

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

2 Date:

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

6 Statement of purpose of bill as introduced: This bill proposes to prohibit
7 municipal regulation of agricultural activities that are subject to the Required
8 Agricultural Practices Rule. This bill also would make it optional for the
9 Secretary of Agriculture, Food and Markets to make rule requirements for
10 training classes or programs regarding agricultural water quality for farms.
11 This bill would require any person generating, transporting, or arranging for
12 the transport of non-sewage waste to a farm for any use to obtain approval
13 from the Secretary of Agriculture, Food and Markets. This bill also would
14 amend unit pricing standards to require uniform price disclosures for any food
15 or commodity sold by a retail establishment, except for made-to-order food
16 sold by a restaurant or prescription drugs.

17 An act relating to miscellaneous agricultural subjects

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

19 * * * Water Quality Training * * *

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

1 § 4981. AGRICULTURAL WATER QUALITY TRAINING

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

7 (1) the prevention of discharges, as that term is defined in 10 V.S.A.
8 § 1251(3); and

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

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

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

14 (2) the management practices and technical and financial resources
15 available to assist in compliance with statutory or regulatory agricultural
16 requirements;

17 (3) the land application of manure or nutrients, methods or techniques to
18 minimize the runoff of land-applied manure or nutrients to waters of the State,
19 and identification of weather or soil conditions that increase the risk of runoff
20 of land-applied manure or nutrients to waters of the State; ~~and~~

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

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

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

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

19 (e) The Secretary shall not charge the owner or operator of a large,
20 medium, or small farm for ~~the any training required by this section~~ the
21 Secretary requires. The Secretary shall provide or pay for the any training

1 required under this section from funds available to the Agency of Agriculture,
2 Food and Markets for water quality initiatives.

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

7 * * * Managing Non-Sewage Waste * * *

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

9 § 4817. MANAGEMENT OF NON-SEWAGE WASTE

10 (a) As used in this section:

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

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

18 (b) The Secretary may require a person generating, transporting, or
19 arranging for the transport of non-sewage waste to a farm for ~~deposit in a~~
20 ~~manure pit or for use as an input in a methane digester~~ any use to obtain
21 approval from the Secretary prior to transporting the non-sewage waste to the

1 farm. The Secretary may require a person to report to the Secretary at a
2 designated time one or more of the following:

3 (1) the composition of the ~~material transported to the farm~~ non-sewage
4 waste, including the source of the material and laboratory results as directed;
5 and

6 (2) the volume of the ~~material~~ non-sewage waste transported to a farm.

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

13 * * * Retail Pricing Standards * * *

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

15 CHAPTER 37. ~~UNIT~~ RETAIL PRICING

16 § 680. PURPOSE

17 The purpose of this chapter is to promote and facilitate the following
18 objectives:

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

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

4 (3) prohibit misleading or deceptive consumer commodity pricing
5 practices; and

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

8 § 681. DEFINITIONS

9 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

15 § 682. CONSUMER INFORMATION REQUIRED

16 (a) Every ~~person who~~ retail establishment that sells, offers for sale, or
17 exposes any consumer commodity for sale at retail ~~any aluminum foil, bread,~~
18 ~~carbonated soft drinks, cereals, cooking oils, dog or cat food, facial tissues,~~
19 ~~fish, fowl, fruits, grains, meats, napkins, plastic food wrapping, vegetables,~~
20 ~~waxed paper, or other consumer commodity designated by the Secretary~~ shall

1 disclose to ~~the consumer the unit price of the consumer commodity as provided~~
2 ~~in this chapter~~ individuals the accurate total selling price of that commodity.

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

7 § 683. MEANS OF DISCLOSURE

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

11 ~~(1) if the consumer commodity is so located that it is not conspicuously~~
12 ~~visible to the consumer, or if the consumer commodity is so located that the~~
13 ~~price information if displayed in accordance with subdivision (2) of this~~
14 ~~section would not be conspicuously visible to the consumer, by a sign or list~~
15 ~~bearing the price information, conspicuously placed near the point of~~
16 ~~procurement;~~

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

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

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

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

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

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

15 (e) The total selling price and unit price information shall exclude any
16 deposit as part of the price but shall indicate that a deposit is required when a
17 deposit is required.

18 (f) The total selling price shall be simultaneously displayed to individuals
19 at each check out location as consumer commodities are processed at the point
20 of sale to allow consumers an opportunity to assess prices and inquire about all
21 prices that may be inaccurate.

1 ~~provided that no designated unit shall be such as to require persons subject to~~
2 ~~the provisions of subsection 682(a) of this title to measure any consumer~~
3 ~~commodity solely for the purpose of complying with subsection 682(a) of this~~
4 ~~title.~~

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

8 (4) ~~Exempt by regulation classes exempt any class of retail~~
9 ~~establishments from any or all requirements of this chapter upon a~~
10 ~~determination that, because sales if the Secretary determines that the sale of~~
11 ~~consumer commodities regulated by this chapter are purely is incidental to the~~
12 ~~business of such classes class of retail establishments establishments' business,~~
13 ~~or that compliance with this chapter is impracticable unreasonable and~~
14 ~~unnecessary for adequate protection of consumers. to adequately protect~~
15 ~~individuals; and~~

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

19 (6)(2) ~~Adopt any other adopt rules necessary to effectuate the provisions~~
20 ~~of this chapter, in accordance with the best interests of consumers.~~

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

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

7 § 686. EXCEPTIONS EXEMPTIONS

8 The unit price requirements of this chapter shall not apply to ~~sales of consumer~~
9 ~~commodities~~ commodity sales as follows:

10 (1) At a A ~~retail store with less than 7,000 square feet of floor space~~
11 ~~dedicated to the sale of consumer commodities~~ establishment that has two or
12 fewer stores each with less than 6,000 square feet of retail space. This
13 ~~exception~~ exemption shall not apply to ~~the sales agencies or instrumentalities~~
14 ~~retail establishments~~ of a company having ~~two~~ three or more sales ~~agencies or~~
15 ~~instrumentalities~~ locations as parts of that company.

16 (2) ~~For use or consumption on the premises where sold~~ When different
17 brands or products are co-mingled in one receptacle for a limited-time one-
18 priced sale.

19 (3) Commodities are individually marked with a clearance or sale tag
20 and are located in a clearance or limited-time sale section of the store.

1 Clearance or limited-time sale sections may be on a shelf, multiple shelves, or
2 other defined area of the store.

3 (4) The unit price is identical to the total selling price.

4 (5) The item falls into one of the following categories:

5 (A) seasonal decorations; or

6 (B) beverages subject to the federal Alcoholic Administration Act
7 packing and labeling requirements.

8 (6) Total selling price requirements of this chapter shall not apply when
9 all items in a retail establishment have the same total selling price.

10 § 687. PENALTY

11 ~~A person who violates this chapter shall be fined not more than \$500.00~~ retail
12 establishment that violates this chapter is subject to the penalties and
13 provisions in sections 15, 16, and 17 of this title.

14 * * * Effective Date * * *

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2026.