

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill No.  
3 401 entitled “An act relating to exemptions for food manufacturing  
4 establishments” respectfully reports that it has considered the same and  
5 recommends that the Senate propose to the House that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. LEGISLATIVE INTENT

9 It is the intent of the General Assembly that:

10 (1) Vermont enhance its food resiliency through increased supply and  
11 distribution of locally produced food products;

12 (2) Vermonters have more access to the local food marketplace as both  
13 producers and consumers;

14 (3) local food producers are able to meet the demand for Vermont-made  
15 food products from visitors to the State;

16 (4) small-scale food producers, new business start-ups, and sole  
17 proprietors benefit from raising the limit of the existing licensing exemption  
18 for at-home bakery products to adjust for inflationary cost changes occurring  
19 since the initial statutory enactment; and



1           (G) cereal;

2           (H) mixed nuts;

3           (I) flavored vinegar;

4           (J) popcorn;

5           (K) coffee beans;

6           (L) dry tea; and

7           (M) any other good defined by the Commissioner in rule or policy.

8           (7) “Department” means the Department of Health.

9           ~~(5)~~(8) “Establishment” means food manufacturing establishments, food  
10 service establishments, lodging establishments, children’s camps, seafood  
11 vending facilities, and shellfish reshippers and repackers.

12           ~~(6)~~(9) “Food” means articles of food, drink, confectionery, or condiment  
13 for human consumption, whether simple, mixed, or compound, and all  
14 substances and ingredients used in the preparation thereof.

15           ~~(7)~~(10) “Food manufacturing establishment” or “food processor” means  
16 all buildings, rooms, basements, cellars, lofts, or other premises or part thereof  
17 used, occupied, or maintained for the purpose of manufacturing, preparing,  
18 packing, canning, bottling, keeping, storing, handling, serving, or distributing  
19 food for sale. A food manufacturing establishment shall include food  
20 processors, bakeries, cottage food operations, distributors, and warehouses. A  
21 food manufacturing establishment shall not include a place where only maple

1 syrup or maple products, as defined in 6 V.S.A. § 481, are prepared for human  
2 consumption.

3 ~~(8)~~(11) “Food service establishment” means entities that prepare, serve,  
4 and sell food to the public, including restaurants, temporary food vendors,  
5 caterers, mobile food units, and limited operations as defined in rule.

6 ~~(9)~~(12) “Lodging establishment” means a place where overnight  
7 accommodations are regularly provided to the transient, traveling, or  
8 vacationing public, including hotels, motels, inns, and bed and breakfasts.  
9 “Lodging establishment” ~~shall~~ does not include short-term rentals.

10 ~~(10)~~(13) “Salvage food” means any food product from which the label  
11 on the packaging has been lost or destroyed or that has been subjected to  
12 possible damage as the result of an accident, fire, flood, or other cause that  
13 prevents the product from meeting the specifications of the manufacturer or the  
14 packer but is otherwise suitable for human consumption.

15 ~~(11)~~(14) “Salvage food facility” means any food vendor for which  
16 salvage food comprises 50 percent or more of gross sales.

17 ~~(12)~~(15) “Seafood vending facility” means a store, motor vehicle, retail  
18 stand, or similar place from which a person sells seafood for human  
19 consumption.

20 ~~(13)~~(16) “Shellfish reshipper and repacker” means an establishment  
21 engaging in interstate commerce of molluscan shellfish.

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VT LEG #382849 v.1

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Sec. 4. 18 V.S.A. § 4353 is amended to read:

§ 4353. FEES

(a) The Commissioner may establish by rule any requirement the Department needs to determine the applicable categories or exemptions for licenses. The following license fees shall be paid annually to the Department at the time of making the application according to the following schedules:

\* \* \*

(3) Food manufacturing establishment — a fee for any person or persons that process food for resale to restaurants, stores, or individuals according to the following schedule:

(A) Food manufacturing establishments; nonbakeries

I — Gross receipts of \$10,001.00 to \$50,000.00; \$175.00

II — Gross receipts of over \$50,000.00; \$275.00

III — Gross receipts of \$10,000.00 or less are exempt pursuant

to section 4358 of this title

(B) Food manufacturing ~~establishment~~ establishments; bakeries

I — Home bakery; \$100.00

II — Small commercial; \$200.00

III — Large commercial; \$350.00

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