \* \* Communications and Graphic Design for Food Producers \* \* \*

2           Sec. 7. COMMUNICATIONS AND GRAPHIC DESIGN POSITION;

3                    APPROPRIATIONS

4           (a) The establishment of a new permanent exempt communications and  
5           graphic design position in fiscal year 2021. The position shall be a shared  
6           position between the Agency of Agriculture, Food and Markets and the  
7           Department of Tourism and Marketing. The position shall:

8                    (1) conduct outreach to Vermont food producers;

9                    (2) provide working lands businesses with services to increase the  
10           presence of Vermont food producers on social media and at trade shows; and

11                   (3) strengthen the marketing of Vermont food products, including  
12           improving coordination with VDTM and the Chief Marketing Office.

13           (b) In fiscal year 2021, \$100,000.00 is appropriated to the Agency of  
14           Agriculture, Food and Markets to fund a communications and graphic design  
15           position authorized under subsection (a) of this section, to be housed at the  
16           Department of Tourism and Marketing.

17                    \* \* \* Direct Market EBT \* \* \*

18           Sec. 8. APPROPRIATIONS; NOFA DIRECT MARKET EBT

19           In fiscal year 2021, \$43,000.00 is appropriated from the General Fund to the  
20           Agency of Agriculture, Food and Markets for a grant to the Northeast Organic

1 Farming Association-VT to support the statewide direct market electronic  
2 benefit transfer doubling programs.

3 \* \* \* Charitable Organizations; Local Foods \* \* \*

4 Sec. 9. APPROPRIATIONS; CHARITABLE FOOD ORGANIZATIONS

5 In fiscal year 2021, \$500,000.00 is appropriated from the General Fund to  
6 the Agency of Agriculture, Food and Markets to provide grants to charitable  
7 food organizations in the State to purchase food from Vermont farmers and  
8 food producers to be distributed to Vermonters in need.

9 \* \* \* Gleaning Coordinator \* \* \*

10 Sec. 10. GLEANING COORDINATOR; APPROPRIATIONS

11 In fiscal year 2021, \$100,000.00 is appropriated to the Agency of  
12 Agriculture, Food and Markets for a grant to a nonprofit corporation or other  
13 nonprofit entity to provide coordinate gleaning services across all gleaning  
14 programs in the State.

15 \* \* \* Hemp Trade Association \* \* \*

16 Sec. 11. APPROPRIATIONS; HEMP TRADE ASSOCIATION

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

1                   \* \* \* Regulatory Compliance Workshops \* \* \*

2           Sec. 12. REGULATORY COMPLIANCE WORKSHOPS

3           On or before January 1, 2021, the Secretary of Agriculture, Food and  
4           Markets, in collaboration with University of Vermont Extension, the  
5           University of Vermont College of Agriculture and Life Science, and the  
6           Northeast Organic Farming Association-VT, shall submit to the House  
7           Committee on Agriculture and Forestry and the Senate Committee on  
8           Agriculture a report regarding ways to simplify or facilitate regulatory  
9           compliance by farmers and food producers in the State. As part of the  
10           development of the report, the Secretary shall conduct workshops around the  
11           State to collect public comment from farmers and food producers in the State  
12           on how to simplify or facilitate regulatory compliance. The report shall:

13                   (1) summarize comments collected at the public workshops;

14                   (2) summarize policies or provisions in other States that simplify or  
15           facilitate regulatory compliance; and

16                   (3) propose or recommend methods, mechanisms, or regulatory or  
17           statutory amendments to simplify or facilitate regulatory compliance.

18                   \* \* \* Farm-to-School \* \* \*

19           Sec. 13. APPROPRIATIONS; FARM-TO-SCHOOL

20           In fiscal year 2021, \$500,000.00 is appropriated to the Agency of  
21           Agriculture, Food and Markets from the General Fund to provide financial

1 assistance under 6 V.S.A. § 4721 for the Farm-to-School Program, including  
2 grants, technical assistance, and training for schools and farm-to-school  
3 technical service providers.

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

5 Sec. 14. EFFECTIVE DATE

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