
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 174 (H.709). Agriculture; accessory on-farm business; water quality; enforcement; hemp; mosquito control

An act relating to miscellaneous agricultural subjects

This act makes multiple miscellaneous amendments to agricultural subjects. The act amends the requirements for accessory on-farm businesses to clarify that a business can qualify as an accessory on-farm business under Act 250 if more than 50 percent of the total sales from that business are from qualifying products produced on the farm where the business is located. The act authorizes the Agency of Agriculture, Food and Markets (AAFM) to serve persons during enforcement actions using electronic service instead of personal service or certified mail, provided that AAFM proves the person received service or the person subject to service agrees to electronic service. The act allows AAFM to consider an applicant's pending violations or past history of compliance with AAFM requirements as part of a permit application.

The act amends the AAFM's authority to inspect produce and produce farms in order to conform with the U.S. Food and Drug Administration's Food Safety Modernization Act. The act further provides that the in-kind services of application of mosquito adulticide no longer qualifies as a mosquito control district's match for purposes of State grants for application of mosquito larvicides. The act amends the statutes authorizing the State hemp program in order to conform with the U.S. Department of Agriculture's rules for the cultivation of hemp.

The act eliminates a requirement that AAFM visit a medium farm operation upon renewal of the farm's coverage under the medium farm general permit. AAFM will only be required to visit a medium farm operation when the farm first applies for coverage under the medium farm general permit. All farms under the general permit will continue to be inspected every three years. The act strikes the requirement that small farms notify AAFM of a change of ownership. The act also clarifies that the type of small farms that qualify for the Act 250 small farm food residual exemption includes certified small farms or other small farms subject to the Required Agricultural Practices.

Effective Date: July 1, 2022