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H.420

Introduced by Committee on Agriculture and Forestry

Date:

Subject: Agriculture; weights and measures; livestock; water quality; hemp

Statement of purpose of bill as introduced: This bill proposes to make multiple miscellaneous amendments to agricultural subjects. The bill would repeal the sunset provision for personal and itinerant slaughter, clarify the definition of “livestock dealer,” and amend eligibility requirements for the veterinarian educational loan repayment program. The bill would clarify the jurisdiction of the Agency of Agriculture, Food and Markets over weights and measures, extend the payment for ecosystem services and soil health working group for one year, and clarify the agricultural records that are exempt from public inspection. The bill would amend the hemp program to align it with evolving federal law. The bill would also update the Agriculture Annex to the State Emergency Operations Plan to improve the capacity of the State to maintain a sufficient food supply during times of emergency or other food insecurity.

An act relating to miscellaneous agricultural subjects

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

2 * * * Personal and Itinerant Slaughter * * *

3 Sec. 1. REPEAL OF SUNSET; PERSONAL SLAUGHTER

4 2013 Acts and Resolves No. 83, Sec. 13 (repeal of personal slaughter
5 authority), as amended by 2016 Acts and Resolves No. 98, Sec. 2, and
6 2019 Acts and Resolves No. 83, Sec. 5, is repealed.

7 * * * Livestock Dealers * * *

8 Sec. 2. 6 V.S.A. § 761 is amended to read:

9 § 761. DEFINITIONS

10 As used in this chapter:

11 (1) “Livestock” means cattle, horses, sheep, swine, goats, camelids,
12 fallow deer, red deer, reindeer, and American bison.

13 (2) “Livestock dealer” means a person ~~going~~ who, on the person’s own
14 account or for commission, goes from place to place buying, selling, or
15 transporting livestock either directly or through online or other remote
16 transaction, or ~~operating~~ who operates a livestock auction or sales ring, ~~either~~
17 ~~on the person’s own account or on commission, except~~ provided that
18 “livestock dealer” shall not mean:

19 (A) a federal agency, including any department, division, or authority
20 within the agency; ~~or~~

21 (B) a nonprofit association approved by the Secretary; or

1 denial by letter, which shall include the specific reasons for the denial. The
2 applicant shall have 15 days in which to petition the Secretary for
3 reconsideration. The petition shall be submitted in writing, and the Secretary
4 in his or her discretion may hold a further hearing on the petition for
5 reconsideration. Thereafter, the Secretary shall issue or deny the license and
6 shall inform the applicant in writing of his or her decision and the reasons
7 therefor.

8 (c) The Livestock Special Fund is established under and shall be
9 administered pursuant to 32 V.S.A. chapter 7, subchapter 5. All funds received
10 under this section shall be deposited in the Livestock Special Fund for use by
11 the Agency for administration of livestock programs.

12 (d) The Secretary may require a person to obtain a license as a livestock
13 dealer under this section when the Secretary, in his or her discretion,
14 determines that a person is buying, selling, or transporting livestock or taking
15 other action in a manner intended to circumvent the requirements of this
16 section.

17 * * * Veterinarian Loan Repayment * * *

18 Sec. 4. 6 V.S.A. § 20 is amended to read:

19 § 20. VERMONT ~~LARGE~~ FOOD ANIMAL VETERINARIAN

20 EDUCATIONAL LOAN REPAYMENT FUND

1 (a) There is created a special fund to be known as the Vermont ~~Large Food~~
2 Animal Veterinarian Educational Loan Repayment Fund that shall be used for
3 the purpose of ensuring a stable and adequate supply of ~~large food~~ animal
4 veterinarians in regions of the State as determined by the Secretary. The Fund
5 shall be established and held separate and apart from any other funds or monies
6 of the State and shall be used and administered exclusively for the purpose of
7 this section. The money in the Fund shall be invested in the same manner as
8 permitted for investment of funds belonging to the State or held in the
9 Treasury.

10 (b) The Fund shall consist of:

11 (1) sums appropriated or transferred to it from time to time by the
12 General Assembly, the State Emergency Board, or the Joint Fiscal Committee
13 when the General Assembly is not in session;

14 (2) interest earned from the investment of Fund balances; and

15 (3) sums from any other public or private source accepted for the benefit
16 of the Fund.

17 (c) The Agency shall administer the Fund and ~~make sums available for the~~
18 Secretary of Agriculture, Food and Markets shall have the discretion to provide
19 annual student loan repayment awards to licensed, qualified veterinarians who
20 are significantly dedicated to treating food animals in the State. The Secretary
21 may determine the level of service that qualifies as “significantly dedicated” to

1 treating food animals, may establish additional eligibility requirements, and
2 may create program requirements for all fund recipients. The Agency may
3 contract with a Vermont nonprofit entity for administration of the program,
4 which shall administer awards in compliance with the requirements of Section
5 108(f) of the Internal Revenue Code.

6 (d) As used in this section, “food animal” means any animal that produces
7 food for human consumption or is raised for human consumption, including
8 cattle, sheep, swine, goats, poultry, bees, and any other species as determined
9 by the Secretary of Agriculture, Food and Markets.

10 * * * Weights and Measures * * *

11 Sec. 5. 9 V.S.A. § 2651(2) is amended to read:

12 (2) “Commercial weighing and measuring device” shall be construed to
13 include any weight or measure or weighing or measuring device commercially
14 used or employed in establishing the size, quantity, extent, area, or
15 measurement of quantities, things, produce, or articles for distribution or
16 consumption, purchased, offered, or submitted for sale, hire, or award, or in
17 computing any basic charge or payment for services rendered on the basis of
18 weight or measure, and shall also include any accessory attached to or used in
19 connection with a commercial weighing or measuring device when that
20 accessory is so designed or installed that its operation affects, or may affect,

1 the accuracy of the device. “Commercial weighing and measuring device”
2 shall not include:

3 (A) a device within a plant or business used internally to determine
4 the weight, measure, or count of any commodity or thing while manufacturing,
5 processing, or preparing the commodity or thing for market;

6 (B) a pharmacy device used for determining the appropriate dosage
7 of any medication or medical treatment; or

8 (C) U.S. Postal Service scales.

9 * * * Ecosystem Services and Soil Health Working Group * * *

10 Sec. 6. 2019 Acts and Resolves No. 83, Sec. 3, as amended by 2020 Acts and
11 Resolves No. 129, Sec. 24, is further amended to read:

12 Sec. 3. PAYMENT FOR ECOSYSTEM SERVICES AND SOIL HEALTH
13 WORKING GROUP

14 * * *

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

18 * * *

19 (4) The Working Group shall cease to exist on February 1, ~~2022~~ 2023.

1 (d) On or before January 15, ~~2022~~ 2023, the Secretary of Agriculture, Food
2 and Markets shall submit to the Senate Committee on Agriculture and the
3 House Committee on Agriculture and Forestry a report that shall include:

4 * * *

5 * * * Manure Applicator Certification * * *

6 Sec. 7. 6 V.S.A. chapter 215, subchapter 9 is amended to read:

7 Subchapter 9. Certification of Custom Applicators of Manure or ~~Nutrients~~

8 Agricultural Waste

9 § 4987. DEFINITIONS

10 As used in this subchapter, “custom applicator” means a person who is
11 engaged in the business of applying manure or ~~nutrients~~ agricultural waste to
12 land and who charges or collects other consideration for the service. Custom
13 applicator shall include full-time employees of a person engaged in the
14 business of applying manure or ~~nutrients~~ agricultural waste to land, when the
15 employees apply manure or ~~nutrients~~ agricultural waste to land. A certification
16 fee of \$30.00 will be charged annually to all persons meeting this definition.

17 § 4988. CERTIFICATION OF CUSTOM APPLICATOR

18 (a) On or before July 1, 2016, as part of the revision of the Required
19 Agricultural Practices, the Secretary of Agriculture, Food and Markets shall
20 adopt by rule a process by which a custom applicator shall be certified to
21 operate within the State. The certification process shall require a custom

1 applicator to complete eight hours of training over each five-year period
2 regarding:

3 (1) application methods or techniques to minimize the runoff of land-
4 applied manure or ~~nutrients~~ agricultural waste to waters of the State; and

5 (2) identification of weather or soil conditions that increase the risk of
6 runoff of land-applied manure or ~~nutrients~~ agricultural waste to waters of the
7 State.

8 (b) A custom applicator shall not apply manure or ~~nutrients~~ agricultural
9 waste unless certified by the Secretary of Agriculture, Food and Markets.

10 (c) A custom applicator certified under this section shall train seasonal
11 employees in methods or techniques to minimize runoff to surface waters and
12 to identify weather or soil conditions that increase the risk of runoff. A custom
13 applicator that trains a seasonal employee under this subsection shall be liable
14 for damages done and liabilities incurred by a seasonal employee who
15 improperly applies manure or ~~nutrients~~ agricultural waste.

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

17 (1) an owner or operator of a farm applying manure or ~~nutrients~~
18 agricultural waste to a field that he or she owns or controls; or

19 (2) application of manure or ~~nutrients~~ agricultural waste by a farm
20 owner or operator on a field of another farm owner or operator when the total
21 annual volume applied is less than 50 percent of the annual manure or

1 agricultural waste by volume generated on the farm where the manure or
2 agricultural waste is spread, provided that the Secretary may approve the
3 application of more than 50 percent of the annual manure or agricultural waste
4 generated on a farm by another farm operator when circumstances require and
5 application of the manure or agricultural waste would not pose a significant
6 potential of discharge or runoff to State waters.

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

10 * * *

11 * * * Non-sewage Waste * * *

12 Sec. 8. 6 V.S.A. § 4817 is amended to read:

13 § 4817. MANAGEMENT OF NON-SEWAGE WASTE

14 (a) As used in this section:

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

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

1 (b) The Secretary may require a person transporting or arranging for the
2 transport of non-sewage waste to a farm for deposit in a manure pit or for use
3 as an input in a methane digester to report to the Secretary one or more of the
4 following:

5 (1) the composition of the material transported, including the source of
6 the material; and

7 (2) the volume of the material transported.

8 (c) After receipt of a report required under subsection ~~(a)~~ (b) of this section,
9 the Secretary may prohibit the import of non-sewage waste onto a farm upon a
10 determination that the import of the material would violate the nutrient
11 management plan for the farm or otherwise present a threat to water quality.

12 * * * Agricultural Information * * *

13 Sec. 9. 6 V.S.A. § 61 is amended to read:

14 § 61. INFORMATION COLLECTION AND CONFIDENTIALITY

15 The Secretary may collect information on subjects within the jurisdiction of
16 the Agency, including data obtained from questionnaires, surveys, physical
17 samples, databases, and laboratory analyses conducted by the Agency. ~~Such~~
18 This information shall be available upon request to the public, provided that it
19 is presented in a form ~~which~~ that does not disclose the identity of individual

1 persons, households, or businesses from whom the information was obtained,
2 or whose characteristics, activities, or products the information is about.

3 * * * Hemp * * *

4 Sec. 10. 6 V.S.A. chapter 34 is amended to read:

5 CHAPTER 34. HEMP

6 § 561. FINDINGS; INTENT

7 (a) Findings.

8 (1) Hemp has been continuously cultivated for millennia, is accepted
9 and available in the global marketplace, and has numerous beneficial, practical,
10 and economic uses, including: high-strength fiber, textiles, clothing, biofuel,
11 paper products, protein-rich food containing essential fatty acids and amino
12 acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
13 products, construction materials, rope, and value-added crafts.

14 (2) The many agricultural and environmental beneficial uses of hemp
15 include: livestock feed and bedding, stream buffering, erosion control, water
16 and soil purification, and weed control.

17 (3) The hemp plant, an annual herbaceous plant with a long slender stem
18 ranging in height from four to 15 feet and a stem diameter of one-quarter to
19 three-quarters of an inch is morphologically distinctive and readily identifiable
20 as an agricultural crop grown for the cultivation and harvesting of its fiber and
21 seed.

1 § 563. HEMP; AN AGRICULTURAL PRODUCT

2 (a) Industrial hemp is an agricultural product that may be grown as a crop
3 produced, possessed, marketed, and commercially traded in Vermont pursuant
4 to the provisions of this chapter and section 10113 of the Agriculture
5 Improvement Act of 2018, Pub. L. No. 115-334. ~~The cultivation of industrial
6 hemp shall be subject to and comply with the required agricultural practices
7 adopted under section 4810 of this title.~~

8 (b) Alternatively, for as long as federal law authorizes continuation of the
9 hemp pilot program pursuant to the federal Agricultural Act of 2014, Pub. L.
10 No. 113-79, Sec. 7606, as codified at 7 U.S.C. § 5940, the Secretary may
11 continue to operate an agricultural pilot program for hemp as authorized by
12 and in compliance with 7 U.S.C. § 5940, as amended, and the provisions of
13 this chapter. Hemp growers and processors shall also then comply with pilot
14 program federal requirements and the provisions of this chapter. If the
15 Secretary operates a hemp pilot program, the program shall not be subject to
16 the terms of Section 10113 of the Agricultural Improvement Act of 2018,
17 Pub. L. No. 115-334.

18 (c) Notwithstanding any provision of State law to the contrary and
19 notwithstanding the scheduled repeal of 7 U.S.C. § 5940 on January 1, 2022, a
20 person shall not be in violation of the requirements of this chapter if he or she
21 grows or cultivates hemp during the 2021 hemp season or markets hemp

1 grown during the 2021 hemp season in compliance with the terms established
2 by the federal Agricultural Act of 2014.

3 (d) The cultivation of industrial hemp shall be subject to and comply with
4 the required agricultural practices adopted under section 4810 of this title, as
5 amended.

6 * * * Food Security; Emergency Planning * * *

7 Sec. 11. EMERGENCY PLANNING; FOOD SECURITY

8 (a) On or before January 1, 2022, the Secretary of Agriculture, Food and
9 Markets shall update the Agriculture Annex to the State Emergency
10 Management Plan in order to improve the capacity of the State to maintain a
11 sufficient food supply during times of emergency or other food insecurity. The
12 Agency of Agriculture, Food and Markets will work with partners to
13 implement the food security recommendations from the Vermont Agriculture
14 and Food System Strategic Plan (Strategic Plan). As a part of the food security
15 recommendations in the Strategic Plan to ensure that the food supply in
16 Vermont is sufficient to withstand disruptions to global or national food supply
17 chains, the Secretary of Agriculture, Food and Markets shall:

18 (1) update the Agriculture Annex to rely, where feasible, on local
19 production and distribution of food supply, and

1 (2) review the work that the Agency of Agriculture, Food and Markets
2 conducted with partners during the COVID-19 pandemic to assess best
3 practices and areas for improvement.

4 (b) The Secretary of Agriculture, Food and Markets shall consult with
5 interested parties in developing the update to the Agriculture Annex to the
6 State Emergency Operations Plan, including:

7 (1) food insecure individuals;

8 (2) farmers;

9 (3) retail grocery store owners;

10 (4) food distributors;

11 (5) organizations that serve food insecure individuals;

12 (6) the Department of Emergency Management; and

13 (7) the Agency of Human Services

14 (c) On or before January 15, 2022, the Secretary of Agriculture, Food and
15 Markets shall submit to the House Committee on Agriculture and Forestry and
16 the Senate Committee on Agriculture the revised Agriculture Annex to the
17 State Emergency Operations Plan. The submission of the revised Agriculture
18 Annex shall be accompanied by proposed legislative amendments, policies, or
19 other actions that the Secretary recommends in order to effectively implement
20 the revised Agriculture Annex.

1

* * * Effective Dates * * *

2

Sec. 12. EFFECTIVE DATES

3

(a) This section and Sec. 10 (hemp) shall take effect on passage.

4

(b) All other sections shall take effect on July 1, 2021.