

1 H.472

2 An act relating to miscellaneous agricultural subjects

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

4 * * * Agricultural Fairs * * *

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

6 CHAPTER 219. AGRICULTURAL FAIRS AND FIELD DAYS

7 § 5151. PURPOSE

8 It is the purpose of this chapter to recognize the importance of agricultural
9 fairs and field days to the State’s farmers, food producers, rural communities,
10 and economy. It is State policy that agricultural fairs and field days benefit the
11 State and its citizens and that their continued successful operations should be
12 supported in every region of the State.

13 § 5152. DEFINITIONS

14 As used in this chapter:

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

18 (2) “Agricultural fair association” means an organization or association
19 incorporated under State law that is governed by an elected board or directors
20 that operate fairs and agricultural shows that promote or exhibit the work of
21 farmers and others who produce, process, market, or distribute farm and food

1 products, including livestock, poultry, fish, fruits, vegetables, fiber,
2 horticultural products, maple products, honey, Christmas trees, or other
3 agricultural products.

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

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

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

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

17 § 5153. APPLICATION OF CHAPTER

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

1 § 5154. STATE AGRICULTURAL FAIRS AND FIELD DAYS GRANT

2 PROGRAM; ELIGIBILITY

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

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

9 (1) It operates an agricultural fair or field days that is open a minimum
10 of three consecutive eight-hour days each year or it operates a fair that received
11 grant funding through the previous State stipend fund for agricultural fairs.

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

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

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

19 (c) The Secretary shall create an application form that agricultural fair
20 associations must utilize when applying for assistance. Agency of
21 Administration Bulletin 5.0 shall apply to all awarded grants, and applicants

1 shall certify that all information they provide is truthful and accurate to the best
2 of their knowledge, information, and belief.

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

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

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

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

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

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

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

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

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

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

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

11 (4) each applicant's attendance numbers, the amount it spent on
12 premiums for competitive exhibits, the amount it spent on general operations,
13 and the amount it spent on plant improvements;

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

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

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

18 (f)(1) The Secretary shall equitably distribute appropriated funds to eligible
19 qualified applicants. The Secretary shall determine each applicant's
20 percentage of total fair and field days activity through a formula that equally
21 measures each applicant's respective percentage of the total applicant:

- 1 (A) attendance;
2 (B) premium expenditures;
3 (C) general operations expenditures, and
4 (D) plant improvement expenditures for the most recent calendar
5 year.

6 (2) Generally, the Secretary shall award proportionate shares of
7 available grant funds based on each applicant's combined percentage of total
8 applicant activity. No applicant shall receive more than 10 percent of the total
9 appropriated funds unless fewer than 10 fair associations apply. In the
10 Secretary's sole discretion, the Secretary may consider the additional
11 enumerated factors in this section and use an alternate method to equitably
12 distribute available funds.

13 Sec. 2. TRANSITION; CONTINUED ELIGIBILITY

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

18 * * * Meat Processing * * *

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

20 (d) The annual fee for a license for a retail vendor is \$15.00 for vendors
21 without meat ~~cutting~~ processing operations, \$50.00 for vendors with meat

1 ~~cutting~~ processing space of less than 300 square feet or meat display space of
2 less than 20 linear feet, and \$100.00 for vendors with 300 or more square feet
3 of meat ~~cutting~~ processing space ~~and~~ or 20 or more linear feet of meat display
4 space. Fees collected under this section shall be deposited in a special fund
5 managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available
6 to the Agency to offset the cost of administering chapter 204 of this title. For
7 all other plants, establishments, and related businesses listed under subsection
8 (a) of this section, except for a public warehouse licensed under chapter 67 of
9 this title, the annual license fee shall be \$150.00.

10 * * * Weights and Measures * * *

11 Sec. 4. 9 V.S.A. § 2730 is amended to read:

12 § 2730. LICENSING FOR OPERATION OF WEIGHING AND
13 MEASURING DEVICES

14 * * *

15 (b) No person shall operate a commercial weighing and measuring device
16 without first obtaining a license from the Secretary. Any person operating
17 commercial weighing and measuring devices at more than one location, or in
18 more than one motor vehicle, shall obtain a separate license for each location
19 or vehicle.

20 * * *

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

3 (1) the device to be operated has been inspected and approved by the
4 Agency of Agriculture, Food and Market's consumer assurance section within
5 12 months of the date of application or within a longer period as the Agency
6 determines appropriate for the specific device at issue, provided that the period
7 shall not extend more than 24 months from the date of application; and

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

9 * * *

10 * * * Livestock; Brands * * *

11 Sec. 5. REPEAL; LIVESTOCK BRANDS

12 6 V.S.A. chapter 205 (livestock brands) is repealed.

13 * * * Bees and Apiaries * * *

14 Sec. 6. 6 V.S.A. § 3023 is amended to read:

15 § 3023. REGISTRATION; REPORT

16 (a) Registration. A person who is the owner of any bees, apiary, colony, or
17 hive in the State shall register with the Secretary in writing on a form provided
18 by the Secretary.

19 (b) Report. Annually the owner of any bees, apiary, colony, or hive
20 registered under subsection (a) of this section shall submit a report to the
21 Secretary that includes all of the following information:

1 (1) The location of all apiaries and number of colonies that the person
2 owns. The location of an apiary shall become its registered location, provided
3 that the apiary is located in accordance with the requirements of section 3034
4 of this title.

5 ~~(2) Whether the location of any apiary will change within two weeks of~~
6 ~~the date that the report is submitted unless the change of location is to provide~~
7 ~~pollination services and the colonies will be returned to a registered apiary.~~
8 ~~Hives from a registered apiary may be moved to another registered apiary~~
9 ~~without reregistering.~~

10 ~~(3)~~ Whether a disease was discovered within any hive or colony in a
11 registered apiary.

12 ~~(4)~~(3) Whether the owner transported into the State any colonies or used
13 equipment, ~~except as authorized under subsection 3032(c) of this title.~~

14 ~~(5)~~(4) Whether the owner is engaged in the rearing of queen bees or any
15 other bees for sale.

16 ~~(6)~~(5) A current varroa mite and pest mitigation plan for each registered
17 apiary.

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

1 Sec. 7. 6 V.S.A. § 3024 is amended to read:

2 § 3024. APIARY INSPECTION; OWNERS TO CONTROL OR
3 ERADICATE BEE DISEASES

4 The Secretary, or ~~his or her~~ or the Secretary's inspectors, may examine all
5 apiaries as necessary and ascertain whether any disease ~~which~~ that is injurious
6 to bees is present. If any such disease is found, the Secretary shall give the
7 owners or caretakers of the diseased apiaries written orders to treat, destroy, or
8 otherwise handle the colonies in order to prevent the spread or dissemination
9 of the disease.

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

11 § 3025. SECOND INSPECTION OF DISEASED COLONIES;
12 DESTRUCTION

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

1 diseased colonies at any time with the consent of the owner or ~~his or her~~ the
2 owner's agent.

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

4 § 3026. SALE OR OTHER UNAUTHORIZED DISPOSITION OF
5 DISEASED BEES

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

11 Sec. 10. 6 V.S.A. § 3027 is amended to read:

12 § 3027. ABANDONED APIARIES AND EQUIPMENT

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

16 Sec. 11. 6 V.S.A. § 3028 is amended to read:

17 § 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

18 A person engaged in the rearing of bees for sale shall have ~~his or her~~ the
19 person's apiary inspected by the Secretary within 45 days prior to any sale ~~at~~
20 ~~least once each summer season~~ and, if any disease is found ~~which~~ that is
21 injurious to bees, shall at once cease to ship bees from such diseased apiary

1 until the Secretary declares, in writing, such apiary free from all such diseases,
2 and whenever the Secretary shall find the apiary rearing bees for sale free from
3 disease, ~~he or she~~ the Secretary shall furnish the owner with a certificate to that
4 effect.

5 Sec. 12. 6 V.S.A. § 3029 is amended to read:

6 § 3029. MOVABLE COMB FRAMES REQUIRED

7 (a) All hives shall be constructed with frames containing the honeycombs
8 and brood combs ~~which~~ that may be removed from the hive for purposes of
9 inspection. Upon determination that any hive containing bees is not
10 constructed with removable frames, the Secretary or ~~his or her~~ the Secretary's
11 inspector may:

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

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

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

1 (c) Upon determination that an owner has violated the terms of this section
2 or any rule adopted pursuant to this section, the Secretary may destroy the hive
3 or hives. Any determination of a violation shall be appealable to the Secretary,
4 who shall provide the owner a hearing within ~~ten~~ 10 days ~~of~~ after the
5 determination of the violation, during which the order to destroy shall be
6 stayed.

7 Sec. 13. 6 V.S.A. § 3031 is amended to read:

8 § 3031. RIGHT OF ENTRY; IMPEDING PROHIBITED

9 The Secretary or ~~his or her authorized~~ Secretary's inspector may enter at a
10 reasonable hour public or private premises, except private dwellings, for the
11 purpose of enforcing the provisions of this chapter and shall have access,
12 ingress, and egress to any apiary or place where ~~he or she~~ the inspector has
13 reason to believe bees or equipment are kept. Any person who restricts,
14 impedes, gives false information or hinders in any way the Secretary or ~~his or~~
15 ~~her~~ the Secretary's inspectors in the discharge of ~~his or her~~ the inspector's
16 duties shall be subject to the penalties provided for in section 3035 of this title.

17 Sec. 14. 6 V.S.A. § 3032 is amended to read:

18 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
19 THE STATE

20 (a) Except as provided under ~~subsections (c) and (d)~~ subsection (c) of this
21 section, bees, used equipment, or colonies shall not be brought into the State of

1 Vermont unless approved by the Secretary by permit. The Secretary shall not
2 approve the import of bees, used equipment, or colonies from out of state
3 unless accompanied by a valid certificate of inspection within the previous 45
4 days from the state or country of origin stating that the bees, used equipment,
5 or bee colonies are free from bee disease.

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

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

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

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

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

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

1 Sec. 15. 6 V.S.A. § 3033 is amended to read:

2 § 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR
3 COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;
4 CERTIFICATE

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

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

11 Sec. 16. 6 V.S.A. § 3034 is amended to read

12 § 3034. ESTABLISHING AN APIARY LOCATION

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

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

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

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

1 this chapter, unless marketed and distributed for the use in the production of an
2 agricultural commodity.

3 * * * Nurseries * * *

4 Sec. 18. 6 V.S.A. § 4021 is amended to read:

5 § 4021. DEFINITIONS

6 As used in this chapter:

7 * * *

8 (4) “Nursery dealer” means any person who ~~sells or distributes~~ is in the
9 business of selling, installing, or distributing nursery stock for commercial
10 gain.

11 * * *

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

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

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

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

6 § 4024. NURSERY LICENSE

7 (a) No person shall operate as a nursery grower or nursery dealer in the
8 State without first obtaining a nursery license from the Secretary. A nursery
9 grower or nursery dealer shall apply annually for a nursery license on a form
10 provided by the Secretary. The Secretary shall establish by rule the conditions
11 for the issuance, suspension, or revocation of a nursery license, and may place
12 any restrictions or requirements upon the license ~~which he or she~~ that the
13 Secretary deems necessary.

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

16 (1) \$60.00, if the nursery owns or controls:

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

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

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

20 (2) \$30.00 for all other nursery dealers.

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

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

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

8 § 4027. DISEASED OR INFESTED STOCK; STOP-SALE; DESTRUCTION

9 (a) Only sound, healthy nursery stock that will maintain its vigor shall be
10 offered for sale. Offering for sale stock that is diseased or infested with
11 injurious pests is a violation of this chapter. Whenever the Secretary has
12 reason to believe that any nursery, nursery grower, or nursery dealer in the
13 State has produced, introduced, installed, sold, or offered for sale diseased or
14 infested nursery stock, the Secretary shall inspect that nursery. If, upon
15 inspection, the Secretary finds any diseased or infested stock, ~~he or she~~ the
16 Secretary may order the plants, either individually or in blocks, to be:

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

20 (b) Plants ordered destroyed or placed on stop-sale must be clearly
21 separable from noninfested stock. Any order ~~must be confirmed~~ to destroy or

1 place plants on stop-sale may be made verbally and shall be issued in writing
2 within seven days or as soon as practicable. The ~~writing~~ written order shall
3 include the reason for action, a description of the nursery stock affected, ~~and~~
4 instructions to separate and tag all nursery stock subject to the order, any
5 recommended treatment, and a reference to the appeal rights set forth under
6 subsection (c) of this section. Stop-sale tags may not be removed except by
7 written permission of the Secretary or upon suitable disposal of the infested
8 plants as determined by the Secretary.

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

13 * * * Pest Survey and Detection * * *

14 Sec. 21. 6 V.S.A. § 1037 is amended to read:

15 § 1037. ADMINISTRATIVE ORDERS

16 The Secretary may issue ~~cease and desist~~ appropriate orders and institute
17 appropriate proceedings on behalf of the agency to enforce this chapter or any
18 rules adopted under this chapter. Orders, including stop-sale orders, shall be in
19 writing and include the reason for action; a description of the plant pest, plants,
20 parts of plants, plant products, or regulated articles at issue; any instructions to
21 separate the described items; any recommended treatment or action to prevent

1 spread; and appeal rights. Stop-sale tags shall not be removed without the
2 Secretary's written permission or written determination for suitable disposal.

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

9 Sec. 22. 6 V.S.A. § 1040 is amended to read:

10 § 1040. ~~COMPENSATION FOR DESTRUCTION~~

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

21 [Repealed.]

