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S.301

An act relating to miscellaneous agricultural subjects

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

* * * Agricultural Water Quality * * *

Sec. 1. 6 V.S.A. § 4831 is amended to read:

§ 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

(a) The Secretary of Agriculture, Food and Markets is authorized to develop a Vermont Critical Source Area Seeding and Filter Strip Program in addition to the federal Conservation Reserve Enhancement Program in order to compensate farmers for establishing and maintaining harvestable perennial vegetative grassed waterways and filter strips on agricultural cropland perpendicular and adjacent to the surface waters of the State, including ditches. Eligible acreage ~~would include~~ includes annually tilled cropland or a portion of cropland currently cropped as hay ~~that will not be rotated into an annual crop for a 10-year period of time~~. Acreage that is currently managed as hay shall have a prior history of rotation as corn or other annual commodity crop.

(b) Incentive payments from the Agency of Agriculture, Food and Markets shall be made at the outset of a ~~10-year~~ grant agreement to establish or maintain the acreage as harvestable grassed waterway or filter strip.

1 (c) The Secretary of Agriculture, Food and Markets may establish by
2 procedure financial and technical criteria for the implementation and operation
3 of the Vermont Critical Source Area Seeding and Filter Strip Program.

4 (d) Land enrolled in the Vermont agricultural buffer program shall be
5 considered to be in “active use” as that term is defined in 32 V.S.A.
6 § 3752(15).

7 * * * Agricultural Warehouses * * *

8 Sec. 2. 6 V.S.A. chapter 67 is amended to read:

9 CHAPTER 67. PUBLIC WAREHOUSES THAT STORE FARM
10 PRODUCTS

11 § 891. LICENSE

12 Excepting frozen food locker plants, any person, as defined in 9A V.S.A.
13 §§ 1-201 and 7-102, who stores ~~milk, cream, butter, cheese, eggs, meat,~~
14 ~~poultry, and fruit~~ eggs, as that term is defined in chapter 27 of this title, or
15 produce, as that term is defined in section 851 of this title, for hire in quantities
16 of 1,000 pounds or more ~~of any commodity~~ shall first be licensed by the
17 Secretary of Agriculture, Food and Markets. Each separate place of business
18 shall be licensed.

19 § 892. REQUIREMENTS

20 Before licensing ~~such places~~ a place of business under this chapter, the
21 Secretary of Agriculture, Food and Markets shall ~~satisfy himself or herself~~ be

1 satisfied as to the condition of the building, sanitation, refrigeration, and the
2 general safety of the stored goods under the rules and requirements that ~~he or~~
3 ~~she~~ the Secretary may deem proper.

4 § 893. APPLICATION FORMS; FEE

5 The Secretary of Agriculture, Food and Markets shall furnish necessary
6 application forms. The annual license date shall be ~~April 1~~ January 1. The
7 annual license fee shall be \$125.00.

8 Sec. 3. 6 V.S.A. § 2672(5) is amended to read:

9 (5) “Milk handler” or “handler” is a person, firm, unincorporated
10 association, or corporation engaged in the business of buying, selling,
11 assembling, packaging, storing, or processing milk or other dairy products for
12 sale within the State of Vermont or outside the State. “Milk handler” or
13 “handler” does not mean a milk producer.

14 Sec. 4. 6 V.S.A. § 2721 is amended to read:

15 § 2721. HANDLERS’ LICENSES

16 (a) The Secretary may classify and issue licenses to milk handlers to carry
17 on dairy product handling businesses, including the purchase, distribution,
18 storage, or sale of milk or milk products, processing or manufacturing of milk
19 or milk products, including the pasteurization of frozen dessert mixes,
20 transport of milk and milk products, bargaining and collecting for the sale of
21 milk and milk products, and dealing in or brokering milk or milk products.

1 (b) A milk handler shall not transact business in the State unless the milk
2 handler secures and holds a handler's license from the Secretary. The license
3 shall terminate September 1 each year and shall be procured by August 15 of
4 each year. The Secretary shall furnish all forms for applications, licenses, and
5 bonds. At the time the application is delivered to the Secretary, the milk
6 handler shall pay a license application fee of \$50.00 for an initial application
7 and a license fee based on the following table. For a renewal application, only
8 the fee in the table applies. Out-of-state firms shall use the company's highest
9 total pounds of milk or dairy products bought, sold, packaged, assembled,
10 transported, stored, or processed per production day.

11 Pounds of milk or dairy products bought, sold, 12 packaged, assembled, transported, <u>stored</u> , or 13 processed per production day:	License handling fee
14 500 pounds or less	\$ 60.00
15 Over 500 but less than 10,000 pounds	\$ 200.00
16 10,000 to 50,000 pounds	\$ 350.00
17 Over 50,000 but less than 100,000 pounds	\$ 750.00
18 100,000 to 500,000 pounds	\$1,000.00
19 Over 500,000 pounds	\$1,500.00
20 Processor fee per pasteurizer	\$ 75.00

1 (c) Notwithstanding subsection (b) of this section, the license handling fees
2 only for the transportation of bulk milk shall be capped at \$750.00 per year,
3 and the license handling fees for milk producers who exclusively transport
4 their own bulk milk shall be capped at \$25.00 per year.

5 Sec. 5. 6 V.S.A. § 3302(36) is amended to read:

6 (36) “Public ~~warehouseman~~ warehouse operator” means any person who
7 acts as a temporary custodian of meat, meat food product, or poultry product
8 stored in that person’s warehouse for a fee.

9 Sec. 6. 6 V.S.A. § 3306 is amended to read:

10 § 3306. LICENSING

11 (a) No person shall engage in intrastate commerce in the business of
12 buying, selling, preparing, processing, packing, storing, transporting, or
13 otherwise handling meat, meat food products, or poultry products, unless that
14 person holds a valid license issued under this chapter. Categories of licensure
15 shall include commercial slaughterers; custom slaughterers; commercial
16 processors; custom processors; wholesale distributors; retail vendors; meat and
17 poultry product brokers; renderers; public warehouse operators; animal food
18 manufacturers; handlers of dead, dying, disabled, or diseased animals; and any
19 other category that the Secretary may by rule establish.

20 * * *

1 (d) The annual fee for a license for a retail vendor is \$15.00 for vendors
2 without meat processing operations, \$50.00 for vendors with meat processing
3 space of less than 300 square feet or meat display space of less than 20 linear
4 feet, and \$100.00 for vendors with 300 or more square feet of meat processing
5 space or 20 or more linear feet of meat display space. Fees collected under this
6 section shall be deposited in a special fund managed pursuant to 32 V.S.A.
7 chapter 7, subchapter 5 and shall be available to the Agency to offset the cost
8 of administering chapter 204 of this title. For all other plants, establishments,
9 and related businesses listed under subsection (a) of this section, ~~except for a~~
10 ~~public warehouse licensed under chapter 67 of this title,~~ the annual license fee
11 shall be \$150.00.

12 * * *

13 * * * Livestock Dealers * * *

14 Sec. 7. 6 V.S.A. § 761 is amended to read:

15 § 761. DEFINITIONS

16 As used in this chapter:

17 (1) “Camelids” has the same meaning as in section 1151 of this title.

18 (2) “Domestic deer” has the same meaning as in section 1151 of this
19 title.

20 (3) “Equines” has the same meaning as in section 1151 of this title.

1 (4) “Livestock” means cattle, ~~horses~~ equines, sheep, swine, goats,
2 camelids, ~~fallow deer, red deer, reindeer, and~~ domestic deer, American bison,
3 and any other domestic animal that the Secretary deems livestock for the
4 purposes of this chapter.

5 (2)(5) “Livestock dealer” means a person who, on the person’s own
6 account or for commission, goes from place to place buying, selling, or
7 transporting livestock either directly or through online or other remote
8 transaction, or who operates a livestock auction or sales ring, provided that
9 “livestock dealer” shall not mean:

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

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

13 (C) a person who engages in “farming,” as that term is defined in
14 10 V.S.A. § 6001(22), and who raises, feeds, or manages livestock as part of a
15 farming operation when that person is buying, selling, or transporting livestock
16 for the person’s farm.

17 (3)(6) “Packer” means a ~~livestock dealer~~ person who is solely involved
18 in the purchase of livestock for purpose of slaughter at ~~his or her~~ the person’s
19 own slaughter facility.

20 (4)(7) “Person” means any individual, partnership, unincorporated
21 association, or corporation.

1 ~~(5)(8)~~ “Transporter” means a ~~livestock dealer who limits his or her~~
2 ~~activity to transporting~~ person who transports livestock for remuneration and
3 ~~who does not buy or sell livestock~~. A transporter ~~cannot buy or sell livestock~~
4 ~~and~~ is not required to be bonded.

5 Sec. 8. 6 V.S.A. § 762(a) is amended to read:

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 each applicable license, a person
9 shall file an application on Agency-provided forms with the Secretary ~~an~~
10 ~~application for a license on forms provided by the Agency~~. Each application
11 shall be accompanied by a fee of \$175.00 for livestock dealers and packers and
12 \$100.00 for livestock transporters.

13 * * * Contagious Diseases and Animal Movement * * *

14 Sec. 9. 6 V.S.A. § 1151 is amended to read:

15 § 1151. DEFINITIONS

16 As used in this part:

17 (1) “Accredited veterinarian” means a veterinarian approved by the U.S.
18 Department of Agriculture and the State Veterinarian to perform functions
19 specified by cooperative state-federal disease control programs.

20 (2) “Animal” or “domestic animal” means cattle, sheep, goats, equines,
21 domestic deer, American bison, swine, poultry, ~~pheasant, Chukar partridge,~~

1 ~~Coturnix quail~~, psittacine birds, domestic ferrets, camelids, ratites (ostriches,
2 rheas, and emus), ~~and~~ water buffalo, and any other animals that the Secretary
3 deems a domestic animal for the purposes of this chapter. ~~The term shall~~
4 ~~include cultured fish propagated by commercial fish farms.~~ Before
5 determining that an unlisted species is a “domestic animal,” the Secretary shall
6 consult with the Secretary of Natural Resources.

7 * * *

8 (7) ~~“Deer”~~ “Domestic deer” means any member of the family cervidae
9 except for white-tailed deer and moose.

10 (8) “Domestic fowl” or “poultry” means all domesticated birds of all
11 ages that ~~may be used~~ are edible as human food, or that produce eggs that ~~may~~
12 ~~be used~~ are edible as human food, excluding ~~those birds protected~~ wildlife as
13 defined by 10 V.S.A. ~~part 4~~ § 4001.

14 (9) ~~“Equine animal” means~~ “Equines” mean any member of the family
15 equidae, including horses, ponies, mules, asses, and zebras.

16 (10) ~~“Fallow deer” means domesticated deer of the genus Dama, species~~
17 ~~dama.~~

18 (11) ~~“Red deer” means domesticated deer of the family cervidae,~~
19 ~~subfamily cervidae, genus Cervus, species elaphus.~~

20 (12)(11) “Reactor” means an animal that tests positive to any official
21 test required under this chapter.

1 ~~(13)~~(12) “Reportable disease” means any disease included in the
2 National List of Reportable Animal Diseases and any disease required by the
3 Secretary by rule to be reportable.

4 ~~(14)~~(13) “Secretary” means the Secretary of Agriculture, Food and
5 Markets or designee.

6 Sec. 10. 6 V.S.A. § 1153 is amended to read:

7 § 1153. RULES

8 (a) The Secretary shall adopt rules necessary for the discovery, control, and
9 eradication of contagious diseases and for the slaughter, disposal, quarantine,
10 vaccination, and transportation of animals found to be diseased or exposed to a
11 contagious disease. The Secretary may also adopt rules requiring the
12 disinfection and sanitation of real estate, buildings, vehicles, containers, and
13 equipment that have been associated with diseased livestock.

14 (b) The Secretary shall adopt rules establishing fencing and transportation
15 requirements for domestic deer.

16 (c) The Secretary shall adopt rules necessary for the inventory, registration,
17 tracking, and testing of domestic deer.

18 Sec. 11. 6 V.S.A. § 1165 is amended to read:

19 § 1165. TESTING OF CAPTIVE DEER

20 (a) Definitions. As used in this section:

1 (1) “Captive deer operation” means a place where domestic deer are
2 privately or publicly maintained, in an artificial manner, or held for economic
3 or other purposes within a perimeter fence or confined space.

4 (2) “Chronic wasting disease” or “CWD” means a transmissible
5 spongiform encephalopathy.

6 (b) Testing. A person operating a captive deer operation under the
7 jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the
8 Secretary when a captive deer in ~~his or her~~ the person’s control dies or is sent
9 to slaughter. The person operating the captive deer operation shall make the
10 carcass of a deceased or slaughtered animal available to the Secretary for
11 testing for CWD.

12 (c) Cost. The cost of CWD testing required under this section shall be
13 assessed to the person operating the captive deer operation from which the
14 tested captive deer originated.

15 * * * Pesticides; Mosquito Control; Rodenticides * * *

16 Sec. 12. 6 V.S.A. § 1083 is amended to read:

17 § 1083. DUTIES OF SECRETARY OF AGRICULTURE, FOOD AND
18 MARKETS; AUTHORITY OF LANDOWNERS TO USE
19 MOSQUITO CONTROLS

20 (a) The Secretary of Agriculture, Food and Markets ~~shall~~ may personally or
21 through the Secretary’s duly authorized agents:

1 (1) Survey swamps or other sections within the State suspected of being
2 mosquito or other biting arthropod breeding areas.

3 (2) Map each section so surveyed, indicate all mosquito or other biting
4 arthropod breeding places and determine methods best adapted for mosquito or
5 other biting arthropod abatement in the areas by drainage, ~~oiling~~ habitat
6 modification, or other means.

7 (3) Investigate the mosquito or other biting arthropod life history and
8 habits and determine the species present within the areas, and make any other
9 studies ~~he or she~~ the Secretary deems necessary to provide useful information
10 in mosquito or other biting arthropod abatement.

11 (4) Make the results of the Secretary's surveys, investigations, and
12 studies available to the Department of Health; or relevant selectboard
13 ~~members, or mayors of towns or cities, as the case may be, in which work was~~
14 ~~done~~; and shall do so also upon request, shall make those results available to
15 any organizations, ~~public or private~~, or individuals interested in mosquito or
16 other biting arthropod ~~control~~ surveillance work.

17 (5) Issue or deny permits to any person for the use of larvicides or
18 pupacides for mosquito control in the waters of the State pursuant to
19 procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include
20 provisions regarding an opportunity for public review and comment on permit
21 applications. Persons applying for a permit shall apply on a form provided by

1 the Agency. ~~The Secretary shall seek the advice of the Agricultural Innovation~~
2 ~~Board when designating acceptable control products and methods for their use~~
3 ~~and when adopting or amending procedures for implementing this subsection.~~

4 Before issuing a permit under this subsection, the Secretary shall find, after
5 consultation with the Secretary of the Agency of Natural Resources, that there
6 is acceptable risk to the nontarget environment and that there is negligible risk
7 to public health.

8 (6) Notwithstanding the provisions of subdivision (5) of this subsection,
9 when the Commissioner of Health has determined that available information
10 suggests that an imminent risk to public health exists as a result of a potential
11 outbreak of West Nile Virus or other serious illness for which mosquitoes are
12 vectors, the Secretary of Agriculture, Food and Markets may issue permits for
13 the use of larvicides or pupacides for mosquito control without prior public
14 notice or comment.

15 (b) Notwithstanding any provisions of law to the contrary, a landowner
16 may use ~~biological larvicides or pupacides on his or her own land~~ a properly
17 registered mosquito control pesticide for mosquito control on the landowner's
18 land without obtaining a permit, provided that the ~~biological larvicide or~~
19 ~~pupacide is designated~~ Secretary designates it as an acceptable control product
20 for this purpose ~~by the Secretary~~ and the landowner complies with all
21 requirements on the label of the product.

1 Sec. 13. 6 V.S.A. § 1084 is amended to read:

2 § 1084. ~~ENGINEERS OR TECHNICIANS EMPLOYEES~~; EQUIPMENT;
3 ENTRY ON LANDS

4 The Secretary may employ one or more trained ~~mosquito control engineers~~
5 ~~or technicians~~ persons to carry out provisions of section 1083 of this title and
6 procure such equipment as is necessary. The Secretary ~~and his or her~~ or duly
7 authorized agents of the Secretary may enter upon any lands in the State
8 making the aforementioned surveys, investigations, and studies.

9 Sec. 14. 6 V.S.A. § 1085 is amended to read:

10 § 1085. MOSQUITO CONTROL GRANT PROGRAM

11 (a) A Mosquito Control District formed pursuant to 24 V.S.A. chapter 121
12 may apply, in a manner prescribed by the Secretary, in writing to the Secretary
13 of Agriculture, Food and Markets for a State assistance grant for mosquito
14 control activities.

15 (b) After submission of an application under subsection (a) of this section,
16 the Secretary of Agriculture, Food and Markets may award a grant of
17 75 percent or less of the project costs for the purchase and application of
18 larvicide and the costs associated with required larval survey activities within a
19 Mosquito Control District. The Mosquito Control District may provide
20 25 percent of the project costs through in-kind larvicide services or the
21 purchase of capital equipment used for larval management activities. At the

1 Secretary's discretion, costs associated with capital equipment that may be
2 required for larval ~~control~~ management programs within a Mosquito Control
3 District may be eligible for grant awards up to 75 percent of the total
4 equipment costs.

5 * * *

6 (e) Larvicide application funded in part under this section shall occur only
7 after the Secretary of Agriculture, Food and Markets approves treatment as
8 warranted within a Mosquito Control District. The approval of the Secretary
9 shall be based upon a biological assessment of mosquito larvae and pupae
10 populations by a ~~technician~~ person trained and approved by the Agency of
11 Agriculture, Food and Markets.

12 * * *

13 Sec. 15. 6 V.S.A. § 911 is amended to read:

14 § 911. DEFINITIONS

15 As used in this chapter:

16 * * *

17 (4) "Secretary" means the Secretary of Agriculture, Food and Markets.

18 (5) "Economic poison" means:

19 (A) any substance produced, distributed, or used for preventing,
20 destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other

1 forms of plant or animal life or viruses, except viruses on or in living humans
2 or other animals, that the Secretary shall declare to be a pest; or

3 (B) any substance produced, distributed, or used as a plant regulator,
4 defoliant, or desiccant.

5 * * *

6 (18) “Rodenticide” means any substance or mixture of substances
7 intended for preventing, destroying, repelling, or mitigating rodents or any
8 other vertebrate animal that the Secretary shall declare to be a pest.

9 * * *

10 (29) “Second-generation anticoagulant rodenticide” means any
11 rodenticide containing any one of the following active ingredients:
12 brodifacoum, bromadiolone, difenacoum, or difethialone.

13 Sec. 16. 6 V.S.A. § 918(g) is added to read:

14 (g) The Secretary shall register as a restricted use pesticide any second-
15 generation anticoagulant rodenticide that is distributed, sold, sold into, or
16 offered for sale within the State or delivered for transportation or transported in
17 intrastate commerce or between points within this State through any point
18 outside this State.

1 commodities accessory to the cultivation or use of such land. “Farm
2 operation” also ~~shall mean~~ means the operation of an agritourism business on a
3 farm subject to regulation under the Required Agricultural Practices. “Farm
4 operation” also means a business that provides specialty services to farmers,
5 such as foresters, farriers, hoof trimmers, or large animal veterinarians
6 operating mobile units.

7 (9) “Forest products business” means a ~~Vermont~~ an enterprise that is
8 ~~primarily~~ engaged in managing, harvesting, trucking, processing,
9 manufacturing, crafting, or distributing forest products at least partially derived
10 from Vermont forests.

11 * * *

12 (15) “~~Resident~~” ~~means a person who is or will be domiciled in this State~~
13 ~~as evidenced by an intent to maintain a principal dwelling place in the State~~
14 ~~indefinitely and to return there if temporarily absent, coupled with an act or~~
15 ~~acts consistent with that intent, including the filing of a Vermont income tax~~
16 ~~return within 18 months of the application for a loan under this chapter. In the~~
17 ~~case of a limited liability company, partnership, corporation, or other business~~
18 ~~entity, resident means a business entity formed under the laws of Vermont, the~~
19 ~~majority of which is owned and operated by Vermont residents who are natural~~
20 ~~persons.~~ [Repealed.]

1 Sec. 19. 10 V.S.A. § 374h is amended to read:

2 § 374h. LOAN ELIGIBILITY STANDARDS

3 A farmer, forest products business, or a limited liability company,
4 partnership, corporation, or other business entity ~~the majority~~ with a minimum
5 20 percent ownership of which is vested in one or more farmers, forest
6 products businesses, or a nonprofit corporation, shall be eligible to apply for a
7 farm ownership or operating loan that shall be intended to expand the
8 agricultural economy or forest economy of the State, provided the applicant is:

9 (1) ~~a resident of this State and will help to expand the agricultural~~
10 ~~economy of the State;~~

11 (2) an owner, prospective purchaser, or lessee of agricultural land in the
12 State or of depreciable machinery, equipment, or livestock to be used in the
13 State;

14 (3) a person of sufficient education, training, or experience in the
15 operation and management of an agricultural facility or farm operation or
16 forest products business of the type for which the applicant requests the loan;

17 (4) an operator or proposed operator of an agricultural facility, farm
18 operation, or forest products business for whom the loan reduces investment
19 costs to an extent that offers the applicant a reasonable chance to succeed in
20 the operation and management of an agricultural facility or farm operation;

1 ~~(5)~~(4) a creditworthy person under such standards as the corporation
2 may establish;

3 ~~(6)~~(5) able to provide and maintain adequate security for the loan by a
4 mortgage on real property or a security agreement and perfected financing
5 statement on personal property;

6 ~~(7)~~(6) able to demonstrate that the applicant is responsible and able to
7 manage responsibilities as owner or operator of the farm operation, agricultural
8 facility, or forest products business;

9 ~~(8)~~(7) able to demonstrate that the applicant has made adequate
10 provision for insurance protection of the mortgaged or secured property while
11 the loan is outstanding;

12 ~~(9)~~(8) a person who possesses the legal capacity to incur loan
13 obligations;

14 ~~(10)~~(9) in compliance with such other reasonable eligibility standards as
15 the corporation may establish;

16 ~~(11)~~(10) able to demonstrate that the project plans comply with all
17 regulations of the municipality where it is to be located and of the State of
18 Vermont;

19 ~~(12)~~(11) able to demonstrate that the making of the loan will be of
20 public use and benefit;

