

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred Senate Bill No. 207
3 entitled “An act relating to the sale or distribution of milk and dairy products”
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 Sec. 1. 6 V.S.A. § 2672 is amended to read:

8 § 2672. DEFINITIONS

9 As used in this chapter, the following terms have the following meanings:

10 (1) “Secretary” means Secretary of Agriculture, Food and Markets or his
11 or her authorized agent.

12 (2) “Milk producer” or “producer” ~~is~~ means a person, partnership,
13 unincorporated association, or corporation who owns or controls one or more
14 cows, dairy goats, dairy sheep, or water buffalo and sells or offers for sale a
15 part or all of the milk produced by the animals.

16 (3) “Dairy farm” is any place or premise where one or more cows, dairy
17 goats, dairy sheep, or water buffalo are kept and where a part or all of the milk
18 from the animals is sold or offered for sale.

19 (4) “Milk plant” is any place, premise, or establishment where milk or
20 dairy products are collected, assembled, handled, processed, stored,
21 pasteurized, packaged, or prepared for distribution.

1 (5) “Milk handler” or “handler” is a person, firm, unincorporated
2 association, or corporation engaged in the business of buying, selling,
3 assembling, packaging, or processing milk or other dairy products, for sale
4 within or without the State of Vermont. “Milk handler” or “handler” shall not
5 mean a milk producer.

6 (6) “Milk handler license” is a license issued by the Secretary which
7 authorizes the licensee to carry on the business of a milk handler.

8 (7) “Milk,” unless preceded or succeeded by an explanatory term, means
9 the pure lacteal secretion of dairy cattle or other livestock listed in this
10 subdivision. Milk from other dairy livestock listed in this subdivision shall be
11 preceded by the common name for the type of livestock that produced the
12 milk. ~~Such milk~~ Milk may be standardized by the addition of pure, fresh skim
13 milk or cream as defined by regulation.

14 (A) “Cows’ milk” is the colostrum-free, pure, lacteal product of
15 healthy cattle ~~which~~ that contains not less than 11.50 percent of total milk
16 solids (to which nothing has been added or taken away). Cows’ milk sold in
17 retail packages shall contain not less than 3.25 percent milk fat, and not less
18 than 8.25 percent nonfat milk solids.

19 (B) “Goats’ milk” is the colostrum-free, pure, lacteal product of
20 healthy goats ~~which~~ that contains not less than 10 percent of total milk solids
21 (to which nothing has been added or taken away). Goats’ milk sold in retail

1 packages shall contain not less than 2.5 percent milk fat and not less than
2 7.5 percent nonfat milk solids.

3 (C) “Sheep’s milk” is the colostrum-free, pure, lacteal product of
4 healthy sheep ~~which~~ that contains no less than 11.50 percent of total milk
5 solids (to which nothing has been added or taken away).

6 (D) “Water buffalo’s milk” is the colostrum-free, pure, lacteal
7 product of healthy water buffalo ~~which~~ that contains no less than 11.50 percent
8 of total milk solids (to which nothing has been added or taken away).

9 (8) “Retail package of dairy product” is a package to be sold to a
10 consumer.

11 (9) “Dairy product” is milk, or a product derived therefrom, ~~which~~ that
12 conforms to the appropriate legal standard or definition for the specific product
13 as defined in this part and regulations made under this part.

14 (10) “Fluid dairy products” are milk and fluid dairy products derived
15 from milk, including cultured products, as defined by regulations adopted by
16 federal entities and published in the Code of Federal Regulations.

17 * * *

18 (13) “Adulteration” means an adulterated dairy product containing
19 noxious, unwholesome, or deleterious material, preservative, drugs, or
20 chemical in a quantity injurious to health; or ~~which~~ that does not conform to

1 the definition of the product; or ~~which~~ that is not produced, processed, or
2 distributed according to the provisions of this part.

3 * * *

4 (16) “Distributor” means any person who sells milk or plant-based
5 beverages or products to consumers within the State, except those who sell
6 milk for consumption on the premises.

7 * * *

8 (22) Definitions and standards of milk products not defined in this
9 section shall be those established by federal agencies and published in the
10 Code of Federal Regulations.

11 * * *

12 (26) “Manufacturer” means every person bottling, canning, packing, or
13 otherwise filling containers with a plant-based beverage or product for sale to
14 distributors or retailers.

15 (27) “Plant-based beverage or product” means:

16 (A) a fluid drink for human consumption manufactured by extracting
17 plant material, such as nuts, seeds, or grain, in water; or

18 (B) a food product for human consumption where plant material is
19 used to manufacture an imitation dairy product.

20 Sec. 2. 10 V.S.A. § 2682 and 2683 are added to read:

1 § 2682. REGISTRATION OF PLANT-BASED BEVERAGES OR
2 PRODUCTS

3 (a) Each manufacturer or distributor selling or distributing a plant-based
4 beverage in the State shall register with the Secretary annually on or before
5 August 15.

6 (b) As part of an annual registration under this section, the manufacturer or
7 distributor of a plant-based beverage or product sold or distributed in the State
8 shall provide the following information:

9 (1) the name and address of the manufacturer and the name and address
10 of the person whose name will appear on the label of products sold in the State,
11 if other than the manufacturer;

12 (2) the name or brand of each product sold or distributed in the State;
13 and

14 (3) a complete copy of the label for each product sold or distributed in
15 the State, including the nutritional label.

16 (c) A manufacturer or distributor registering under this subsection shall pay
17 an annual registration fee of \$?00.00.

18 § 2683. SALE OF PRODUCTS LABELLED AS MILK OR AS A DAIRY
19 PRODUCT

1 (a) A milk handler or a manufacturer or distributor of a plant-based
2 beverage or product shall not sell or distribute in the State a product labeled as
3 milk or as a dairy product unless:

4 (1) the milk handler or manufacturer or distributor of a plant-based
5 beverage is registered with the Secretary;

6 (2)(A) the product conforms to the definition of “milk” or “dairy
7 product” under this chapter;

8 (B) the product conforms to a standard of identity adopted by the
9 U.S. Food and Drug Administration under the Federal Food, Drug, and
10 Cosmetic Act; or

11 (C) if the product is a plant-based beverage or product, the product is
12 labeled with a declaration that the plant-based beverage or product does not
13 provide the same key nutritional attributes as milk or dairy products.

14 (b)(1) To enforce the requirements of this section, the Secretary, upon
15 presenting appropriate credentials, may:

16 (A) Enter upon any premises where a product labeled as milk or a
17 dairy product is sold or distributed in order to determine if the product
18 complies with the requirements of this section; or

19 (B) Issue and enforce a written or printed “stop sale” order to the
20 owner or custodian of the premises when the Secretary finds that a product
21 sold or distributed on the premises is in violation of any of the requirements of

1 this section. The order shall prohibit further sale, distribution, or movement of
2 the product, except on approval of the Secretary, until the Secretary has issued
3 a release from the “stop sale” order of the product. The owner or custodian of
4 premises to whom a “stop sale” order has been issued shall have the right to
5 request a hearing in writing before the Secretary within 15 days of the issuance
6 of the order.

7 (2) This section shall not be construed to limit the authority of the
8 Secretary to obtain a search warrant.

9 (c) The sale of a product in the State that violates the requirements of this
10 section shall not be subject to enforcement by the Secretary if the owner of the
11 premises where the product is sold purchased the product prior to January 1,
12 2021 and sells the product on or before April 1, 2021.

13 (d) A milk handler or a manufacturer or distributor of a plant-based
14 beverage or product who violates the requirements of this section shall be
15 guilty of a misdemeanor and upon a conviction shall be fined not more than
16 \$1,000.00 for each day a product is sold in violation of the requirements of this
17 section.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on January 1, 2021.

20
21 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE