

1 Introduced by **Committee on Agriculture, Food Resiliency, and Forestry**

2 Date:

3 Subject: Agriculture; agricultural fairs; food safety; apiaries; nurseries

4 Statement of purpose of bill as introduced: This bill proposes to make multiple
5 miscellaneous amendments to agricultural statutes. The bill would establish
6 criteria for the award of financial assistance to agricultural fairs and field days.

7 The bill would repeal the requirements for livestock brands. The bill would
8 amend multiple provisions related to the management of bees and apiaries.

9 The bill also would make multiple amendments to the requirements for plant
10 nurseries and plant pest detection.

11 An act relating to miscellaneous agricultural subjects

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

13 * * * Agricultural Fairs * * *

14 Sec. 1. 6 V.S.A. chapter 219 is added to read:

15 CHAPTER 219. AGRICULTURAL FAIRS AND FIELD DAYS

16 § 5151. PURPOSE

17 It is the purpose of this chapter to recognize the importance of agricultural
18 fairs and field days to the State’s farmers, food producers, rural communities,
19 and economy. It is State policy that agricultural fairs and field days benefit the

1 State and its citizens and that their continued successful operations should be
2 supported in every region of the State.

3 § 5152. DEFINITIONS

4 As used in this chapter:

5 (1) “Agricultural fair” or “field days” means an exhibition held at least
6 annually by an agricultural fair association that offers premiums for
7 competitive exhibits in at least five different categories.

8 (2) “Agricultural fair association” means an organization or association
9 incorporated under State law that is governed by an elected board or directors
10 that operate fairs and agricultural shows that promote or exhibit the work of
11 farmers and others who produce, process, market, or distribute farm and food
12 products, including livestock, poultry, fish, fruits, vegetables, fiber,
13 horticultural products, maple products, honey, Christmas trees, or other
14 agricultural products.

15 (3) “Competitive exhibit” means an open competition designed to
16 demonstrate the quality, improvements, or benefits of grains, fruits, vegetables,
17 cultivated flowers, livestock, poultry, fish, bees, maple products, honey, dairy
18 products, agricultural practices, or other agricultural crops or products. To
19 qualify as a competitive exhibit, there must be at least three entries per
20 category.

1 (4) “General operation” means the goods and services utilized to operate
2 a fair in the ordinary course of business that generate ordinary expenses,
3 excluding plant improvements.

4 (5) “Plant improvement” means an improvement of fixtures, machinery,
5 apparatus, equipment, display facilities, buildings, or other infrastructure used
6 for a fair.

7 (6) “Secretary” means the Secretary of Agriculture, Food and Markets.

8 § 5153. APPLICATION OF CHAPTER

9 This chapter shall apply to the Secretary’s distribution of grants to
10 agricultural fair associations whenever funds are appropriated to the Agency of
11 Agriculture, Food and Markets for State fair or field days organizations
12 without distinct requirements that otherwise dictate how to allocate the funds.

13 § 5154. STATE AGRICULTURAL FAIRS AND FIELD DAYS GRANT
14 PROGRAM; ELIGIBILITY

15 (a) A grant program is established within the Agency of Agriculture, Food
16 and Markets to provide financial assistance from funds appropriated for this
17 purpose to eligible agricultural fair associations to support their agricultural
18 fairs or field days.

19 (b) An agricultural fair association shall be eligible to apply for grant funds
20 under this section if it meets all of the following:

1 (1) It operates an agricultural fair or field days that is open a minimum
2 of three consecutive eight-hour days each year or it operates a fair that received
3 grant funding through the State stipend fund previously created in 31 V.S.A.
4 § 617.

5 (2) It timely applies for a grant, submits a complete application, and
6 provides all requested information.

7 (3) It is in good standing with the Agency of Agriculture, Food and
8 Markets.

9 (4) It fully intends to continue operating an agricultural fair or field days
10 that is open a minimum of three consecutive eight-hour days during both the
11 current and next calendar year.

12 (c) The Secretary shall create an application form that agricultural fair
13 associations must utilize when applying for assistance. Agency of
14 Administration Bulletin 5.0 shall apply to all awarded grants, and applicants
15 shall certify that all information they provide is truthful and accurate to the best
16 of their knowledge, information, and belief.

17 (d) The Secretary shall have the discretion to solicit relevant information,
18 establish and enforce an application deadline, and establish a reasonable time
19 frame to distribute grant funds to eligible and qualified applicants. The
20 Secretary may require each applicant to:

1 (1) explain the basis for each request with an informative narrative and
2 pertinent financial data;

3 (2) explain how any awarded grant funds will be used, including
4 whether the funds will support general operations or plant improvement;

5 (3) provide accurate attendance numbers, the amount spent on premiums
6 for competitive exhibits, the amount spent on general operations, and the
7 amount spent on plant improvements for one or more of the most recent fairs
8 or field days;

9 (4) indicate how the requested grant will support continued operations
10 and promote agriculture in the State;

11 (5) explain how recently awarded program grants supported the
12 purposes of this chapter; and

13 (6) explain its goals for the next five years, how it plans to achieve the
14 goals, and the role of the requested grant funds in meeting its objectives.

15 (e) The Secretary shall have the discretion to issue grant awards to eligible
16 agricultural fair associations after the application deadline expires and the
17 Secretary evaluates all timely applications. The Secretary shall equitably
18 distribute the appropriated funds to qualified applicants and strive to support
19 fairs and field days in all areas of the State. When equitably distributing
20 available funds, the Secretary shall consider the following factors:

21 (1) the importance of the requested grant to the applicant;

1 (2) how the grant will help farmers, food producers, and promote
2 agriculture;

3 (3) how the grant will support the local community;

4 (4) each applicant’s attendance numbers, the amount it spent on
5 premiums for competitive exhibits, the amount it spent on general operations,
6 and the amount it spent on plant improvements;

7 (5) each applicant’s past success in productively utilizing grant funds;

8 (6) each applicant’s plans to facilitate the purposes of this chapter; and

9 (7) the relative needs of all applicants and how the distribution of
10 available funds may best meet the purposes of the program.

11 (f)(1) The Secretary shall equitably distribute appropriated funds to eligible
12 qualified applicants. The Secretary shall determine each applicant’s
13 percentage of total fair and field days activity through a formula that equally
14 measures each applicant’s respective percentage of the total applicant:

15 (A) attendance;

16 (B) premium expenditures;

17 (C) general operations expenditures, and

18 (D) plant improvement expenditures for the most recent calendar
19 year.

20 (2) Generally, the Secretary shall award proportionate shares of
21 available grant funds based on each applicant’s combined percentage of total

1 applicant activity. No applicant shall receive more than 10 percent of the total
2 appropriated funds unless fewer than 10 fair associations apply. In the
3 Secretary’s sole discretion, the Secretary may consider the additional
4 enumerated factors in this section and use an alternate method to equitably
5 distribute available funds.

6 * * * Meat Processing * * *

7 Sec. 2. 6 V.S.A. § 3306(d) is amended to read:

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

19 * * * Weights and Measures * * *

20 Sec. 3. 9 V.S.A. § 2730 is amended to read:

21 § 2730. LICENSING FOR OPERATION OF WEIGHING AND

1 MEASURING DEVICES

2 * * *

3 (b) No person shall operate a commercial weighing and measuring device
4 without first obtaining a license from the Secretary. Any person operating
5 commercial weighing and measuring devices at more than one location, or in
6 more than one motor vehicle, shall obtain a separate license for each location
7 or vehicle.

8 * * *

9 (e) The Secretary shall not issue a weighing and measuring device license
10 unless:

11 (1) the device to be operated has been inspected and approved by the
12 Agency of Agriculture, Food and Market’s consumer assurance section within
13 12 months of the date of application or within a longer period as the Agency
14 determines appropriate for the specific device at issue; and

15 (2) the applicant furnishes all information required by the Secretary.

16 * * *

17 * * * Livestock; Brands * * *

18 Sec. 4. REPEAL; LIVESTOCK BRANDS

19 6 V.S.A. chapter 205 (livestock brands) is repealed.

1 ~~(4)~~(3) Whether the owner transported into the State any colonies or used
2 equipment, ~~except as authorized under subsection 3032(c) of this title.~~

3 ~~(5)~~(4) Whether the owner is engaged in the rearing of queen bees or any
4 other bees for sale.

5 ~~(6)~~(5) A current varroa mite and pest mitigation plan for each registered
6 apiary.

7 (c) Notification of Secretary. The owner of any bees, apiary, colony, or
8 hive registered under subsection (a) of this section shall notify the Secretary as
9 soon as practicable of the detection within an apiary or hive of American
10 foulbrood disease or other disease designated by the Secretary.

11 Sec. 6. 6 V.S.A. § 3024 is amended to read:

12 § 3024. APIARY INSPECTION; OWNERS TO CONTROL OR
13 ERADICATE BEE DISEASES

14 The Secretary; or ~~his or her~~ or the Secretary's inspectors; may examine all
15 apiaries as necessary and ascertain whether any disease ~~which~~ that is injurious
16 to bees is present. If any such disease is found, the Secretary shall give the
17 owners or caretakers of the diseased apiaries written orders to treat, destroy, or
18 otherwise handle the colonies in order to prevent the spread or dissemination
19 of the disease.

20 Sec. 7. 6 V.S.A. § 3025 is amended to read:

21 § 3025. SECOND INSPECTION OF DISEASED COLONIES;

1 DESTRUCTION

2 The Secretary or ~~his or her~~ the Secretary's inspectors shall inspect all
3 diseased apiaries a second time ~~no~~ not less than 10 days after the first
4 inspection. If the existence of disease within the apiary has been confirmed by
5 a laboratory approved by the Secretary, the inspector may destroy any colonies
6 of bees if ~~he or she~~ the inspector finds them not cured of such disease, or not
7 treated or handled according to ~~his or her~~ the inspector's instructions, together
8 with honey combs, hives, or other equipment, without recompense to the
9 owner thereof. This section shall not preclude an inspector from destroying
10 diseased colonies at any time with the consent of the owner or ~~his or her~~ the
11 owner's agent.

12 Sec. 8. 6 V.S.A. § 3026 is amended to read:

13 § 3026. SALE OR OTHER UNAUTHORIZED DISPOSITION OF
14 DISEASED BEES

15 The owner of any apiary in which a disease exists shall not knowingly sell,
16 barter, give away, or move any diseased bees, colonies, honey, hives, combs,
17 or equipment ~~unless he or she has~~ without the written consent of the Secretary;
18 such person shall not in any way expose other bees to the danger of the
19 disease.

1 Sec. 9. 6 V.S.A. § 3027 is amended to read:

2 § 3027. ABANDONED APIARIES AND EQUIPMENT

3 Any diseased hive or hives found by the Secretary or ~~his or her~~ the
4 Secretary's inspector in an abandoned apiary shall be destroyed. Any
5 abandoned diseased beekeeping equipment may be destroyed.

6 Sec. 10. 6 V.S.A. § 3028 is amended to read:

7 § 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

8 A person engaged in the rearing of bees for sale shall have ~~his or her~~ the
9 person's apiary inspected by the Secretary within 45 days prior to any sale at
10 ~~least once each summer season~~ and, if any disease is found ~~which~~ that is
11 injurious to bees, shall at once cease to ship bees from such diseased apiary
12 until the Secretary declares, in writing, such apiary free from all such diseases,
13 and whenever the Secretary shall find the apiary rearing bees for sale free from
14 disease, ~~he or she~~ the Secretary shall furnish the owner with a certificate to that
15 effect.

16 Sec. 11. 6 V.S.A. § 3029 is amended to read:

17 § 3029. MOVABLE COMB FRAMES REQUIRED

18 (a) All hives shall be constructed with frames containing the honeycombs
19 and brood combs ~~which~~ that may be removed from the hive for purposes of
20 inspection. Upon determination that any hive containing bees is not

1 constructed with removable frames, the Secretary or ~~his or her~~ the Secretary's
2 inspector may:

3 (1) order the owner to immediately transfer the bees to a hive with
4 removable frames; or

5 (2) grant the owner an extension for a specific period of time after which
6 the owner must transfer the bees to a hive with removable frames.

7 (b) The Secretary may, by rule, create a permit program to allow persons to
8 operate hives without removable frames for exhibition purposes. The owner of
9 such a hive will not be in violation of this section ~~so long as he or she,~~
10 provided that the owner holds a valid permit and is in compliance with all
11 applicable rules ~~which~~ that the Secretary may adopt.

12 (c) Upon determination that an owner has violated the terms of this section
13 or any rule adopted pursuant to this section, the Secretary may destroy the hive
14 or hives. Any determination of a violation shall be appealable to the Secretary,
15 who shall provide the owner a hearing within ~~ten~~ 10 days ~~of~~ after the
16 determination of the violation, during which the order to destroy shall be
17 stayed.

18 Sec. 12. 6 V.S.A. § 3031 is amended to read:

19 § 3031. RIGHT OF ENTRY; IMPEDING PROHIBITED

20 The Secretary or ~~his or her authorized~~ Secretary's inspector may enter at a
21 reasonable hour public or private premises, except private dwellings, for the

1 purpose of enforcing the provisions of this chapter and shall have access,
2 ingress, and egress to any apiary or place where ~~he or she~~ the inspector has
3 reason to believe bees or equipment are kept. Any person who restricts,
4 impedes, gives false information or hinders in any way the Secretary or ~~his or~~
5 ~~her~~ the Secretary's inspectors in the discharge of ~~his or her~~ the inspector's
6 duties shall be subject to the penalties provided for in section 3035 of this title.

7 Sec. 13. 6 V.S.A. § 3022 is amended to read:

8 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
9 THE STATE

10 (a) Except as provided under ~~subsections (c) and (d)~~ subsection (c) of this
11 section, bees, used equipment, or colonies shall not be brought into the State of
12 Vermont unless approved by the Secretary by permit. The Secretary shall not
13 approve the import of bees, used equipment, or colonies from out of state
14 unless accompanied by a valid certificate of inspection within the previous 45
15 days from the state or country of origin stating that the bees, used equipment,
16 or bee colonies are free from bee disease.

17 (b) Any person, other than a common carrier, who knowingly transports or
18 causes to be transported used equipment or colonies to a point within this State
19 shall provide the Secretary with an approved import permit and certificate of
20 inspection not less than 10 days prior to entry into this State.

1 (c) This section shall not apply to a shipment of bees, equipment, or
2 colonies that originated outside the State and is destined for another point that
3 is also located outside this State.

4 (d) ~~The Secretary shall not require an import permit or a valid certificate of~~
5 ~~inspection under subsection (a) of this section for bees, used equipment, or~~
6 ~~colonies that:~~

7 (1) ~~are registered in Vermont;~~

8 (2) ~~were transported not more than 75 miles from the registered location~~
9 ~~of the owner of the bees or colonies; and~~

10 (3) ~~are imported back into the State within 30 days of the date of~~
11 ~~original transport. [Repealed.]~~

12 Sec. 14. 6 V.S.A. § 3033 is amended to read:

13 § 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR
14 COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;
15 CERTIFICATE

16 (a) If an owner wishes to ship bees or equipment into another state or
17 country, ~~he or she~~ the owner may apply to the Secretary for an inspection for
18 bee diseases likely to prevent the acceptance of the bees or beekeeping
19 equipment in the state or country.

20 (b) Upon receipt of the application, or as soon thereafter as may be
21 conveniently practicable, the Secretary shall comply with the request.

1 Sec. 15. 6 V.S.A. § 3034 is amended to read

2 § 3034. ESTABLISHING AN APIARY LOCATION

3 No person shall locate an apiary within two miles of an existing apiary
4 registered to a different person, with the following exceptions:

5 (1) a person may locate an apiary anywhere on ~~his or her~~ the person's
6 own property;

7 (2) beekeepers with a total ownership of ~~ten hives~~ 10 colonies or ~~less~~
8 fewer shall be exempt from this restriction;

9 (3) existing apiaries ~~so long as,~~ provided that they are properly
10 registered with the State, are exempt;

11 (4) a person may locate an apiary within two miles of another existing
12 apiary, provided the owner of the existing apiary gives written permission or
13 the existing apiary has ~~less~~ fewer than 15 ~~hives~~ colonies; or

14 (5) if a registered apiary of 15 or more ~~hives~~ colonies should fall below
15 and remain below 15 ~~hives~~ colonies, anyone can petition the State and
16 establish an apiary within two miles of the existing apiary, provided the
17 number of ~~hives~~ colonies in the existing apiary stays below 15 for two years
18 from the time of the petition. An apiary that loses the protection of the two-
19 mile limit in this manner cannot be built back above the number of ~~hives~~
20 colonies it had at the end of the two-year period.

1 grower or nursery dealer shall apply annually for a nursery license on a form
2 provided by the Secretary. The Secretary shall establish by rule the conditions
3 for the issuance, suspension, or revocation of a nursery license, and may place
4 any restrictions or requirements upon the license ~~which he or she~~ that the
5 Secretary deems necessary.

6 (b) A nursery dealer licensed under this section shall pay the following fee
7 for a license:

8 (1) \$60.00, if the nursery owns or controls:

9 (A) a nursery of one-half acre or more;

10 (B) greenhouse space of 25,000 square feet or more; or

11 (C) retail space of 25,000 square feet or more.

12 (2) \$30.00 for all other nursery dealers.

13 (c) Any person soliciting orders for, offering for sale, or distributing
14 nursery stock shall have in ~~his or her~~ the person's possession a copy of the
15 nursery license required under subsection (a) of this section, which ~~he or she~~
16 the person shall show upon demand to prospective buyers or the Secretary.

17 (d) A person selling \$1,000.00 or less of nursery stock in a year shall be
18 exempt from the requirement to obtain a license under this section.

19 Sec. 18. 6 V.S.A. § 4027 is amended to read:

20 § 4027. DISEASED OR INFESTED STOCK; STOP-SALE; DESTRUCTION

1 (a) Only sound, healthy nursery stock that will maintain its vigor shall be
2 offered for sale. Offering for sale stock that is diseased or infested with
3 injurious pests is a violation of this chapter. Whenever the Secretary has
4 reason to believe that any nursery, nursery grower, or nursery dealer in the
5 State has produced, introduced, installed, sold, or offered for sale diseased or
6 infested nursery stock, the Secretary shall inspect that nursery. If, upon
7 inspection, the Secretary finds any diseased or infested stock, ~~he or she~~ the
8 Secretary may order the plants, either individually or in blocks, to be:

- 9 (1) put on stop-sale;
10 (2) treated in a particular manner; or
11 (3) destroyed according to the Secretary's instructions.

12 (b) Plants ordered destroyed or placed on stop-sale must be clearly
13 separable from noninfested stock. Any order ~~must be confirmed to destroy or~~
14 place plants on stop-sale may be made verbally and shall be issued in writing
15 within seven days or as soon as practicable. The ~~writing~~ written order shall
16 include the reason for action, a description of the nursery stock affected, ~~and~~
17 instructions to separate and tag all nursery stock subject to the order, any
18 recommended treatment, and a reference to the appeal rights set forth under
19 subsection (c) of this section. Stop-sale tags may not be removed except by
20 written permission of the Secretary or upon suitable disposal of the infested
21 plants as determined by the Secretary.

1 (c) A person issued any order under subsection (a) of this section may
2 appeal that order to the Secretary within 15 days after receiving the order. The
3 person shall make an appeal by letter to the Secretary, and shall state any
4 grounds and designate the plants affected.

5 * * * Pest Survey and Detection * * *

6 Sec. 19. 6 V.S.A. § 1037 is amended to read:

7 § 1037. ADMINISTRATIVE ORDERS

8 The Secretary may issue ~~cease and desist~~ appropriate orders and institute
9 appropriate proceedings on behalf of the agency to enforce this chapter or any
10 rules adopted under this chapter. Orders, including stop-sale orders, shall be in
11 writing and include the reason for action; a description of the plant pest, plants,
12 parts of plants, plant products, or regulated articles at issue; any instructions to
13 separate the described items; any recommended treatment or action to prevent
14 spread; and appeal rights. Stop-sale tags shall not be removed without the
15 Secretary's written permission or written determination for suitable disposal.

16 Whenever the Secretary believes that any person is in violation of this chapter
17 or rules adopted under this chapter, an action may be brought in a court of
18 competent jurisdiction to restrain by temporary or permanent injunction the
19 continuation or repetition of the violation. The court may issue temporary or
20 permanent injunctions or other relief as may be necessary and appropriate for
21 abatement of any violations.

1 Sec. 20. 6 V.S.A. § 1040 is amended to read:

2 § 1040. ~~COMPENSATION FOR DESTRUCTION~~

3 ~~When in the suppression of insect pests or plant diseases it becomes~~
4 ~~necessary for the Secretary to destroy the hosts of such pests or diseases,~~
5 ~~compensation shall be made as follows: the Secretary and owner of lands upon~~
6 ~~which the plants are destroyed shall agree upon the price to be paid as~~
7 ~~compensation. The impact of the pest or disease on the fair market value of~~
8 ~~the plant shall be considered. However, compensation shall not be made for~~
9 ~~wild or uncultivated trees, plants, or shrubbery which are ordered destroyed on~~
10 ~~account of disease or infestation. When plants have been destroyed and~~
11 ~~compensation accepted, no other such host plants may be maintained on the~~
12 ~~premises until all danger from the spread of the pest or disease is past.~~

13 [Repealed.]

14 * * * Effective Date * * *

15 Sec. 21. EFFECTIVE DATE

16 This act shall take effect on July 1, 2023.