

1 H.942

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

3 Date:

4 Subject: Agriculture; municipal and county government; Vermont agricultural
5 products; water quality; product grades, standards, and labeling; unit
6 pricing

7 Statement of purpose of bill as introduced: This bill proposes to make water
8 quality practices training for farmers optional instead of required. This bill
9 also would require any person transporting or arranging for the transport of
10 non-sewage waste or waste materials to a farm to obtain approval from the
11 Secretary of Agriculture, Food and Markets. The Secretary may require
12 individuals transporting or arranging for the transport of such waste to provide
13 information related to its composition, nutrients and contaminants, and the
14 volume of the waste. This bill would amend unit pricing standards to require
15 uniform price disclosures for any food or commodity sold by some retail
16 establishments, except for made-to-order food sold by a restaurant or
17 prescription drugs.

18 An act relating to miscellaneous agricultural subjects

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

2 * * * Water Quality Training * * *

3 Sec. 1. 6 V.S.A. § 4981 is amended to read:

4 § 4981. AGRICULTURAL WATER QUALITY TRAINING

5 (a) ~~On or before July 1, 2016, as part of the revisions of the Required~~
6 ~~Agricultural Practices, the~~ The Secretary of Agriculture, Food and Markets
7 ~~shall~~ may adopt by rule requirements for training classes or programs for
8 owners or operators of small farms, medium farms, or large farms certified or
9 permitted under this chapter regarding:

10 (1) the prevention of discharges, as that term is defined in 10 V.S.A.
11 § 1251(3); and

12 (2) the mitigation and management of stormwater runoff, as that term is
13 defined in 10 V.S.A. § 1264, from farms.

14 (b) Any training ~~required~~ under this section ~~shall~~ may address:

15 (1) the existing statutory and regulatory requirements for operation of a
16 large, medium, or small farm in the State;

17 (2) the management practices and technical and financial resources
18 available to assist in compliance with statutory or regulatory agricultural
19 requirements;

20 (3) the land application of manure or nutrients, methods or techniques to
21 minimize the runoff of land-applied manure or nutrients to waters of the State,

1 and identification of weather or soil conditions that increase the risk of runoff
2 of land-applied manure or nutrients to waters of the State; ~~and~~

3 (4) standards required for nutrient management, including nutrient
4 management planning; or

5 (5) best management practices and other techniques for improving farm
6 practices or water quality.

7 (c) The Secretary ~~shall~~ may include ~~the training required by this section~~
8 requirements as a condition of a large farm permit, medium farm permit, or
9 small farm certification required under this chapter, or may require any farm
10 operator or owner to participate in assigned training when the Secretary
11 determines additional water quality education is appropriate. ~~The Secretary~~
12 ~~may phase in training requirements under this section based on farm size,~~
13 ~~permit or certification category, or available staffing. On or before July 1,~~
14 ~~2017, the Secretary shall establish a schedule by which all owners or operators~~
15 ~~of small farms, medium farms, or large farms shall complete the training~~
16 ~~required by this section.~~

17 (d) The Secretary may approve or authorize ~~the training required by this~~
18 ~~section to be conducted by~~ other entities, including the University of Vermont
19 Extension Service and the natural resources conservation districts, to perform
20 any training described in this section.

1 (e) The Secretary shall not charge the owner or operator of a large,
2 medium, or small farm for ~~the any training required by this section~~ the
3 Secretary requires. The Secretary shall provide or pay for the any training
4 required under this section from funds available to the Agency of Agriculture,
5 Food and Markets for water quality initiatives.

6 (f) As of July 1, 2026, the mandatory water quality training requirements in
7 the Required Agricultural Practices Rule are repealed, and the Secretary may
8 prospectively determine appropriate training requirements as described by this
9 section.

10 * * * Managing Non-Sewage Waste * * *

11 Sec. 2. 6 V.S.A. § 4817 is amended to read:

12 § 4817. MANAGEMENT OF NON-SEWAGE WASTE

13 (a) As used in this section:

14 (1) “Non-sewage waste” means any waste other than sewage that may
15 contain organisms pathogenic to human beings but does not mean stormwater
16 runoff.

17 (2) “Sewage” means waste containing human fecal coliform and other
18 potential pathogenic organisms from sanitary waste and used water from any
19 building, including carriage water and shower and wash water. “Sewage” does
20 not mean stormwater runoff as that term is defined in 10 V.S.A. § 1264.

1 (3) “Waste materials” means non-sewage solid or liquid digestates from
2 certified solid waste facilities or materials approved by the Secretary of the
3 Agency of Natural Resources for acceptable use under the Solid Waste Rules.

4 (b)(1) ~~The Secretary may require~~ This section shall apply to a person
5 transporting or arranging for the transport of the following:

6 (A) non-sewage waste to a farm for deposit in a manure pit or for use
7 as an input in a methane digester; or

8 (B) waste materials to a farm for storage, land application, deposit in
9 a manure pit, or use in a methane digester.

10 (2) ~~to~~ A person subject to this section shall obtain approval from the
11 Secretary prior to transporting ~~the~~ non-sewage waste or waste materials ~~to the~~
12 any farm. The Secretary may require a person to ~~report to the Secretary at a~~
13 ~~designated time one or more of the following~~ provide the following
14 information to evaluate a request to transport the described materials to a farm:

15 ~~(1)~~(A) the composition of the material transported proposed for
16 transport to the a farm, including the source of the material; and

17 (B) laboratory test results for every nutrient or contaminant that the
18 Secretary requires the applicant to identify in the material; and

19 ~~(2)~~(C) the volume of the material transported proposed for transport to a
20 farm.

1 (c) A person the Secretary approves to transport non-sewage waste or
2 waste materials to a farm shall report the following information as frequently
3 as the Secretary requires:

4 (1) the composition of the material transported to a farm, including the
5 source of the material;

6 (2) laboratory test results for every nutrient or contaminant that the
7 Secretary requires the person to identify in the material; and

8 (3) the volume of the material transported to a farm.

9 (d) After receipt of a an application or report required under subsection (b)
10 or (c) of this section, the Secretary may prohibit the import of non-sewage
11 waste or waste materials onto a farm upon a determination that the import of
12 importing the material would violate the farm's nutrient management plan for
13 the farm or otherwise present a threat to the environment, human health, plants,
14 soils, or water quality.

15 (e) Nothing in this section shall affect the authority of the Secretary of
16 Natural Resources to regulate wastes under 10 V.S.A. chapter 159 (waste
17 management) or 10 V.S.A. chapter 47 (water pollution control).

18 * * * Retail Pricing Standards * * *

19 Sec. 3. 6 V.S.A. chapter 37 is amended to read

20 CHAPTER 37. UNIT RETAIL PRICING

1 § 680. PURPOSE

2 The purpose of this chapter is to promote and facilitate the following
3 objectives:

4 (1) protect consumers, promote accuracy, and encourage constructive
5 and useful competition in the sale of consumer commodities when an
6 individual is physically present to complete transactions;

7 (2) encourage the development and use of consumer commodity pricing
8 that facilitates informed consumer choices when purchasing consumer
9 commodities;

10 (3) prohibit misleading or deceptive consumer commodity pricing
11 practices; and

12 (4) promote a level playing field for retail businesses by providing clear
13 rules for businesses to follow while ensuring informed consumer choices.

14 § 681. DEFINITIONS

15 As used in this chapter:

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

17 (2) “Consumer commodity” means any ~~food, drug, device, or cosmetic~~
18 ~~and other article,~~ product, or commodity of any ~~other~~ kind or class, except for
19 drugs sold only by prescription or food sold by a restaurant or made-to-order,
20 including:

1 (A) ~~that are customarily produced for sale to retail sales agencies or~~
2 ~~instrumentalities~~ items retail establishments customarily sell to individuals for
3 consumption by individuals, for or use by individuals for purposes of for
4 personal care, or in the performance of to perform services ordinarily that are
5 often rendered in or around the household; and

6 (B) that usually are consumed or expended ~~in the course of such~~
7 during consumption or use.

8 (3) “Unit price” means the total selling price of a consumer commodity
9 ~~means the retail price of a consumer commodity expressed in terms of the~~
10 ~~retail price of such commodity per such~~ by the price per standard unit of
11 weight, measure, or count as the Secretary designates, computed to the nearest
12 ~~whole cent or fraction thereof as the Secretary designates, area, or length as~~
13 adopted by the National Council on Weights and Measures and published by
14 the National Institute of Standards and Technology in Handbook 130, *Uniform*
15 *Laws and Regulations in the Areas of Legal Metrology and Fuel Quality.*

16 (4) “Electronic shelf label” is an electronic display that retailers can use
17 to present a product’s name, price, unit price, and other information on a small
18 wired or wireless panel, usually on the edge of a store shelf.

19 (5) “Individual” means any person, partnership, company, corporation,
20 association, or society.

1 (6) “Limited time” or “limited-time” means a period of not more than 60
2 days.

3 (7) “Made-to-order” means food prepared at the time of order or sold
4 from retail cases displaying product in bulk or in servings prepared on the
5 premises. Made-to-order foods may be sold by weight, measure, or count,
6 including piece, portion, or serving. Made-to-order food does not include
7 ready-to-eat foods that are prepackaged for an individual to select.

8 (8) “Real-time dynamic pricing” means a pricing strategy that allows
9 prices to change immediately based on evolving market trends and demand.

10 (9) “Retail establishment” means a store that sells consumer
11 commodities to individuals when they are physically present to inspect, select,
12 and purchase product, except when a store is primarily engaged in selling food
13 for consumption on the premises, or is primarily engaged in a specialty trade
14 that the Secretary determines would be unreasonable to regulate as a retail
15 establishment.

16 (10) “Retail space” means an area that a retail establishment operates or
17 controls where individuals may inspect and select consumer commodities for
18 purchase.

19 (11) “Total selling price” means the price assigned to a consumer
20 commodity and at which said consumer commodity is to be, and is, sold to an
21 individual.

1 § 682. CONSUMER INFORMATION REQUIRED

2 (a) Every ~~person who~~ retail establishment that sells, offers for sale, or
3 exposes any consumer commodity for sale at retail ~~any aluminum foil, bread,~~
4 ~~carbonated soft drinks, cereals, cooking oils, dog or cat food, facial tissues,~~
5 ~~fish, fowl, fruits, grains, meats, napkins, plastic food wrapping, vegetables,~~
6 ~~waxed paper, or other consumer commodity designated by the Secretary~~ shall
7 disclose to ~~the consumer the unit price of the consumer commodity as provided~~
8 ~~in this chapter~~ individuals the accurate total selling price of that commodity.

9 (b) Every ~~person who~~ retail establishment that sells, offers for sale, or
10 exposes for sale at retail any consumer commodity shall disclose to ~~the~~
11 ~~consumer~~ individuals the total price of the consumer accurate unit price of that
12 ~~commodity as provided in this chapter.~~

13 § 683. MEANS OF DISCLOSURE

14 ~~Persons subject to the requirements of section 682 of this title shall disclose~~
15 ~~the unit price and total price to consumers in one or more of the following~~
16 ~~appropriate ways:~~

17 ~~(1) if the consumer commodity is so located that it is not conspicuously~~
18 ~~visible to the consumer, or if the consumer commodity is so located that the~~
19 ~~price information if displayed in accordance with subdivision (2) of this~~
20 ~~section would not be conspicuously visible to the consumer, by a sign or list~~

1 ~~bearing the price information, conspicuously placed near the point of~~
2 ~~procurement;~~

3 ~~(2) by attachment of a stamp, tag, or label directly adjacent to the~~
4 ~~consumer commodity, on the shelf on which the commodity is displayed, or by~~
5 ~~stamping or affixing the price information on the commodity itself; or~~

6 ~~(3) in accord with rules adopted by the Secretary.~~

7 (a) Every retail establishment shall disclose the total selling price and unit
8 price in compliance with the standards adopted and amended by the National
9 Council on Weights and Measures and published by the National Institute of
10 Standards and Technology in Handbook 130, *Uniform Laws and Regulations*
11 *in the Areas of Legal Metrology and Fuel Quality.*

12 (b) The words “Unit Price” shall appear adjacent to the displayed unit
13 price.

14 (c) The total selling price and unit price information shall include a
15 description of the commodity, and size, and be physically located on the
16 commodity, or as close as practical to it while clearly identifying the applicable
17 commodity.

18 (d) The total selling price and unit price information shall be presented
19 boldly, clearly, and conspicuously and shall be as large as practical and not
20 smaller than 7/32 inch in height.

1 § 685. SECRETARY'S POWERS

2 The Secretary ~~shall~~ may:

3 (1) ~~Designate by regulation those consumer commodities in addition to~~
4 ~~the consumer commodities specifically enumerated in subsection 682(a) of this~~
5 ~~title as to which display of the unit price shall be required, upon a~~
6 ~~determination that such display will be in the best interests of consumers.~~

7 (2) ~~Designate by regulation the unit of weight, measure, or count in~~
8 ~~terms of which the unit price of each consumer commodity shall be expressed,~~
9 ~~provided that no designated unit shall be such as to require persons subject to~~
10 ~~the provisions of subsection 682(a) of this title to measure any consumer~~
11 ~~commodity solely for the purpose of complying with subsection 682(a) of this~~
12 ~~title.~~

13 (3) ~~Designate by regulation whether the unit price of each consumer~~
14 ~~commodity subject to the provisions of subsection 682(a) of this title shall be~~
15 ~~expressed to the nearest whole cent or to an appropriate fraction thereof.~~

16 (4) ~~Exempt by regulation classes~~ exempt any class of retail
17 establishments from any or all requirements of this chapter ~~upon a~~
18 ~~determination that, because sales~~ if the Secretary determines that the sale of
19 consumer commodities ~~regulated by this chapter are purely~~ is incidental to the
20 ~~business of such classes~~ class of retail establishments establishments' business,
21 or that compliance with this chapter is ~~impracticable~~ unreasonable and

1 unnecessary for adequate protection of consumers. to adequately protect
2 individuals; and

3 ~~(5) Prescribe by regulation means for the disclosure of price information~~
4 ~~upon determination that they are more effective than those prescribed in~~
5 ~~section 683 of this title.~~

6 ~~(6)(2) Adopt any other~~ adopt rules necessary to effectuate the provisions
7 of this chapter, ~~in accordance with the best interests of consumers.~~

8 ~~(7) Adopt rules addressing the method of price disclosure in the sale of~~
9 ~~home food service plans, including not only the price of the commodities sold~~
10 ~~but the service costs or membership fees associated with such a purchase.~~

11 ~~These rules shall take precedence over any uniform regulation adopted by the~~
12 ~~National Conference on Weights and Measures and published by the National~~
13 ~~Institute of Standards and Technology.~~

14 § 686. ~~EXCEPTIONS~~ EXEMPTIONS

15 (a) The unit price requirements of this chapter shall not apply to ~~sales of~~
16 ~~consumer commodities~~ commodity sales as follows:

17 (1) At a retail store with less than 7,000 square feet of floor space
18 dedicated to the sale of consumer commodities. This ~~exception~~ exemption
19 shall not apply to ~~the sales agencies or instrumentalities~~ retail establishments of
20 a company having two or more sales ~~agencies or instrumentalities~~ locations as
21 parts of that company.

