

1 H.472

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

3 Date:

4 Subject: Agriculture; agricultural fairs; food safety; apiaries; nurseries

5 Statement of purpose of bill as introduced: This bill proposes to make
6 multiple miscellaneous amendments to agricultural statutes. The bill would
7 establish criteria for the award of financial assistance to agricultural fairs and
8 field days. The bill would repeal the requirements for livestock brands. The
9 bill would amend multiple provisions related to the management of bees and
10 apiaries. The bill also would make multiple amendments to the requirements
11 for plant nurseries and plant pest detection.

12 An act relating to miscellaneous agricultural subjects

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

14 * * * Agricultural Fairs * * *

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

16 CHAPTER 219. AGRICULTURAL FAIRS AND FIELD DAYS

17 § 5151. PURPOSE

18 It is the purpose of this chapter to recognize the importance of agricultural
19 fairs and field days to the State's farmers, food producers, rural communities,

1 and economy. It is State policy that agricultural fairs and field days benefit the
2 State and its citizens and that their continued successful operations should be
3 supported in every region of the State.

4 § 5152. DEFINITIONS

5 As used in this chapter:

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

9 (2) “Agricultural fair association” means an organization or association
10 incorporated under State law that is governed by an elected board or directors
11 that operate fairs and agricultural shows that promote or exhibit the work of
12 farmers and others who produce, process, market, or distribute farm and food
13 products, including livestock, poultry, fish, fruits, vegetables, fiber,
14 horticultural products, maple products, honey, Christmas trees, or other
15 agricultural products.

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

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

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

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

8 § 5153. APPLICATION OF CHAPTER

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

13 § 5154. STATE AGRICULTURAL FAIRS AND FIELD DAYS GRANT
14 PROGRAM; ELIGIBILITY

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

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

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

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

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

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

12 (c) The Secretary shall create an application form that agricultural fair
13 associations must utilize when applying for assistance. Agency of
14 Administration Bulletin 5.0 shall apply to all awarded grants, and applicants
15 shall certify that all information they provide is truthful and accurate to the
16 best of their knowledge, information, and belief.

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

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

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

5 (3) provide accurate attendance numbers, the amount spent on
6 premiums for competitive exhibits, the amount spent on general operations,
7 and the amount spent on plant improvements for one or more of the most
8 recent fairs or field days;

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

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

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

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

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

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

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

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

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

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

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

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

15 (A) attendance;

16 (B) premium expenditures;

17 (C) general operations expenditures, and

18 (D) plant improvement expenditures for the most recent calendar
19 year.

20 (2) Generally, the Secretary shall award proportionate shares of
21 available grant funds based on each applicant's combined percentage of total

1 applicant activity. No applicant shall receive more than 10 percent of the total
2 appropriated funds unless fewer than 10 fair associations apply. In the
3 Secretary's sole discretion, the Secretary may consider the additional
4 enumerated factors in this section and use an alternate method to equitably
5 distribute available funds.

6 Sec. 2. TRANSITION; CONTINUED ELIGIBILITY

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

11 * * * Meat Processing * * *

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

13 (d) The annual fee for a license for a retail vendor is \$15.00 for vendors
14 without meat ~~cutting~~ processing operations, \$50.00 for vendors with meat
15 ~~cutting~~ processing space of less than 300 square feet or meat display space of
16 less than 20 linear feet, and \$100.00 for vendors with 300 or more square feet
17 of meat ~~cutting~~ processing space ~~and~~ or 20 or more linear feet of meat display
18 space. Fees collected under this section shall be deposited in a special fund
19 managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available
20 to the Agency to offset the cost of administering chapter 204 of this title. For
21 all other plants, establishments, and related businesses listed under subsection

1 (a) of this section, except for a public warehouse licensed under chapter 67 of
2 this title, the annual license fee shall be \$150.00.

3 * * * Weights and Measures * * *

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

5 § 2730. LICENSING FOR OPERATION OF WEIGHING AND
6 MEASURING DEVICES

7 * * *

8 (b) No person shall operate a commercial weighing and measuring device
9 without first obtaining a license from the Secretary. Any person operating
10 commercial weighing and measuring devices at more than one location, or in
11 more than one motor vehicle, shall obtain a separate license for each location
12 or vehicle.

13 * * *

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

16 (1) the device to be operated has been inspected and approved by the
17 Agency of Agriculture, Food and Market's consumer assurance section within
18 12 months of the date of application or within a longer period as the Agency
19 determines appropriate for the specific device at issue, provided that the period
20 shall not extend more than 24 months from the date of application; and

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

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* * * Livestock; Brands * * *

Sec. 5. REPEAL; LIVESTOCK BRANDS

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

* * * Bees and Apiaries * * *

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

§ 3023. REGISTRATION; REPORT

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

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

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

~~(2) Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location is to provide pollination services and the colonies will be returned to a registered apiary.~~

1 Hives from a registered apiary may be moved to another registered apiary
2 without reregistering.

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

5 (4)(3) Whether the owner transported into the State any colonies or used
6 equipment, except as authorized under subsection 3032(c) of this title.

7 (5)(4) Whether the owner is engaged in the rearing of queen bees or any
8 other bees for sale.

9 (6)(5) A current varroa mite and pest mitigation plan for each registered
10 apiary.

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

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

16 § 3024. APIARY INSPECTION; OWNERS TO CONTROL OR

17 ERADICATE BEE DISEASES

18 The Secretary, or ~~his or her~~ the Secretary's inspectors, may examine all
19 apiaries as necessary and ascertain whether any disease ~~which~~ that is injurious
20 to bees is present. If any such disease is found, the Secretary shall give the
21 owners or caretakers of the diseased apiaries written orders to treat, destroy, or

1 otherwise handle the colonies in order to prevent the spread or dissemination
2 of the disease.

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

4 § 3025. SECOND INSPECTION OF DISEASED COLONIES;

5 DESTRUCTION

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

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

17 § 3026. SALE OR OTHER UNAUTHORIZED DISPOSITION OF

18 DISEASED BEES

19 The owner of any apiary in which a disease exists shall not knowingly sell,
20 barter, give away, or move any diseased bees, colonies, honey, hives, combs,
21 or equipment ~~unless he or she has~~ without the written consent of the Secretary;

1 such person shall not in any way expose other bees to the danger of the
2 disease.

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

4 § 3027. ABANDONED APIARIES AND EQUIPMENT

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

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

9 § 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

10 A person engaged in the rearing of bees for sale shall have ~~his or her~~ the
11 person's apiary inspected by the Secretary within 45 days prior to any sale at
12 ~~least once each summer season~~ and, if any disease is found ~~which~~ that is
13 injurious to bees, shall at once cease to ship bees from such diseased apiary
14 until the Secretary declares, in writing, such apiary free from all such diseases,
15 and whenever the Secretary shall find the apiary rearing bees for sale free from
16 disease, ~~he or she~~ the Secretary shall furnish the owner with a certificate to that
17 effect.

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

19 § 3029. MOVABLE COMB FRAMES REQUIRED

20 (a) All hives shall be constructed with frames containing the honeycombs
21 and brood combs ~~which~~ that may be removed from the hive for purposes of

1 inspection. Upon determination that any hive containing bees is not
2 constructed with removable frames, the Secretary or ~~his or her~~ the Secretary's
3 inspector may:

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

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

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

13 (c) Upon determination that an owner has violated the terms of this section
14 or any rule adopted pursuant to this section, the Secretary may destroy the hive
15 or hives. Any determination of a violation shall be appealable to the Secretary,
16 who shall provide the owner a hearing within ~~ten~~ 10 days ~~of~~ after the
17 determination of the violation, during which the order to destroy shall be
18 stayed.

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

20 § 3031. RIGHT OF ENTRY; IMPEDING PROHIBITED

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

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

10 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
11 THE STATE

12 (a) Except as provided under ~~subsections (c) and (d)~~ subsection (c) of this
13 section, bees, used equipment, or colonies shall not be brought into the State of
14 Vermont unless approved by the Secretary by permit. The Secretary shall not
15 approve the import of bees, used equipment, or colonies from out of state
16 unless accompanied by a valid certificate of inspection within the previous 45
17 days from the state or country of origin stating that the bees, used equipment,
18 or bee colonies are free from bee disease.

19 (b) Any person, other than a common carrier, who knowingly transports or
20 causes to be transported used equipment or colonies to a point within this State

1 shall provide the Secretary with an approved import permit and certificate of
2 inspection not less than 10 days prior to entry into this State.

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

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

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

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

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

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

15 § 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR
16 COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;
17 CERTIFICATE

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

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

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

4 § 3034. ESTABLISHING AN APIARY LOCATION

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

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

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

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

13 (4) a person may locate an apiary within two miles of another existing
14 apiary, provided the owner of the existing apiary gives written permission or
15 the existing apiary has ~~less~~ fewer than 15 hives colonies; or

16 (5) if a registered apiary of 15 or more ~~hives~~ colonies should fall below
17 and remain below 15 ~~hives~~ colonies, anyone can petition the State and
18 establish an apiary within two miles of the existing apiary, provided the
19 number of ~~hives~~ colonies in the existing apiary stays below 15 for two years
20 from the time of the petition. An apiary that loses the protection of the two-

1 mile limit in this manner cannot be built back above the number of ~~hives~~
2 colonies it had at the end of the two-year period.

3 * * * Soil Amendments * * *

4 Sec. 17. 6 V.S.A. § 363(19) is amended to read:

5 (19) “Soil amendment” means a substance or mixture of substance that
6 is intended to improve the physical, chemical, biological, or other
7 characteristics of the soil, ~~except~~ or a distinct form of horticultural growing
8 media used in lieu of soil. “Soil amendment” does not mean fertilizers,
9 agricultural liming materials, unprocessed animal manures, unprocessed
10 vegetable manures, pesticides, plant biostimulants, and other materials
11 exempted by rule. A compost product from a facility under the jurisdiction of
12 the Agency of Natural Resources’ Solid Waste Management Rules or
13 exceptional quality biosolids shall not be regulated as a soil amendment under
14 this chapter, unless marketed and distributed for the use in the production of an
15 agricultural commodity.

16 * * * Nurseries * * *

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

18 § 4021. DEFINITIONS

19 As used in this chapter:

20 * * *

1 grower or nursery dealer shall apply annually for a nursery license on a form
2 provided by the Secretary. The Secretary shall establish by rule the conditions
3 for the issuance, suspension, or revocation of a nursery license, and may place
4 any restrictions or requirements upon the license ~~which he or she~~ that the
5 Secretary deems necessary.

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

8 (1) \$60.00, if the nursery owns or controls:

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

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

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

12 (2) \$30.00 for all other nursery dealers.

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

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

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

20 § 4027. DISEASED OR INFESTED STOCK; STOP-SALE;

21 DESTRUCTION

1 (a) Only sound, healthy nursery stock that will maintain its vigor shall be
2 offered for sale. Offering for sale stock that is diseased or infested with
3 injurious pests is a violation of this chapter. Whenever the Secretary has
4 reason to believe that any nursery, nursery grower, or nursery dealer in the
5 State has produced, introduced, installed, sold, or offered for sale diseased or
6 infested nursery stock, the Secretary shall inspect that nursery. If, upon
7 inspection, the Secretary finds any diseased or infested stock, ~~he or she~~ the
8 Secretary may order the plants, either individually or in blocks, to be:

9 (1) put on stop-sale;

10 (2) treated in a particular manner; or

11 (3) destroyed according to the Secretary's instructions.

12 (b) Plants ordered destroyed or placed on stop-sale must be clearly
13 separable from noninfested stock. Any order ~~must be confirmed to destroy or~~
14 place plants on stop-sale may be made verbally and shall be issued in writing
15 within seven days or as soon as practicable. The ~~writing~~ written order shall
16 include the reason for action, a description of the nursery stock affected, ~~and~~
17 instructions to separate and tag all nursery stock subject to the order, any
18 recommended treatment, and a reference to the appeal rights set forth under
19 subsection (c) of this section. Stop-sale tags may not be removed except by
20 written permission of the Secretary or upon suitable disposal of the infested
21 plants as determined by the Secretary.

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

5 * * * Pest Survey and Detection * * *

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

7 § 1037. ADMINISTRATIVE ORDERS

8 The Secretary may issue ~~cease and desist~~ appropriate orders and institute
9 appropriate proceedings on behalf of the agency to enforce this chapter or any
10 rules adopted under this chapter. Orders, including stop-sale orders, shall be in
11 writing and include the reason for action; a description of the plant pest,
12 plants, parts of plants, plant products, or regulated articles at issue; any
13 instructions to separate the described items; any recommended treatment or
14 action to prevent spread; and appeal rights. Stop-sale tags shall not be
15 removed without the Secretary's written permission or written determination
16 for suitable disposal. Whenever the Secretary believes that any person is in
17 violation of this chapter or rules adopted under this chapter, an action may be
18 brought in a court of competent jurisdiction to restrain by temporary or
19 permanent injunction the continuation or repetition of the violation. The court
20 may issue temporary or permanent injunctions or other relief as may be
21 necessary and appropriate for abatement of any violations.

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

2 § 1040. ~~COMPENSATION FOR DESTRUCTION~~

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

13 [Repealed.]

14 * * * Effective Date * * *

15 Sec. 23. EFFECTIVE DATE

16 This act shall take effect on July 1, 2023.