

Vermont State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 - 2. 12-5 Vt. Code R. § 30
 - ii. Date Packaged, Produced, or Harvested
 - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
 - 2. 12-5 Vt. Code R. § 30
 - b. Shellfish
 - i. Date Labels
 - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
 - 2. 12-5 Vt. Code R. § 30
 - ii. Sourcing Requirements
 - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
 - 2. Vt. Admin. Code 12-5-30:5-204
 - c. Mushrooms
 - i. Sale of Wild Mushrooms
 - 1. These regulations impose identification requirements on the sale of mushrooms harvested from the wild. Often, they mandate that wild mushrooms must be positively identified by a mushroom identification expert in order to be sold for human consumption in order to protect the public from accidental poisoning caused by the ingestion of toxic mushrooms.
 - 2. Vt. Admin. Code 12-5-30:5-204
 - ii. Wild Mushroom Processing and Licensing
 - 1. These laws allow retail food establishments to sell mushrooms picked in the wild subject to certain conditions. Frequently, they require that mushrooms sold in the state be properly processed by a licensed processing plant in order to ensure they are safe for human consumption.
 - 2. Vt. Admin. Code 12-5-30:5-204

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- d. Maple Syrup
 - i. Grading and Labeling
 - 1. These laws impose regulations on the labeling of maple syrup such as the name and address of the packager, the type of syrup, as well as other quality standards.
 - 2. 6 V.S.A. § 490
 - e. Oleomargarine (“Margarine”)
 - i. Labeling
 - 1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
 - 2. Vt. Admin. Code 2-4-100:317.2
 - 3. Vt. Admin. Code 2-4-100:317.8
 - f. Baby Food
 - i. Packaging with BPA
 - 1. These laws prohibit the sale of baby food in jars containing the additive bisphenol A (“BPA”) due to concerns about the chemical’s safety and adverse health impacts it may have on young children.
 - 2. VT ST T. 18 § 1512
- II. Alcohol
- a. None
- III. Drugs
- a. Recreational
 - i. Salvia
 - 1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
 - 2. Vt. Admin. Code 12-5-23:7.0
 - ii. Kratom
 - 1. Mitragyna speciosa, commonly known as “kratom,” is a tropical evergreen tree whose leaves contain opioid properties that make it popular in the U.S. as a recreational drug. These laws criminalize possession or otherwise restrict import or use of kratom so as to function as a ban or partial ban.
 - 2. Vt. Admin. Code 12-5-23:7.0
 - b. Tobacco
 - i. Fire Safety Standards
 - 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test

methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.

2. Vt. Stat. Ann. tit. 20, § 2757

IV. Fishing

a. None

V. Wood and Lumber

a. Firewood

i. Import Restrictions

1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.

2. Vt. Admin. Code 16-6-204:4

VI. Home Goods and Products

a. Furniture and Bedding

i. Label Laws

1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.

2. Vt. Stat. Ann. tit. 9, § 2942

ii. Prohibited Products

1. These regulations restrict the introduction or use of certain products or materials in bedding, pillow, mattresses or other stuffed materials. They are often intended to protect public health from potentially hazardous materials or other contaminants.

2. Vt. Stat. Ann. Tit 9, § 2941

b. Children's Products and Upholstery

i. Chlorinated TRIS (TDCPP) and TCEP

1. These laws restrict the use or impose requirements on the use of chlorinated TRIS and other flame-retardant chemicals in children's products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from the chemicals' potentially toxic or carcinogenic effects, to which young children are particularly susceptible. These laws could be preempted to the extent that TDCPP or TCEP are applied to agricultural products, which may include items such as furniture, changing pads, and bedding.

2. 9 V.S.A. § 2974

3. 9 V.S.A. § 2975
- ii. Brominated Flame Retardants
 1. These laws restrict the use or impose requirements on the use of brominated flame retardants and other flame-retardant chemicals in children’s products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from their potentially toxic or carcinogenic effects, to which young children are particularly susceptible. Frequently, these laws set maximum allowable levels of brominated flame retardants that may appear in items offered for sale. They could be preempted to the extent that these chemicals are applied to agricultural products, which may include furniture, changing pads, and bedding.
 2. 9 V.S.A. § 2973
 3. 9 V.S.A. § 2975
- VII. Live Animal Imports
 - a. Birds
 - i. Avian Influenza and Newcastle Disease
 1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
 2. Vt. Admin. Code 2-4-301:III
 - b. Cattle and Bison
 - i. Anthrax
 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
 2. Vt. Admin. Code 2-4-301:II
 3. 6 V.S.A. § 1151 (incorporates the U.S. National List of Reportable Animal Diseases found at https://www.aphis.usda.gov/animal_health/nahrs/downloads/2017_nahrs_dz_list.pdf)
 - ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
 2. Vt. Admin. Code 2-4-100:311.14
 3. Vt. Admin. Code 2-4-303:1551
- iii. Bovine Tuberculosis
1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
 2. Vt. Admin. Code 2-4-301:III
- iv. Rabies
1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
 2. Vt. Admin. Code 2-4-301:II
 3. 6 V.S.A. § 1151 (incorporates the U.S. National List of Reportable Animal Diseases found at https://www.aphis.usda.gov/animal_health/nahrs/downloads/2017_nahrs_dz_list.pdf)
- c. Cervids
- i. Chronic Wasting Disease (“CWD”): Restrictions
 1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. Vt. Admin. Code 2-4-316:IV
 3. Vt. Admin. Code 16-4-117:3.0
 4. Vt. Admin. Code 2-4-301:III
- d. Bees
- i. Import Requirements and Health Certifications
 1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
 2. 6 V.S.A. § 3032
 - ii. Bee Quarantines
 1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
 2. Vt. Admin. Code 2-3-206:V
 - iii. Disease Free Certifications for Sale
 1. These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.
 2. Vt. Admin. Code 2-3-206:II
- e. Horses
- i. Equine Infectious Anemia
 1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
 2. Vt. Admin. Code 2-4-301:III
 3. Vt. Admin. Code 2-4-312:III
- f. Sheep and Goats
- i. Scrapie
 1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

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2. Vt. Admin. Code 2-4-301:II
- ii. Scabies
 1. Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.
 2. Vt. Admin. Code 2-4-301:III
- g. Swine
 - i. Pseudorabies
 1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
 2. Vt. Admin. Code 2-4-301:II
 3. Vt. Admin. Code 2-4-301:III
 - ii. Swine Vesicular Disease
 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 2. Vt. Admin. Code 2-4-301:II
 3. 6 V.S.A. § 1151 (incorporates the U.S. National List of Reportable Animal Diseases found at https://www.aphis.usda.gov/animal_health/nahrs/downloads/2017_nahrs_dz_list.pdf)
- h. Exotic Meats
 - i. Horsemeat Labeling
 1. These state regulations require that horsemeat be specifically labelled as such. They are intended to increase transparency regarding sourcing.
 2. Vt. Admin. Code 2-4-100:312.3
 - ii. Bison
 1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.
 2. Vt. Admin. Code 2-4-301:III
 - iii. Pigeon or “Squab”

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1. These states have limits on the number of pigeons or other varieties of columbidae that can be imported.
 2. Vt. Admin. Code 16-4-140:23
 - iv. Exotic Meats Generally
 1. These laws impose labeling or other packaging requirements on the sale of exotic meats. They are intended to increase transparency and regulatory oversight.
 2. Vt. Admin. Code 2-4-100:302.3
 3. Vt. Admin. Code 2-4-100:318.1
 4. Vt. Admin. Code 2-4-100:350.3
- VIII. Companion Animals
- a. Dogs and Cats
 - i. Lemon Laws
 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.
 2. 20 V.S.A. § 3921(c)
 3. 2-4 Vt. Code R. § 308:III-3
- IX. Products for Animals
- a. Pet Food
 - i. Ingredients
 1. These laws impose content requirements for pet food. Often they regulate the maximum or minimum amounts of crude protein, fat, fiber, and moisture that may go into a product. Others limit the types of ingredients that may be used, such as those regulations prohibiting the use of meat products that do not come from licensed processing plants subject to inspection.
 2. 2-3 Vt. Code R. § 100
 - ii. Nutritional Labeling
 1. These laws impose nutritional standards for pet food marketed as “complete” or “balanced.” They are intended to ensure accuracy and prevent false claims.
 2. 2-3 Vt. Code R. § 100
 - iii. Nutritional Claims
 1. These laws regulate the use of the word “proven” in promotional marketing and labeling of pet food products. They are intended to prevent the misuse of the word to avoid promoting claims not supported by science.
 2. 2-3 Vt. Code R. § 100
 - iv. Flavor Labeling

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1. These regulations govern flavor designation and labeling on pet food packaging.
 2. Vt. Admin. Code 2-3-100:III
 - v. Requirements of Manufacturers
 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
 2. 4 R.I. Gen. Laws Ann. § 4-2-4
 - b. Commercial Feed
 - i. Labeling of Commercial Feed
 1. These regulations impose labeling requirements for manufacturers who sell commercial feed products for use by livestock within the state. Often they dictate how labels should appear and what information they must contain.
 2. 6 V.S.A. § 325
- X. Dead Animals and Animal Parts
 - a. None
- XI. Invasive Pests, Plants, and Disease
 - a. Ash Trees
 - i. Emerald Ash Borer
 1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
 2. 16-6 Vt. Code R. § 204
 - b. Noxious Weeds
 1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
 2. Vt. Admin. Code 2-3-210:V
 - c. Seeds
 - i. Genetically Modified Seed Labeling and Reporting
 1. These regulations impose recordkeeping, labeling, and reporting requirements on manufacturers of seeds that have been genetically modified. They are intended to increase transparency and reduce the risk of cross contamination of plants.
 2. 6 V.S.A. § 644
- XII. Procurement
 - a. None

Source: Harvard Law School Animal Law & Policy Program, Analysis of the "Protect Interstate Commerce Act of 2018" H.R. 4879. 2018. Available at animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/

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XIII. General Prohibitions

a. Toxins in Packaging

i. Materials Used to Package Agricultural Products

1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state's landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
2. 10 V.S.A. § 6620a

XIV. Miscellaneous

a. None