

1 H.877

2 Introduced by Committee on Agriculture, Food Resiliency, and Forestry

3 Date:

4 Subject: Agriculture; water quality; weights and measures; pesticide
5 certification; fertilizer

6 Statement of purpose of bill as introduced: This bill proposes to make
7 multiple miscellaneous changes to agricultural statutes. The bill would amend
8 eligibility requirements for the Farm Agronomic Practices Program. The bill
9 would adopt additional national standards under the weights and measures
10 standards. In addition, the bill would amend how training can be provided for
11 certified pesticide applicators. The bill would also amend provisions related to
12 mosquito control and provisions related to the regulation of fertilizer, limes,
13 plant amendment, plant biostimulants, and soil amendments.

14 An act relating to miscellaneous agricultural subjects

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

16 * * * Agricultural Water Quality * * *

17 Sec. 1. 6 V.S.A. § 4832 is amended to read:

18 § 4832. FARM AGRONOMIC PRACTICES PROGRAM

1 The Farm Agronomic Practices Program is created in the Agency of
2 Agriculture, Food and Markets to ~~provide the farms of Vermont with State~~
3 ~~financial assistance for the implementation, including through education,~~
4 ~~training, or instruction, of soil-based practices that improve soil quality and~~
5 ~~nutrient retention, increase crop production, minimize erosion potential, and~~
6 ~~reduce agricultural waste discharges. The following practices may be eligible~~
7 ~~for assistance to farms under the Grant Program~~ promote soil-based practices
8 that improve soil quality and nutrient retention, increase crop production,
9 minimize erosion potential, and reduce agricultural waste discharges.
10 Financial assistance for related education, training, or instruction may be
11 available under the Program to Vermont farms, agricultural service providers,
12 and agricultural nonprofit organizations. Vermont farms may also receive
13 financial assistance for the following eligible practices:

- 14 (1) conservation crop rotation;
- 15 (2) cover cropping;
- 16 (3) strip cropping;
- 17 (4) cross-slope tillage;
- 18 (5) zone or no-tillage;
- 19 (6) pre-sidedress nitrate tests; and

1 (7) additional soil-based practices that improve soil quality and nutrient
2 retention, increase crop production, minimize erosion potential, and reduce
3 agricultural waste discharges.

4 * * * Weights and Measures * * *

5 Sec. 2. 9 V.S.A. § 2633 is amended to read:

6 § 2633. SPECIFIC POWERS AND DUTIES OF SECRETARY;

7 REGULATIONS RULES

8 (a) The Secretary shall issue from time to time reasonable ~~regulations~~ rules
9 for the enforcement of this chapter, which ~~regulations~~ rules shall have the
10 force and effect of law. ~~These regulations~~ The rules may include (1) standards
11 of net weight, measure, or count, and reasonable standards of fill, for any
12 commodity in package form, (2) rules governing the technical and reporting
13 procedures to be followed and the report and record forms and marks of
14 approval and rejection to be used by inspectors of weights and measures in the
15 discharge of their official duties, (3) exemptions from the sealing or marking
16 requirements of section 2639 of this title with respect to weights and measures
17 of such character or size that such sealing or marking would be inappropriate,
18 impracticable, or damaging to the apparatus in question. ~~These regulations~~
19 rules shall include specifications, tolerances, and other technical requirements
20 for weights and measures of the character of those specified in section 2635 of
21 this title, designed to eliminate from use, without prejudice to apparatus that

1 conforms as closely as practicable to the official standards, those (1) that are
2 not accurate, (2) that are of such construction that they are faulty², that is, that
3 are not reasonably permanent in their adjustment or will not repeat their
4 indications correctly², or (3) that facilitate the perpetration of fraud.

5 (b) The specifications, tolerances, and other technical requirements for
6 commercial, law enforcement, data gathering, and other weighing and
7 measuring devices, as adopted by the National Conference on Weights and
8 Measures and published in National Institute of Standards and Technology
9 Handbook 44, “Specifications, Tolerances, and other Technical Requirements
10 for Weighing and Measuring Devices,” and supplements thereto, or revisions
11 thereof, shall apply to weighing and measuring devices in the State, except
12 insofar as modified or rejected by regulation.

13 (c) The uniform regulation for packaging and labeling, the uniform
14 regulation for unit pricing, the uniform regulation for national type evaluation,
15 and the uniform regulation for the method of sale of commodities, except for
16 bread, as adopted by the National Conference on Weights and Measures, and
17 published by the National Institute of Standards and Technology Handbook
18 130, “Uniform Laws and Regulations,” together with amendments,
19 supplements, and revisions thereto, are adopted as part of this chapter except
20 as modified or rejected by ~~regulation~~ rule.

1 * * * Contagious Diseases and Animal Movement * * *

2 Sec. 3. 6 V.S.A. § 1459 is amended to read:

3 § 1459. DEFINITIONS

4 As used in this chapter:

5 (1) “Commercial slaughter facility” ~~shall have~~ has the same meaning as
6 “commercial slaughterhouse” set forth in section 3302 of this title.

7 (2) “Livestock” ~~shall have~~ has the same meaning as set forth in section
8 ~~3302~~ 761 of this title.

9 (3) “Offloaded” means removed or otherwise taken off or away from
10 the conveyance of transport.

11 (4) “Poultry” ~~shall have the same meaning as set forth in section 3302~~
12 ~~of this title~~ means any domesticated bird.

13 (5) “Reactor” means livestock or poultry that test positive to a test
14 required under this chapter.

15 (6) “Suspect” means livestock or poultry that are tested under a
16 requirement in this chapter and are not classified as testing positive or
17 negative.

18 * * * Pesticide Application * * *

19 Sec. 4. 6 V.S.A. § 1112 is amended to read:

20 § 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE

21 COMPANIES; DEALERS

1 (a) The Secretary may adopt rules requiring persons selling Class A and B
2 pesticides to be licensed under this chapter. In addition, the Secretary may
3 adopt rules requiring companies that hire applicators or conduct pesticide
4 applications to be licensed and applicators who use pesticides to be certified
5 under this chapter. The Secretary may establish reasonable requirements for
6 obtaining licenses and certificates. The fees for dealers, licensed companies,
7 and applicator certificates under this chapter shall be as follows:

8 (1) Class A Dealer License—\$50.00;

9 (2) Class B Dealer License—\$50.00;

10 (3) Pesticide Company License—\$75.00;

11 (4) Commercial and Noncommercial Applicator Certification fee—
12 \$30.00 per category or subcategory with a maximum of \$120.00;

13 (5) second and third time examination fee for dealer licenses and
14 applicator certification—\$25.00;

15 (6) Private Applicator—\$25.00; and

16 (7) State Government, Municipal, and Public Education Institution
17 Applicators—\$30.00.

18 (b) All license and certification fees shall be for one year or any part
19 thereof for each dealer, licensed pesticide applicator company, or certified
20 commercial and noncommercial applicator. The license and certification
21 period shall be January 1 to December 31.

1 (c) Notwithstanding the fees provided in subsection (a) of this section, the
2 Secretary shall exempt the federal government and its agencies and
3 instrumentalities from license and certification fees.

4 ~~(d) The Secretary may charge an additional fee to applicants who prefer to
5 utilize an electronic or alternate testing service for their pesticide certification
6 or licensing examinations. The Secretary may contract with a vendor to
7 administer examinations and may charge applicants a fee that is reasonably
8 related to the cost of the contracted services. The Secretary shall continue to
9 administer in-person examinations that do not include any additional fee for an
10 electronic or alternate testing service.~~

*(d) The Secretary may charge a fee of up to \$75.00 to applicants who
prefer to utilize an electronic or alternate testing service for their pesticide
certification or licensing examinations. The Secretary may contract with a
vendor to administer examinations. The Secretary shall continue to administer
in-person examinations that do not include any additional fee for an electronic
or alternate testing service.*

Sec. 4a. REPORT ON FEE FOR ELECTRONIC PESTICIDE

CERTIFICATION

*On or before December 15, 2024, the Secretary of Agriculture, Food and
Markets shall submit to the House Committee on Ways and Means and the
Senate Committee on Finance a proposed fee for the electronic administration*

1 carbonate and magnesium carbonate, or both, shall be expressed in the
2 following terms:

3 * * *

4 Sec. 8. 6 V.S.A. § 375 is amended to read:

5 § 375. CANCELLATION OF REGISTRATION

6 The Secretary is authorized to cancel or suspend the registration of any
7 fertilizer, plant amendment, plant biostimulant, soil amendment, or lime or
8 refuse a registration application if ~~he or she finds that~~ the provisions of this
9 chapter or the rules adopted under this chapter have been violated, provided
10 that no registration shall be revoked or refused without a hearing before the
11 Secretary.

12 Sec. 9. 6 V.S.A. § 376(a) is amended to read:

13 (a) Withdrawal from distribution orders. When the Secretary has
14 reasonable cause to believe any lot of fertilizer, plant amendment, plant
15 biostimulant, soil amendment, or lime is being distributed in violation of any
16 of the provisions of this chapter or any of the rules under this chapter, ~~he or~~
17 ~~she~~ the Secretary may issue and enforce a written or printed “withdrawal from
18 distribution” order, warning the distributor not to dispose of the lot of
19 fertilizer, plant amendment, plant biostimulant, soil amendment, or lime in any
20 manner until written permission is given by the Secretary or the court. The
21 Secretary shall release the lot of fertilizer, plant amendment, plant

1 biostimulant, soil amendment, or lime withdrawn when this chapter and rules
2 have been complied with. If compliance is not obtained within 30 days, the
3 Secretary may begin, or upon request of the distributor or registrant shall
4 begin, proceedings for condemnation.

5 ~~*** Effective Date ***~~

6 Sec. 10. EFFECTIVE DATE

7 ~~This act shall take effect on July 1, 2024.~~

**** Animals at Large ****

Sec. 10. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

(21) To regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, subject to the limitations of 13 V.S.A. § 351b and the requirement of 13 V.S.A. § 354(a), and consistent with the rules adopted by the Secretary of Agriculture, Food and Markets, pursuant to 13 V.S.A. § 352b(a), the welfare of animals in the municipality. Such ordinance may be enforced by humane officers as defined in 13 V.S.A. § 351, if authorized to do so by the municipality.

* * *

(30) To regulate by means of an ordinance adopted pursuant to chapter 59 of this title regarding the control of livestock running at large. As used in this subdivision:

(A) “Livestock” has the same meaning as in 6 V.S.A. § 761.

(B) “Livestock running at large” means any livestock found or being on any public land or public way, or land belonging to a person other than the owner of the livestock, without the landowner’s permission.

(C) “Public way” has the same meaning as in section 2501a of this title.

Sec. 11. 20 V.S.A. chapter 191, subchapter 1 is amended to read:

Subchapter 1. General Provisions

§ 3341. CATTLE, HORSES, SHEEP, GOATS, OR SWINE

A person who knowingly permits cattle, horses, sheep, goats, or swine to run at large in a public highway or yard belonging to a public building without the consent of the selectboard shall be fined by a law enforcement officer or by a municipal officer or employee not more than \$10.00 \$100.00 nor less than \$3.00 \$50.00 for each animal running at large.

§ 3342. PUBLIC PARK, COMMON, OR GREEN

A person who permits cattle, horses, sheep, goats, or swine to run at large in a public park, common, or green without the consent of the selectboard shall

be fined by a law enforcement officer or by a municipal officer or employee not more than ~~\$25.00~~ \$100.00 nor less than ~~\$5.00~~ \$50.00 for each animal running at large.

§ 3343. *YARD OF TOWNHOUSE MUNICIPAL BUILDING, CHURCH,
OR SCHOOLHOUSE*

A person who turns cattle, horses, sheep, goats, or swine into a yard ~~belonging to a townhouse~~ of a municipal building, church, or schoolhouse, which is properly enclosed, or knowingly permits them to run in such a yard, shall be fined by a law enforcement officer or by a municipal officer or employee not more than ~~\$10.00~~ \$100.00 nor less than ~~\$3.00~~ \$50.00 for each animal running at large.

§ 3344. *BURIAL GROUND*

A person who knowingly turns cattle, horses, sheep, goats, or swine into a properly enclosed burial ground, or who knowingly permits them to run within a properly enclosed burial ground, shall be fined ~~\$25.00~~ by a law enforcement officer or by a municipal officer or employee not more than \$100.00 nor less than \$50.00 for each animal running at large.

§ 3345. *LAND OR PREMISES OF ANOTHER*

A person who knowingly permits ~~his or her~~ the person's cattle, horses, sheep, goats, swine, or domestic fowls to go upon the lands or premises of another, after the latter has given the owner notice thereof, shall be fined by a

law enforcement officer or by a municipal officer or employee not more than \$10.00 \$100.00 nor less than \$2.00 \$50.00 for each animal running at large.
Such person shall also be liable for the damages suffered, which may be recovered in a civil action.

§ 3346. *BULLS*

The owner or keeper of a bull may be fined by a law enforcement officer or by a municipal officer or employee not more than \$100.00 nor less than \$50.00 if such bull is more than nine months old and found unattended outside the premises owned or occupied by the owner or keeper of such bull and shall be liable to a party damaged by such bull while outside the premises of such owner or keeper. The damages may be recovered in a civil action.

* * *

Sec. 12. [Deleted.]

** * * Hemp; Cannabis Regulation * * **

Sec. 13. 6 V.S.A. § 562(4) is amended to read:

(4)(A) “Hemp products” or “hemp-infused products” means all products with the federally defined tetrahydrocannabinol concentration level for hemp derived from, or made by, processing hemp plants or plant parts, which are prepared in a form available for commercial sale, including cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, construction materials, plastics, and

any product containing one or more hemp-derived cannabinoids, such as cannabidiol.

(B) Notwithstanding subdivision (A) of this subdivision (4), “hemp products” and “hemp-infused products” do not include any substance, manufacturing intermediary, or product that:

(i) is prohibited or deemed a regulated cannabis product by administrative rule of the Cannabis Control Board; or

(ii) contains more than 0.3 percent total tetrahydrocannabinol on a dry-weight basis.

(C) A hemp-derived product or substance that is excluded from the definition of “hemp products” or “hemp-infused products” pursuant to subdivision (B) of this subdivision (4) shall be considered a cannabis product as defined by 7 V.S.A. § 831(3); provided, however, that a person duly licensed or registered by the Cannabis Control Board lawfully may possess such products in conformity with the person’s license or hemp processor registration.

Sec. 14. 20 V.S.A. § 2730(b) is amended to read:

(b) The term “public building” does not include:

** * **

(5) A building that is used in the outdoor cultivation of cannabis by a person licensed pursuant to 7 V.S.A. chapter 33 in accordance with such

chapter and related rules with fewer than the equivalent of 10 full-time employees who are not family members and who do not work more than 26 weeks a year.

* * * *Effective Date* * * *

Sec. 15. EFFECTIVE DATE

This act shall take effect on July 1, 2024.