

1 H.472

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

3 Date:

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

5 Statement of purpose of bill as introduced: This bill proposes to make multiple
6 miscellaneous amendments to agricultural statutes. The bill would establish
7 criteria for the award of financial assistance to agricultural fairs and field days.
8 The bill would repeal the requirements for livestock brands. The bill would
9 amend multiple provisions related to the management of bees and apiaries.
10 The bill also would make multiple amendments to the requirements for plant
11 nurseries and plant pest detection.

12 An act relating to miscellaneous agricultural subjects

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

14 * * * Agricultural Fairs * * *

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

16 CHAPTER 219. AGRICULTURAL FAIRS AND FIELD DAYS

17 § 5151. PURPOSE

18 It is the purpose of this chapter to recognize the importance of agricultural
19 fairs and field days to the State's farmers, food producers, rural communities,
20 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 previous State stipend fund for agricultural fairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (4) each applicant's attendance numbers, the amount it spent on

3 premiums for competitive exhibits, the amount it spent on general operations,

4 and the amount it spent on plant improvements;

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

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

7 (7) the relative needs of all applicants and how the distribution of

8 available funds may best meet the purposes of the program.

9 (f)(1) The Secretary shall equitably distribute appropriated funds to eligible

10 qualified applicants. The Secretary shall determine each applicant's

11 percentage of total fair and field days activity through a formula that equally

12 measures each applicant's respective percentage of the total applicant:

13 (A) attendance;

14 (B) premium expenditures;

15 (C) general operations expenditures, and

16 (D) plant improvement expenditures for the most recent calendar

17 year.

18 (2) Generally, the Secretary shall award proportionate shares of

19 available grant funds based on each applicant's combined percentage of total

20 applicant activity. No applicant shall receive more than 10 percent of the total

21 appropriated funds unless fewer than 10 fair associations apply. In the

1 Secretary's sole discretion, the Secretary may consider the additional
2 enumerated factors in this section and use an alternate method to equitably
3 distribute available funds.

4 Sec. 2. TRANSITION; CONTINUED ELIGIBILITY

5 Notwithstanding the eligibility requirements of 6 V.S.A. § 5154, an
6 agricultural fair association that received financial assistance awards under the
7 Agency of Agriculture, Food and Markets' previous State stipend shall be
8 eligible for a grant under 6 V.S.A. chapter 219.

9 * * * Meat Processing * * *

10 Sec. 3. 6 V.S.A. § 3306(d) is amended to read:

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

1 Sec. 8. 6 V.S.A. § 3025 is amended to read:

2 § 3025. SECOND INSPECTION OF DISEASED COLONIES;

3 DESTRUCTION

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

14 Sec. 9. 6 V.S.A. § 3026 is amended to read:

15 § 3026. SALE OR OTHER UNAUTHORIZED DISPOSITION OF

16 DISEASED BEES

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

1 Sec. 10. 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~~ or the
4 Secretary's inspector in an abandoned apiary shall be destroyed. Any
5 abandoned diseased beekeeping equipment may be destroyed.

6 Sec. 11. 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. 12. 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. 13. 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. 14. 6 V.S.A. § 3032 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. 15. 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. 16. 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.

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(7) “Nursery stock” means all woody or herbaceous shrubs, trees, plants, and vines, including bulbs and rhizomes as well as buds, grafts, scions, and other parts capable of propagation whether wild, cultivated, or grown under artificial covering. This definition does not include cut flowers or seeds.

(8) “Distribute” means the wholesale sale of nursery stock, the transfer of title or possession of nursery stock from one person to another for consideration for the purpose of resale at retail, or the transfer of nursery stock within a business entity for the purpose of retail sale. “Distribute” does not mean the retail sale or delivery of nursery stock by a retailer to a consumer.

(9) “Install” means the placing, fixing, or planting of nursery stock in the ground or soil. “Install” does not mean delivery of nursery stock to a purchaser or the placing of potted nursery stock within a structure or its curtilage of the purchaser.

Sec. 19. 6 V.S.A. § 4024 is amended to read:

§ 4024. NURSERY LICENSE

(a) No person shall operate as a nursery grower or nursery dealer in the State without first obtaining a nursery license from the Secretary. A nursery grower or nursery dealer shall apply annually for a nursery license on a form provided by the Secretary. The Secretary shall establish by rule the conditions for the issuance, suspension, or revocation of a nursery license, and may place

1 any restrictions or requirements upon the license ~~which he or she~~ that the
2 Secretary deems necessary.

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

5 (1) \$60.00, if the nursery owns or controls:

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

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

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

9 (2) \$30.00 for all other nursery dealers.

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

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

16 Sec. 20. 6 V.S.A. § 4027 is amended to read:

17 § 4027. DISEASED OR INFESTED STOCK; STOP-SALE; DESTRUCTION

18 (a) Only sound, healthy nursery stock that will maintain its vigor shall be
19 offered for sale. Offering for sale stock that is diseased or infested with
20 injurious pests is a violation of this chapter. Whenever the Secretary has
21 reason to believe that any nursery, nursery grower, or nursery dealer in the

1 State has produced, introduced, installed, sold, or offered for sale diseased or
2 infested nursery stock, the Secretary shall inspect that nursery. If, upon
3 inspection, the Secretary finds any diseased or infested stock, ~~he or she~~ the
4 Secretary may order the plants, either individually or in blocks, to be:

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

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

18 (c) A person issued any order under subsection (a) of this section may
19 appeal that order to the Secretary within 15 days after receiving the order. The
20 person shall make an appeal by letter to the Secretary; and shall state any
21 grounds and designate the plants affected.

