

1 Introduced by Committee on Agriculture and Forestry

2 Date:

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

4 Statement of purpose of bill as introduced: This bill proposes to make multiple
5 miscellaneous amendments to agricultural subjects. The bill would repeal the
6 sunset provision for personal and itinerant slaughter, clarify the definition of
7 “livestock dealer,” and amend the eligibility requirements for the veterinarian
8 educational loan repayment program. The bill would clarify the jurisdiction of
9 the Agency of Agriculture, Food and Markets over weights and measures,
10 extend the payment for ecosystem services and soil health working group for
11 one year, correct a citation error in a provision adopted last session, and clarify
12 the type of persona or business agricultural records that are exempt from public
13 inspection. The bill would also amend the hemp program to align it with
14 evolving federal law.

15 An act relating to miscellaneous agricultural subjects

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

17 * * * Personal and Itinerant Slaughter * * *

18 Sec. 1. REPEAL OF SUNSET; PERSONAL SLAUGHTER

1 2013 Acts and Resolves No. 83, Sec. 13 (repeal of personal slaughter
2 authority), as amended by 2016 Acts and Resolves No. 98, Sec. 2, and
3 2019 Acts and Resolves No. 83, Sec. 5, is repealed.

4 * * * Livestock Dealers * * *

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

6 § 761. DEFINITIONS

7 As used in this chapter:

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

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

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

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

19 (C) a person who engages in “farming,” as that term is defined in
20 10 V.S.A. § 6001(22), and who raises, feeds, or manages livestock as part of a

1 farming operation when that person is buying, selling, or transporting livestock
2 for the person's farm.

3 * * *

4 * * * Veterinarian Loan Repayment * * *

5 Sec. 3. 6 V.S.A. § 20 is amended to read:

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

7 EDUCATIONAL LOAN REPAYMENT FUND

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

17 (b) The Fund shall consist of:

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

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

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

3 (c) The Agency shall administer the Fund and ~~make sums available for the~~
4 Secretary of Agriculture, Food and Markets shall have the discretion to provide
5 annual student loan repayment awards to licensed, qualified veterinarians who
6 are significantly dedicated to treating food animals in the State. The Secretary
7 may determine the level of service that qualifies as “significantly dedicated” to
8 treating food animals, may establish additional eligibility requirements, and
9 may create program requirements for all fund recipients. The Agency may
10 contract with a Vermont nonprofit entity for administration of the program,
11 which shall administer awards in compliance with the requirements of Section
12 108(f) of the Internal Revenue Code.

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

17 * * * Weights and Measures * * *

18 Sec. 4. 9 V.S.A. § 2651(2) is amended to read:

19 (2) “Commercial weighing and measuring device” shall be construed to
20 include any weight or measure or weighing or measuring device commercially
21 used or employed in establishing the size, quantity, extent, area, or

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

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

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

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

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

16 Sec. 5. 2019 Acts and Resolves No. 83, Sec. 3, as amended by 2020 Acts and
17 Resolves No. 129, Sec. 24, is further amended to read:

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

20 * * *

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

4 * * *

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

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

9 * * *

10 * * * Manure Applicator Certification * * *

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

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

13 Agricultural Waste

14 § 4987. DEFINITIONS

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

1 § 4988. CERTIFICATION OF CUSTOM APPLICATOR

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

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

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

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

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

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

- 1 (1) an owner or operator of a farm applying manure or ~~nutrients~~
2 agricultural waste to a field that he or she owns or controls; or
- 3 (2) application of manure or ~~nutrients~~ agricultural waste by a farm
4 owner or operator on a field of another farm owner or operator when the total
5 annual volume applied is less than 50 percent of the annual manure or
6 agricultural waste by volume generated on the farm where the manure or
7 agricultural waste is spread, provided that the Secretary may approve the
8 application of more than 50 percent of the annual manure or agricultural waste
9 generated on a farm by another farm operator when circumstances require and
10 application of the manure or agricultural waste would not pose a significant
11 potential of discharge or runoff to State waters.

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

15 * * *

16 * * * Non-sewage Waste * * *

17 Sec. 7. 6 V.S.A. § 4817 is amended to read:

18 § 4817. MANAGEMENT OF NON-SEWAGE WASTE

19 (a) As used in this section:

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

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

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

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

14 (2) the volume of the material transported.

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

19 * * * Agricultural Information * * *

20 Sec. 8. 6 V.S.A. § 61 is amended to read:

21 § 61. INFORMATION COLLECTION AND CONFIDENTIALITY

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

8 * * * Hemp * * *

9 Sec. 9. 6 V.S.A. chapter 34 is amended to read:

10 CHAPTER 34. HEMP

11 § 561. FINDINGS; INTENT

12 (a) Findings.

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

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

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

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

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

12 (6) The federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec. 7606,
13 codified at 7 U.S.C. § 5940, authorized states, subject to certain requirements,
14 to implement agricultural pilot programs for the growing, cultivation, and
15 marketing of industrial hemp, notwithstanding restrictions under the federal
16 Controlled Substances Act. The pilot program was previously set to expire in
17 2020, but states may now operate a pilot program in 2021. The pilot program
18 and 7 U.S.C. § 5940 are currently scheduled for repeal on September 30, 2021.

19 (b) Purpose. The intent of this chapter is to establish policy and procedures
20 for growing, processing, testing, and marketing hemp and hemp products in
21 Vermont that comply with federal law so that farmers and other businesses in

1 the Vermont agricultural industry can take advantage of this market
2 opportunity.

3 * * *

4 § 563. HEMP; AN AGRICULTURAL PRODUCT

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

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

