

1 H.420

2 Introduced by Committee on Agriculture and Forestry

3 Date:

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

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

18 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6 2019 Acts and Resolves No. 83, Sec. 5, is repealed.

Sec. 1a. 6 V.S.A. § 3311a(c) is amended to read:

(c) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter of livestock that occurs in a manner that meets all of the following requirements:

(1) A person or persons purchases livestock from a farmer who raised the livestock.

(2) The farmer is registered with the Secretary, on a form provided by the Secretary, as selling livestock for slaughter under this subsection.

(3) The individual or individuals who purchased the livestock performs the act of slaughtering the livestock, as the owner of the livestock.

(4) The act of slaughter occurs, after approval from the farmer who sold the livestock, on a site on the farm where the livestock was purchased.

(5) The slaughter is conducted under sanitary conditions.

(6) The farmer who sold the livestock to the individual or individuals does not assist in the slaughter of the livestock.

(7) Not more than the following number of livestock per year are slaughtered under this subsection:

(A) ~~15~~ 30 swine;

(B) ~~five~~ 10 cattle;

(C) ~~40~~ 80 sheep or goats; or

(D) any combination of swine, cattle, sheep, or goats, provided that not more than ~~6,000~~ 12,000 pounds of the live weight of livestock are slaughtered per year.

(8) The farmer who sold the livestock to the individual or individuals maintains a record of each slaughter conducted under this subsection and reports quarterly to the Secretary, on a form provided by the Secretary, on or before April 15 for the calendar quarter ending March 31, on or before July 15 for the calendar quarter ending June 30, on or before October 15 for the calendar quarter ending September 30, and on or before January 15 for the calendar quarter ending December 31. If a farmer fails to report slaughter activity conducted under this subsection, the Secretary, in addition to any enforcement action available under this chapter or chapter 1 of this title, may suspend the authority of the farmer to sell animals to an individual or individuals for slaughter under this subsection.

(9) The slaughtered livestock may be halved or quartered by the individual or individuals who purchased the livestock but solely for the

1 application shall be accompanied by a fee of \$175.00 for livestock dealers and
2 packers and \$100.00 for livestock transporters.

3 (b) The Secretary may deny any application for a livestock dealer, packer,
4 or transporter license, after notice and an opportunity for a hearing, whenever
5 the applicant is a person or a representative of a person who has had a
6 livestock dealer, packer, or transporter license suspended or revoked by any
7 state, including Vermont, or any foreign country during the preceding five
8 years or who has been convicted of violating statutes, rules, or regulations of
9 any state or the federal government pertaining to the sale or transportation of
10 livestock or the control of livestock disease. The applicant shall be informed
11 of any denial by letter, which shall include the specific reasons for the denial.
12 The applicant shall have 15 days in which to petition the Secretary for
13 reconsideration. The petition shall be submitted in writing, and the Secretary
14 in his or her discretion may hold a further hearing on the petition for
15 reconsideration. Thereafter, the Secretary shall issue or deny the license and
16 shall inform the applicant in writing of his or her decision and the reasons
17 therefor.

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

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

2 (2) “Commercial weighing and measuring device” shall be construed to
3 include any weight or measure or weighing or measuring device commercially
4 used or employed in establishing the size, quantity, extent, area, or
5 measurement of quantities, things, produce, or articles for distribution or
6 consumption, purchased, offered, or submitted for sale, hire, or award, or in
7 computing any basic charge or payment for services rendered on the basis of
8 weight or measure, and shall also include any accessory attached to or used in
9 connection with a commercial weighing or measuring device when that
10 accessory is so designed or installed that its operation affects, or may affect,
11 the accuracy of the device. “Commercial weighing and measuring device”
12 shall not include:

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

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

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

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

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

1 business of applying manure or ~~nutrients~~ agricultural waste to land, when the
2 employees apply manure or ~~nutrients~~ agricultural waste to land. A
3 certification fee of \$30.00 will be charged annually to all persons meeting this
4 definition.

5 § 4988. CERTIFICATION OF CUSTOM APPLICATOR

6 (a) On or before July 1, 2016, as part of the revision of the Required
7 Agricultural Practices, the Secretary of Agriculture, Food and Markets shall
8 adopt by rule a process by which a custom applicator shall be certified to
9 operate within the State. The certification process shall require a custom
10 applicator to complete eight hours of training over each five-year period
11 regarding:

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

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

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

19 (c) A custom applicator certified under this section shall train seasonal
20 employees in methods or techniques to minimize runoff to surface waters and
21 to identify weather or soil conditions that increase the risk of runoff. A

1 custom applicator that trains a seasonal employee under this subsection shall
2 be liable for damages done and liabilities incurred by a seasonal employee who
3 improperly applies manure or ~~nutrients~~ agricultural waste.

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

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

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

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

19 * * *

20 * * * Non-sewage Waste * * *

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

2 § 4817. MANAGEMENT OF NON-SEWAGE WASTE

3 (a) As used in this section:

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

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

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

15 (1) the composition of the material transported, including the source of
16 the material; and

17 (2) the volume of the material transported.

18 (c) After receipt of a report required under subsection ~~(a)~~ (b) of this
19 section, the Secretary may prohibit the import of non-sewage waste onto a
20 farm upon a determination that the import of the material would violate the

1 nutrient management plan for the farm or otherwise present a threat to water
2 quality.

3 * * * Agricultural Information * * *

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

5 § 61. INFORMATION COLLECTION AND CONFIDENTIALITY

6 The Secretary may collect information on subjects within the jurisdiction of
7 the Agency, including data obtained from questionnaires, surveys, physical
8 samples, databases, and laboratory analyses conducted by the Agency. ~~Such~~
9 This information shall be available upon request to the public, provided that it
10 is presented in a form ~~which~~ that does not disclose the identity of individual
11 persons, households, or businesses from whom the information was obtained,
12 or whose characteristics, activities, or products the information is about.

13 * * * Hemp * * *

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

15 CHAPTER 34. HEMP

16 § 561. FINDINGS; INTENT

17 (a) Findings.

18 (1) Hemp has been continuously cultivated for millennia, is accepted
19 and available in the global marketplace, and has numerous beneficial,
20 practical, and economic uses, including: high-strength fiber, textiles, clothing,
21 biofuel, paper products, protein-rich food containing essential fatty acids and

1 amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
2 products, construction materials, rope, and value-added crafts.

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

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

11 (4) Hemp cultivation will enable the State of Vermont to accelerate
12 economic growth and job creation, promote environmental stewardship, and
13 expand export market opportunities.

14 (5) Section 10113 of the Agriculture Improvement Act of 2018, Pub. L.
15 No. 115-334 authorizes the growing, cultivation, and marketing of industrial
16 hemp under a U.S. Department of Agriculture approved State program.

17 (6) The federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec.
18 7606, codified at 7 U.S.C. § 5940, authorized states, subject to certain
19 requirements, to implement agricultural pilot programs for the growing,
20 cultivation, and marketing of industrial hemp, notwithstanding restrictions
21 under the federal Controlled Substances Act. The pilot program was

1 previously set to expire in 2020, but states may now operate a pilot program in
2 2021. The pilot program and 7 U.S.C. § 5940 are currently scheduled for
3 repeal on January 1, 2022.

4 (b) Purpose. The intent of this chapter is to establish policy and procedures
5 for growing, processing, testing, and marketing hemp and hemp products in
6 Vermont that comply with federal law so that farmers and other businesses in
7 the Vermont agricultural industry can take advantage of this market
8 opportunity.

9 * * *

10 § 563. HEMP; AN AGRICULTURAL PRODUCT

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

17 (b) Alternatively, for as long as federal law authorizes continuation of the
18 hemp pilot program pursuant to the federal Agricultural Act of 2014, Pub. L.
19 No. 113-79, Sec. 7606, as codified at 7 U.S.C. § 5940, the Secretary may
20 continue to operate an agricultural pilot program for hemp as authorized by
21 and in compliance with 7 U.S.C. § 5940, as amended, and the provisions of

1 this chapter. Hemp growers and processors shall also then comply with pilot
2 program federal requirements and the provisions of this chapter. If the
3 Secretary operates a hemp pilot program, the program shall not be subject to
4 the terms of Section 10113 of the Agricultural Improvement Act of 2018,
5 Pub. L. No. 115-334.

6 (c) Notwithstanding any provision of State law to the contrary and
7 notwithstanding the scheduled repeal of 7 U.S.C. § 5940 on January 1, 2022, a
8 person shall not be in violation of the requirements of this chapter if he or she
9 grows or cultivates hemp during the 2021 hemp season or markets hemp
10 grown during the 2021 hemp season in compliance with the terms established
11 by the federal Agricultural Act of 2014.

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

15 * * * Food Security; Emergency Planning * * *

16 Sec. 11. EMERGENCY PLANNING; FOOD SECURITY

17 (a) On or before January 1, 2022, the Secretary of Agriculture, Food and
18 Markets shall update the Agriculture Annex to the State Emergency
19 Management Plan in order to improve the capacity of the State to maintain a
20 sufficient food supply during times of emergency or other food insecurity. The
21 Agency of Agriculture, Food and Markets will work with partners to

1 implement the food security recommendations from the Vermont Agriculture
2 and Food System Strategic Plan (Strategic Plan). As a part of the food
3 security recommendations in the Strategic Plan to ensure that the food supply
4 in Vermont is sufficient to withstand disruptions to global or national food
5 supply chains, the Secretary of Agriculture, Food and Markets shall:

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

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

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

14 (1) food insecure individuals;

15 (2) farmers;

16 (3) retail grocery store owners;

17 (4) food distributors;

18 (5) organizations that serve food insecure individuals;

19 (6) the Department of Emergency Management; and

20 (7) the Agency of Human Services

