

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

