

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 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, and clarify the agricultural records that are exempt from public
12 inspection. The bill would amend the hemp program to align it with evolving
13 federal law. The bill would also update the Agriculture Annex to the State
14 Emergency Operations Plan to improve the capacity of the State to maintain a
15 sufficient food supply during times of emergency or other food insecurity.

16 An act relating to miscellaneous agricultural subjects

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

18 * * * Personal and Itinerant Slaughter * * *

19 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3 2019 Acts and Resolves No. 83, Sec. 5, is repealed.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 Sec. 3. 6 V.S.A. § 762 is amended to read:

5 § 762. LICENSE; FEE

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

12 (b) The Secretary may deny any application for a livestock dealer, packer,
13 or transporter license, after notice and an opportunity for a hearing, whenever
14 the applicant is a person or a representative of a person who has had a livestock
15 dealer, packer, or transporter license suspended or revoked by any state,
16 including Vermont, or any foreign country during the preceding five years or
17 who has been convicted of violating statutes, rules, or regulations of any state
18 or the federal government pertaining to the sale or transportation of livestock
19 or the control of livestock disease. The applicant shall be informed of any
20 denial by letter, which shall include the specific reasons for the denial. The
21 applicant shall have 15 days in which to petition the Secretary for

1 reconsideration. The petition shall be submitted in writing, and the Secretary
2 in his or her discretion may hold a further hearing on the petition for
3 reconsideration. Thereafter, the Secretary shall issue or deny the license and
4 shall inform the applicant in writing of his or her decision and the reasons
5 therefor.

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

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

15 * * * Veterinarian Loan Repayment * * *

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

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

18 EDUCATIONAL LOAN REPAYMENT FUND

19 (a) There is created a special fund to be known as the Vermont ~~Large Food~~
20 Animal Veterinarian Educational Loan Repayment Fund that shall be used for
21 the purpose of ensuring a stable and adequate supply of ~~large food~~ food animal

1 veterinarians in regions of the State as determined by the Secretary. The Fund
2 shall be established and held separate and apart from any other funds or monies
3 of the State and shall be used and administered exclusively for the purpose of
4 this section. The money in the Fund shall be invested in the same manner as
5 permitted for investment of funds belonging to the State or held in the
6 Treasury.

7 (b) The Fund shall consist of:

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

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

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

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

1 which shall administer awards in compliance with the requirements of Section
2 108(f) of the Internal Revenue Code.

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

7 * * * Weights and Measures * * *

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

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

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

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

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

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

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

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

12 * * *

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

16 * * *

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

18 (d) On or before January 15, ~~2022~~ 2023, the Secretary of Agriculture, Food
19 and Markets shall submit to the Senate Committee on Agriculture and the
20 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 (1) application methods or techniques to minimize the runoff of land-
2 applied manure or ~~nutrients~~ agricultural waste to waters of the State; and

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

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

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

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

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

17 (2) application of manure or ~~nutrients~~ agricultural waste by a farm
18 owner or operator on a field of another farm owner or operator when the total
19 annual volume applied is less than 50 percent of the annual manure or
20 agricultural waste by volume generated on the farm where the manure or
21 agricultural waste is spread, provided that the Secretary may approve the

1 application of more than 50 percent of the annual manure or agricultural waste
2 generated on a farm by another farm operator when circumstances require and
3 application of the manure or agricultural waste would not pose a significant
4 potential of discharge or runoff to State waters.

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

8 * * *

9 * * * Non-sewage Waste * * *

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

11 § 4817. MANAGEMENT OF NON-SEWAGE WASTE

12 (a) As used in this section:

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

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

20 (b) The Secretary may require a person transporting or arranging for the
21 transport of non-sewage waste to a farm for deposit in a manure pit or for use

1 as an input in a methane digester to report to the Secretary one or more of the
2 following:

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

5 (2) the volume of the material transported.

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

10 * * * Agricultural Information * * *

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

12 § 61. INFORMATION COLLECTION AND CONFIDENTIALITY

13 The Secretary may collect information on subjects within the jurisdiction of
14 the Agency, including data obtained from questionnaires, surveys, physical
15 samples, databases, and laboratory analyses conducted by the Agency. ~~Such~~
16 This information shall be available upon request to the public, provided that it
17 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 (4) Hemp cultivation will enable the State of Vermont to accelerate
2 economic growth and job creation, promote environmental stewardship, and
3 expand export market opportunities.

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

7 (6) The federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec. 7606,
8 codified at 7 U.S.C. § 5940, authorized states, subject to certain requirements,
9 to implement agricultural pilot programs for the growing, cultivation, and
10 marketing of industrial hemp, notwithstanding restrictions under the federal
11 Controlled Substances Act. The pilot program was previously set to expire in
12 2020, but states may now operate a pilot program in 2021. The pilot program
13 and 7 U.S.C. § 5940 are currently scheduled for repeal on **January 1, 2022.**

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

19 * * *

20 § 563. HEMP; AN AGRICULTURAL PRODUCT

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

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

17 (c) Notwithstanding any provision of State law to the contrary and
18 notwithstanding the scheduled repeal of 7 U.S.C. § 5940 on **January 1, 2022**, a
19 person shall not be in violation of the requirements of this chapter if he or she
20 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 Operations
10 Plan in order to improve the capacity of the State to maintain a sufficient food
11 supply during times of emergency or other food insecurity. The Agency of
12 Agriculture, Food and Markets will work with partners to implement the food
13 security recommendations from the Vermont Agriculture and Food System
14 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 * * *

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Sec. 12. EFFECTIVE DATES

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

4

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