

H.420

An act relating to miscellaneous agricultural subjects

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

* * * Personal and Itinerant Slaughter * * *

Sec. 1. REPEAL OF SUNSET; PERSONAL SLAUGHTER

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authority), as amended by 2016 Acts and Resolves No. 98, Sec. 2, and 2019 Acts and Resolves No. 83, Sec. 5, is repealed.

* * * Livestock Dealers * * *

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

§ 761. DEFINITIONS

As used in this chapter:

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

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

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

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

(C) a person who engages in “farming,” as that term is defined in 10 V.S.A. § 6001(22), and who raises, feeds, or manages livestock as part of a farming operation when that person is buying, selling, or transporting livestock for the person’s farm.

* * *

Sec. 3. 6 V.S.A. § 762 is amended to read:

§ 762. LICENSE; FEE

(a) A person shall not carry on the business of a livestock dealer, packer, or transporter without first obtaining a license from the Secretary of Agriculture, Food and Markets. Before the issuance of a license, a person shall file with the Secretary an application for a license on forms provided by the Agency. Each application shall be accompanied by a fee of \$175.00 for livestock dealers and packers and \$100.00 for livestock transporters.

(b) The Secretary may deny any application for a livestock dealer, packer, or transporter license, after notice and an opportunity for a hearing, whenever the applicant is a person or a representative of a person who has had a livestock dealer, packer, or transporter license suspended or revoked by any state, including Vermont, or any foreign country during the preceding five years or

who has been convicted of violating statutes, rules, or regulations of any state or the federal government pertaining to the sale or transportation of livestock or the control of livestock disease. The applicant shall be informed of any denial by letter, which shall include the specific reasons for the denial. The applicant shall have 15 days in which to petition the Secretary for reconsideration. The petition shall be submitted in writing, and the Secretary in his or her discretion may hold a further hearing on the petition for reconsideration. Thereafter, the Secretary shall issue or deny the license and shall inform the applicant in writing of his or her decision and the reasons therefor.

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

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

* * * Veterinarian Loan Repayment * * *

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

§ 20. VERMONT ~~LARGE~~ FOOD ANIMAL VETERINARIAN
EDUCATIONAL LOAN REPAYMENT FUND

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

(b) The Fund shall consist of:

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

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

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

(c) The Agency shall administer the Fund and ~~make sums available for the~~ Secretary of Agriculture, Food and Markets shall have the discretion to provide annual student loan repayment awards to licensed, qualified veterinarians who are significantly dedicated to treating food animals in the State. The Secretary may determine the level of service that qualifies as “significantly dedicated” to treating food animals, may establish additional eligibility requirements, and may create program requirements for all fund recipients. The Agency may contract with a Vermont nonprofit entity for administration of the program, which shall administer awards in compliance with the requirements of Section 108(f) of the Internal Revenue Code.

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

* * * Weights and Measures * * *

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

(2) “Commercial weighing and measuring device” shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in

computing any basic charge or payment for services rendered on the basis of weight or measure, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when that accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device. “Commercial weighing and measuring device” shall not include:

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

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

(C) U.S. Postal Service scales.

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

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

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

* * *

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

* * *

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

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

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* * * Manure Applicator Certification * * *

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

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

Agricultural Waste

§ 4987. DEFINITIONS

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

§ 4988. CERTIFICATION OF CUSTOM APPLICATOR

(a) On or before July 1, 2016, as part of the revision of the Required Agricultural Practices, the Secretary of Agriculture, Food and Markets shall

adopt by rule a process by which a custom applicator shall be certified to operate within the State. The certification process shall require a custom applicator to complete eight hours of training over each five-year period regarding:

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

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

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

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

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

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

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

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

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* * * Non-sewage Waste * * *

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

§ 4817. MANAGEMENT OF NON-SEWAGE WASTE

(a) As used in this section:

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

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

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

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

(2) the volume of the material transported.

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

* * * Agricultural Information * * *

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

§ 61. INFORMATION COLLECTION AND CONFIDENTIALITY

The Secretary may collect information on subjects within the jurisdiction of the Agency, including data obtained from questionnaires, surveys, physical samples, databases, and laboratory analyses conducted by the Agency. ~~Such~~

This information shall be available upon request to the public, provided that it is presented in a form ~~which~~ that does not disclose the identity of individual persons, households, or businesses from whom the information was obtained, or whose characteristics, activities, or products the information is about.

* * * Hemp * * *

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

CHAPTER 34. HEMP

§ 561. FINDINGS; INTENT

(a) Findings.

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

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

(3) The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from four to 15 feet and a stem diameter of one-quarter to three-quarters of an inch is morphologically distinctive and readily identifiable

as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

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

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

(6) The federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec. 7606, codified at 7 U.S.C. § 5940, authorized states, subject to certain requirements, to implement agricultural pilot programs for the growing, cultivation, and marketing of industrial hemp, notwithstanding restrictions under the federal Controlled Substances Act. The pilot program was previously set to expire in 2020, but states may now operate a pilot program in 2021. The pilot program and 7 U.S.C. § 5940 are currently scheduled for repeal on January 1, 2022.

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

* * *

§ 563. HEMP; AN AGRICULTURAL PRODUCT

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

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

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

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

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

* * * Food Security; Emergency Planning * * *

Sec. 11. EMERGENCY PLANNING; FOOD SECURITY

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

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

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

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

- (1) food insecure individuals;
- (2) farmers;
- (3) retail grocery store owners;
- (4) food distributors;
- (5) organizations that serve food insecure individuals;
- (6) the Department of Emergency Management; and
- (7) the Agency of Human Services

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

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

- (a) This section and Sec. 10 (hemp) shall take effect on passage.
- (b) All other sections shall take effect on July 1, 2021.