

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.

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

2 § 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR  
3 COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;  
4 CERTIFICATE

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

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

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

12 § 3034. ESTABLISHING AN APIARY LOCATION

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

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

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

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

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

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

10 \* \* \* Meat Inspection \* \* \*

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

12 § 3302. DEFINITIONS

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

15 \* \* \*

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

18 \* \* \*

19 (24) “Meat food product” and “meat product” mean any product capable  
20 of use as human food ~~which~~ that is made wholly or in part from any meat or  
21 other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbits~~, or

1 goats, excepting products ~~which~~ that are exempted from definition as a meat  
2 food product by the Secretary under conditions ~~which~~ that he or she may  
3 prescribe to assure that the meat or other portions of carcass contained in  
4 products are unadulterated and that products are not represented as meat food  
5 products. This term as applied to food products of equines shall have a  
6 meaning comparable to that provided in this subdivision with respect to cattle,  
7 sheep, swine, ~~domestic rabbits~~, and goats.

8 \* \* \*

9 \* \* \* Agricultural Water Quality \* \* \*

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

11 § 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

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

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

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

7        (d) Land enrolled in the Vermont agricultural buffer program shall be  
8        considered to be in “active use” as that term is defined in 32 V.S.A.  
9        § 3752(15).

10       § 4832. FARM AGRONOMIC PRACTICES PROGRAM

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

18           (1) conservation crop rotation;

19           (2) cover cropping;

20           (3) strip cropping;

21           (4) cross-slope tillage;

1           (5) zone or no-tillage;

2           (6) pre-sidedress nitrate tests;

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

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

9                   (A) the impact on Vermont waters of agricultural waste discharges;  
10 and

11                   (B) the federal and State requirements for controlling agricultural  
12 waste discharges;

13           (9) implementing alternative manure application techniques; and

14           (10) additional soil erosion reduction practices.

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

17       Sec. 13. REPEALS

18           The following are repealed on July 1, 2020:

19                   (1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and  
20 filter strip program); and

1           (2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices  
2           program).

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

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

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

11          § 4988. CERTIFICATION OF CUSTOM APPLICATOR

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

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

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



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

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

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

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

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

§ 4817. MANAGEMENT OF NON-SEWAGE WASTE

(a) As used in this section:

1           (1) “Non-sewage waste” means any waste other than sewage that may  
2           contain organisms pathogenic to human beings but does not mean stormwater  
3           runoff.

4           (2) “Sewage” means waste containing human fecal coliform and other  
5           potential pathogenic organisms from sanitary waste and used water from any  
6           building, including carriage water and shower and wash water. “Sewage” shall  
7           not mean stormwater runoff as that term is defined in 10 V.S.A. § 1264.

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

12           (1) the composition of the material transported, including the source of  
13           the material; and

14           (2) the volume of the material transported.

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



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

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

6           (b) For the purposes of this chapter and rules adopted pursuant to  
7           subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown  
8           or made in Vermont,” and any substantially similar term shall ~~mean that the~~  
9           goods being advertised originated within Vermont or 30 miles of the place  
10           where they are sold, measured directly, point to point, except that the term  
11           “local” may be used in conjunction with a specific geographic location, such as  
12           “local to New England,” or a specific mile radius, such as “local within 100  
13           miles,” as long as the specific geographic location or mile radius appears as  
14           prominently as the term “local,” and the representation of origin is accurate  
15           have the following meaning based on the type of food or food product:

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

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

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

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

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

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

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

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

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

11           (ii) the headquarters of the company that manufactures the product  
12           is located in Vermont.

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

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

17           (B) substantial transformation of the ingredients in the product  
18           occurred in Vermont; or

19           (C) the headquarters of the company that manufactures the product is  
20           located in Vermont.

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

5       (d) For the purposes of this chapter and rules adopted under subsection  
6       2453(c) of this title, “local,” “locally grown or made,” and substantially similar  
7       terms may be used in conjunction with a specific geographic location provided  
8       that the specific geographic location appears as prominently as the term “local”  
9       and the representation of origin is accurate. If a local representation refers to a  
10       specific city or town, the product shall have been grown or made in that city or  
11       town. If a local representation refers to a region with precisely defined  
12       political boundaries, the product shall have been grown or made within those  
13       boundaries. If a local representation refers to a region that is not precisely  
14       defined by political boundaries, then the region shall be prominently described  
15       when the representation is made, or the product shall have been grown or made  
16       within 30 miles of the point of sale, measured directly point to point.

17       (e) A person or company who sells or markets food or goods impacted by a  
18       change in this section shall have until January 1, 2021 to utilize existing  
19       product labels or packaging materials and to come into compliance with the  
20       requirements of this section.



1 operating hours and shall provide reasonable assistance as determined by the  
2 Secretary to complete the inspection.

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

4 § 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

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

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

12 \* \* \* Vermont Agricultural Credit Program; Agritourism \* \* \*

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

14 (8) “Farm operation” shall mean the cultivation of land or other uses of  
15 land for the production of food, fiber, horticultural, silvicultural, orchard,  
16 maple syrup, Christmas trees, forest products, or forest crops; the raising,  
17 boarding, and training of equines, and the raising of livestock; or any  
18 combination of the foregoing activities. “Farm operation” also ~~includes~~ means  
19 the storage, preparation, retail sale, and transportation of agricultural or forest  
20 commodities accessory to the cultivation or use of such land. “Farm



1 operation” also shall mean the operation of an agritourism business on a farm  
2 subject to regulation under the Required Agricultural Practices.

3 \* \* \* Feral Swine \* \* \*

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

5 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING  
6 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR  
7 FERAL SWINE

8 (a) A person shall not bring into, transport into, transport within, transport  
9 through, or possess in the State any live wild bird or animal of any kind,  
10 including any manner of feral swine, without authorization from the  
11 Commissioner or his or her designee. The importation permit may be granted  
12 under such regulations therefor as the Commissioner shall prescribe and only  
13 after the Commissioner has made such investigation and inspection of the birds  
14 or animals as she or he may deem necessary. The Department may dispose of  
15 unlawfully possessed or imported wildlife as it may judge best, and the State  
16 may collect treble damages from the violator of this subsection for all expenses  
17 incurred.

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

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

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

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

9 (f)(1) The Commissioner shall not issue a permit under this section for the  
10 importation or possession of the following live species, a hybrid or genetic  
11 variant of the following species, offspring of the following species, or  
12 offspring or a hybrid of a genetically engineered variant of the following  
13 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral  
14 hog, ~~feral swine~~, old world swine, razorback, Eurasian wild boar, or Russian  
15 wild boar (*Sus scrofo* Linnaeus). A feral swine is:

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

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

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

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

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

5                    (iv) visible tusks; or

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

12                   (2) The definition of feral swine under subdivision (1) of this subsection  
13                   shall not include feral swine collared and used by State or federal wildlife  
14                   damage management entities, such as the U.S. Department of Agriculture,  
15                   Animal and Plant Health Inspection Service, Wildlife Services, to determine  
16                   the location of free-ranging feral swine.

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

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

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

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

11          (7) The State or its designee shall not be liable for damages or claims  
12          associated with the removal or destruction of feral swine provided that the  
13          actions of the State agents or designees are reasonable. The removal or  
14          destruction of feral swine shall be deemed reasonable where:

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

17                (B) the Department determines that the swine:

18                        (i) is a threat to public safety;

19                        (ii) has harmed or posed a threat to any person or domestic  
20                        animal;

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

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

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

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

10                   § 351b. SCOPE OF SUBCHAPTER

11                   This subchapter shall not apply to:

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

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

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

19                   (4) veterinary medical or surgical procedures; and

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

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

2 § 3350. THE DISPOSITION OF FERAL SWINE

3 (a) The General Assembly finds that feral swine, as defined in 10 V.S.A.  
4 § 4709, have the potential for spreading serious disease to domestic livestock,  
5 may cause devastating destruction to natural ecosystems, and pose a threat to  
6 human health and safety.

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

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

14 \* \* \* Payment for Ecosystem Services and Soil Health Working Group \* \* \*

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

16 Sec. 3. ~~SOIL CONSERVATION PRACTICE AND PAYMENT FOR~~  
17 ~~ECOSYSTEM SERVICES~~ AND SOIL HEALTH WORKING  
18 GROUP

19 (a) ~~The Secretary of Agriculture, Food and Markets shall convene a Soil~~  
20 ~~Conservation Practice and Payment for Ecosystem Services~~ and Soil Health  
21 Working Group is established to recommend financial incentives designed to

1 encourage farmers in Vermont to implement agricultural practices that exceed  
2 the requirements of 6 V.S.A. chapter 215 and that improve soil health, enhance  
3 crop resilience, increase carbon storage and stormwater storage capacity, and  
4 reduce agricultural runoff to waters. The Working Group shall:

5 (1) identify agricultural standards or practices that farmers can  
6 implement that improve soil health, enhance crop resilience, increase carbon  
7 storage and stormwater storage capacity, and reduce agricultural runoff to  
8 waters;

9 (2) recommend existing financial incentives available to farmers that  
10 could be modified or amended to incentivize implementation of the  
11 agricultural standards identified under subdivision (1) of this subsection or  
12 incentivize the reclamation or preservation of wetlands and floodplains;

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

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

20 (b) The ~~Soil Conservation Practice and Payment for Ecosystem Services~~  
21 and Soil Health Working Group shall consist of persons with knowledge or

1 expertise in agricultural water quality, soil health, economic development, or  
2 agricultural financing. The Secretary of Agriculture, Food and Markets shall  
3 appoint the members that are not ex officio members. The Working Group  
4 shall include the following members:

- 5 (1) the Secretary of Agriculture, Food and Markets or designee;
- 6 (2) the Secretary of Natural Resources or designee;
- 7 (3) a representative of the Vermont Housing and Conservation Board;
- 8 (4) a member of the former Dairy Water Collaborative;
- 9 (5) two persons representing farmer’s watershed alliances in the State;
- 10 (6) a representative of the Natural Resources Conservation Council;
- 11 (7) a representative of the Gund Institute for Environment of the  
12 University of Vermont;
- 13 (8) a representative of the University of Vermont (UVM) Extension;
- 14 (9) two members of the Agricultural Water Quality Partnership;
- 15 (10) a representative of small-scale, diversified farming; ~~and~~
- 16 (11) a member of the Vermont Healthy Soils Coalition;
- 17 (12) a person engaged in farming other than dairy farming;
- 18 (13) a representative of an environmental organization with a statewide  
19 membership that has technical expertise or fundraising experience;
- 20 (14) an agricultural economist from a university or other relevant  
21 organization within the State;



1           (15) an ecosystem services specialist from UVM Extension; and

2           (16) a soil scientist.

3           (c)(1) The Secretary of Agriculture, Food and Markets or designee shall be  
4 the Chair of the Working Group, and the representative of the Vermont  
5 Housing and Conservation Board shall be the Vice Chair.

6           (2) A majority of the membership of the Working Group shall constitute  
7 a quorum.

8           (3) The Working Group shall have the administrative, technical, and  
9 legal assistance of the Agency of Agriculture, Food and Markets.

10           (4) The Working Group shall cease to exist on February 1, 2022.

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

19           (1) a recommended payment for ecosystem services approach the State  
20 should pursue that benefits water quality, flood resilience, and climate stability.

1 including ecosystem services to prioritize and capital or funding sources  
2 available for payments;

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

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

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

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

11 (6) an estimate of the potential future benefits of the recommended  
12 payment for ecosystem services approach, including the projected duration of  
13 the program;

14 (7) an estimate of the cost to the State to administer the recommended  
15 payment for ecosystem services approach; and

16 (8) proposed funding or sources of funds to implement and operate the  
17 recommended payment for ecosystem services approach.

18 (e) The Working Group may seek grants or funding other than annual  
19 appropriation in order to further the work of the Working Group.

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\* \* \* Effective Dates \* \* \*

Sec. 25. EFFECTIVE DATES

(a) This section, Sec. 17 (local food), and Sec. 24 (Payment for Ecosystem Services and Soil Health Working Group) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2020.

(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE