

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;

7 (M) home-canned pickles, vegetables, or fruits having an equilibrium
8 pH value of 4.6 or lower or a water activity value of 0.85 or less that are made
9 using recipes:

10 (i) approved by the National Center for Home Food Preservation;

11 or

12 (ii) reviewed by a food processing authority for safety; and

13 (N) any other good defined by the Commissioner in rule or policy.

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

15 (5)(8) “Establishment” means food manufacturing establishments, food
16 service establishments, lodging establishments, children’s camps, seafood
17 vending facilities, and shellfish reshippers and repackers.

18 (6)(9) “Food” means articles of food, drink, confectionery, or condiment
19 for human consumption, whether simple, mixed, or compound, and all
20 substances and ingredients used in the preparation thereof.

1 ~~(7)~~(10) “Food manufacturing establishment” or “food processor” means
2 all buildings, rooms, basements, cellars, lofts, or other premises or part thereof
3 used, occupied, or maintained for the purpose of manufacturing, preparing,
4 packing, canning, bottling, keeping, storing, handling, serving, or distributing
5 food for sale. A food manufacturing establishment ~~shall include~~ includes food
6 processors, bakeries, cottage food operations, distributors, and warehouses. A
7 food manufacturing establishment ~~shall~~ does not include a place where only
8 maple syrup or maple products, as defined in 6 V.S.A. § 481, are prepared for
9 human consumption.

10 ~~(8)~~(11) “Food service establishment” means entities that prepare, serve,
11 and sell food to the public, including restaurants, temporary food vendors,
12 caterers, mobile food units, and limited operations as defined in rule.

13 ~~(9)~~(12) “Lodging establishment” means a place where overnight
14 accommodations are regularly provided to the transient, traveling, or
15 vacationing public, including hotels, motels, inns, and bed and breakfasts.

16 “Lodging establishment” ~~shall~~ does not include short-term rentals.

17 ~~(10)~~(13) “Salvage food” means any food product from which the label
18 on the packaging has been lost or destroyed or that has been subjected to
19 possible damage as the result of an accident, fire, flood, or other cause that
20 prevents the product from meeting the specifications of the manufacturer or the
21 packer but is otherwise suitable for human consumption.

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(7) There shall be training requirements for food manufacturing establishment operators and employees to ensure cleanliness, sanitation, and healthfulness.

(8) The Commissioner may adopt any other minimum conditions deemed necessary for the operation and maintenance of a food or lodging establishment in a safe and sanitary manner.

* * *

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 |

1 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE