

**BOARD OF AGRICULTURE AND CONSUMER SERVICES**  
**James Monroe Building**  
**101 North 14<sup>th</sup> Street**  
**Richmond, Virginia**  
**Thursday, March 24, 2022**

**9 A.M.**

1. Call to order
2. Roll call
3. Approval of draft Board meeting minutes from December 10, 2021
4. Board member reports
5. Commissioner's Report to Board – Joseph Guthrie, Commissioner of Agriculture and Consumer Services
6. 2022 Session of the General Assembly – legislative update – Kevin Schmidt, Director, Office of Policy, Planning, and Research
7. 2022 Session of the General Assembly – budget update – Kendra Shifflett, Director, Administrative and Financial Services
8. Avian influenza update – Dr. Charles Broaddus, State Veterinarian and Director, Division of Animal and Food Industry Services
9. New business
10. Future Board meetings
11. Public comment period
12. Adjourn

**DRAFT MINUTES**

Friday, December 10, 2021

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:10 a.m. on Friday, December 10, 2021, at the James Monroe Building in Richmond. President Barlow called the meeting to order.

**ROLL CALL**

The Board Secretary called the roll:

**PRESENT**

O. Bryan Taliaferro, Jr.  
Shelley Barlow  
Margaret Ann Smith  
Jacquelin Easter  
Kay Johnson Smith  
Tyler Wegmeyer  
Richard Sellers  
Neil Houff  
Charles Church  
Alan Grant

**CONGRESSIONAL DISTRICT**

1<sup>st</sup>  
4<sup>th</sup>  
6<sup>th</sup>  
7<sup>th</sup>  
8<sup>th</sup>  
10<sup>th</sup>  
11<sup>th</sup>  
Pesticides – Commercial Agricultural  
Pesticides – Commercial Structural  
Representing Dr. Timothy D. Sands, President,  
Virginia Tech

**ABSENT**

Donald Horsley  
Clifton A. Slade  
Cecil Shell  
James S. Huffard, III  
Dr. M. Ray McKinnie

2<sup>nd</sup>  
3<sup>rd</sup>  
5<sup>th</sup>  
9<sup>th</sup>  
Representing Dr. Makola Abdullah, President,  
Virginia State University

**STAFF PRESENT**

Bradley Copenhaver, Commissioner, Virginia Department of Agriculture and Consumer Services  
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services  
Katherine Coates, Administrative Assistant, Virginia Department of Agriculture and Consumer Services

**APPROVAL OF MINUTES**

Mr. Sellers moved that the draft minutes of the meeting on July 20, 2021, be approved as distributed. Mr. Houff seconded the motion. The motion was unanimously approved.

**REPORT FROM BOARD MEMBERS**

**Margaret Ann Smith**

Ms. Smith reported that her district is in need of rain. Farmers are wrapping up combining and harvesting the crops in her area. Fall applications of fertilizer are going down. She stated that cattle runs have been tremendous for the last five weeks and prices are steadier than they were previously. She concluded her report by discussing the exemptions to hours of service on electronic logging devices for cattle. These exemptions will help move the cattle safely, more efficiently, and humanely across the country.

**O. Bryan Taliaferro**

Mr. Taliaferro reminded the Board that he had retired from farming as of January 1, 2021, but stated that he retired a year too early because the corn and soybean crops in his district have resulted in good yields and high prices. However, he stated that he is enjoying seeing his successors' success. He shared his thoughts about increases in input prices for farmers. He concluded by sharing his concerns about how dry it is for this time of year, which could result in forest fires.

**Neil Houff**

Mr. Houff reported that there have been some low corn and soybean yields in the Shenandoah Valley. He stated that there will be upcoming challenges with high fertilizer and herbicide prices and ongoing supply chain issues going into 2022. Distributors are allocating product to avoid panic buying, but there may still be some spot shortages. He concluded by stating that the product will be there but the prices will be high and producers will have to balance fertilizer and commodity prices.

**Charles Church**

Mr. Church reported that the Virginia Pest Management Association (VPMA) held its master tech school for bed bugs and occasional invaders in conjunction with Virginia Tech and the Richmond Public Housing Authority in October. This week, VPMA held its state technical meetings in Virginia Beach. It was conducted as a hybrid meeting. For in-person participants, they had 205 attendees, 41 exhibitors, and 49 speakers. He concluded by sharing that VPMA is now preparing for the state and federal legislative seasons.

**Alan Grant**

Dr. Grant reported that Virginia Tech is finishing up its fall semester. Commencement will be held next week. He reported on several personnel changes and recruitment efforts at Virginia Cooperative Extension (VCE) and the Agricultural Research and Extension Centers, including the retirement of Dr. Ed Jones, the current director of VCE.

**Richard Sellers**

Mr. Sellers reported that he is looking forward to inviting Commissioner Copenhaver to visit Fairfax County to discuss urban agriculture and meet with the Fairfax Food Council and local VCE staff. He reported that Fairfax County is currently discussing the possible conversion of a large warehouse into urban indoor agriculture that will allow people to raise their own food. He concluded his report with an update on community gardens in his area and an agritourism ordinance that was recently approved.

**Tyler Wegmeyer**

Mr. Wegmeyer introduced himself to the Board. He owns and operates three U-Pick strawberry farms and two U-Pick pumpkin farms and also grows corn, wheat, and soybeans. He operates a large agritourism operation in Berryville and farms in three different counties. He is the current president of the Virginia Strawberry Growers Association. He stated that his business is primarily agritourism and educating people on modern agriculture practices and what it takes to feed the world. He reported that, in his district, the demand for Christmas trees is outstripping the supply. In general, all agritourism businesses are doing very well. He reported that corn and soybeans crops have been a mixed bag depending on location. There was a four week period of drought in some areas. He stated that the labor situation has been dire. For his operation, it's

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been challenging to staff both his retail and harvest crews with quality workers. For his retail operation, they have had to pass the high costs of labor on to their customers. He concluded his report discussing the inaccessibility of high speed internet for rural businesses.

### **Kay Johnson Smith**

Ms. Smith reported that October was urban agriculture month. She hopes to engage more with the local organization Friends of Urban Agriculture. She reported that the National Association of State Departments of Agriculture (NASDA) has a new president and CEO and she looks forward to meeting with him. In September, the organization she works for, the Animal Agriculture Alliance, led the U.S. animal agriculture industry's input and engagement to the United Nations Food Systems Summit. She concluded her report by stating that she was looking forward to hearing the FBI's presentation, as her organization monitors extremist groups that threaten animal agriculture.

### **Jacquelin Easter**

Ms. Easter introduced herself to the Board and gave an overview of her work and family history. She and her family own and operate Easter Design. They also raise beef cattle and grow corn and wheat in four counties. She reported that the dry weather in her district has helped with the harvest. She stated that they have had multiple combine fires in her county. The elevators at the grain company are full, and people have been turned away. That has been an issue for some farmers who don't have their own trucks or whose bins are not big enough to accommodate their harvest. She concluded her report by noting her struggles with fuel prices.

### **Shelley Butler Barlow**

Ms. Barlow reported that her district had excellent crop yields and prices. Her farm planted peanuts for the first time in 18 years and had good yields. She has had conversations with VDACS about universal labor shortages, which are having broad impacts. She noted that there has been a shortage of inspectors available for grading as crops are coming in. To follow up on Mr. Wegmeyer's comments, she reported on her own challenges with rural broadband. She is optimistic that the issue has been brought to the attention of state and federal government and stated that there is funding available to get all their rural areas up to speed on broadband. She shared some high level concerns about what agriculture's role will be in the climate change crisis. She noted that agriculture is doing a lot of climate friendly things and they need to figure out how to put a value on it. She concluded by sharing that, in her district, they are having a surge of community gardens and they finally have funding for school gardens.

### **COMMISSIONER'S REPORT**

Commissioner Copenhaver delivered his report to the Board. During the presentation of this report, he briefed the Board on personnel changes, recent events, and other matters relating to VDACS. A copy of the written report on which his presentation was based was included in the Board meeting agenda and materials.

### **NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-390, RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA SEED LAW**

President Barlow called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols briefed the Board on the Notice of Intended Regulatory Action for 2 VAC 5-390.

Following Mr. Nichol's presentation and Board member discussion, Mr. Sellers moved that the Board of Agriculture and Consumer Services authorize staff to take any and all steps necessary

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to file a Notice of Intended Regulatory Action to amend 2 VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law, for public comment.

Mr. Taliaferro seconded the motion. The Board voted unanimously to approve the motion.

**PROPOSED STAGE – 2 VAC 5-317, REGULATIONS FOR ENFORCEMENT OF THE NOXIOUS WEEDS LAW**

Mr. Nichols briefed the Board on the proposed action to amend 2 VAC 5-317.

Following Mr. Nichol's presentation, questions, and Board member discussion, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-317, Regulations for Enforcement of the Noxious Weeds Law, as presented by staff and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment.

Mr. Houff seconded the motion. The Board voted unanimously to approve the motion.

**PESTICIDE CONTROL FUND UPDATE**

President Barlow called again on Mr. Nichols. Mr. Nichols presented the Board with an update on the Pesticide Control Fund.

**PROPOSED ELECTRONIC MEETING POLICY DISCUSSION AND APPROVAL**

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research. Mr. Schmidt briefed the Board on the proposed electronic meeting policy.

Following questions and Board member discussion, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt the electronic meeting policy as presented by staff, effective December 10, 2021.

Ms. Johnson Smith seconded the motion. The Board voted unanimously to approve the motion.

**AGRICULTURAL ECONOMIC ESPIONAGE**

President Barlow called on Mr. Cameron Fricks, Special Agent, Federal Bureau of Investigation (FBI), Richmond Division. Mr. Fricks introduced Mr. Barton Plant, Special Agent, FBI, Richmond Division. Mr. Plant delivered a presentation to the Board on the FBI's concerns related to agricultural economic espionage and how to be vigilant in its detection.

**NEW BUSINESS**

There was no new business brought before the Board.

**FUTURE BOARD MEETINGS**

President Barlow announced that the Board meeting dates for 2022 will be March 24, May 19, and December 9 in Richmond. President Barlow also stated that the Board intends to hold its summer meeting and tour in July.

**PUBLIC COMMENT PERIOD**

There was no public comment.

**ADJOURNMENT**

There being no further business, the Board adjourned at approximately 12:07 p.m.

Respectfully submitted,

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Shelley Barlow  
Board President

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Kevin Schmidt  
Board Secretary

COMMISSIONER'S REPORT TO  
BOARD OF AGRICULTURE AND CONSUMER SERVICES  
March 24, 2022

GOVERNOR'S PRIORITIES

On March 29, VDACS, the Virginia Farm Bureau Federation, and the Virginia Tech Department of Agricultural and Applied Economics will co-host the Governor's Conference on Agricultural Trade. This year's conference will feature an outstanding and distinguished lineup of speakers discussing challenges and opportunities for global agricultural and forestry exports. The conference will also include a lunchtime keynote speech from Governor Youngkin to share his trade priorities.

In March, First Lady of Virginia Suzanne Youngkin, Secretary of Agriculture and Forestry Lohr, Secretary of Education Guidera, and Commissioner Guthrie joined VDACS staff in celebrating Virginia Agriculture Literacy Week by visiting classrooms around the Commonwealth to read to students. Participants read this year's Ag In the Classroom book, *Tales of the Dairy Godmother: Chuck's Ice Cream Wish*, to children in classes ranging from pre-school through third-grade. This "dairy-tale" is of a young boy named Chuck who wishes for all the ice cream he can eat. This prompts his "Dairy Godmother" to take him to a dairy farm, where he gets a firsthand look at all the hard work and care that goes into producing his favorite treat. The First Lady, Secretary Lohr, and Secretary Guidera read to students at Jackson Davis Elementary School in western Henrico County. Commissioner Guthrie read to students at his alma mater, Dublin Elementary School in Pulaski County.

Since January, there have been two new Governor's Agriculture and Forestry Industries Development (AFID) Fund Facility Grants announced totaling \$50,000. Floyd County was awarded \$10,000 for its first AFID award. The project represents \$100,000 in new capital investment, eight new full-time positions, and commitments for the purchase of \$76,035 of Virginia-grown agriculture and forestry products. Then on March 10, Governor Youngkin announced his Administration's first AFID grant award of \$40,000 to Madison County for a project that represents \$491,396 in new capital investment, three new full-time positions and four full-time-equivalent positions, and \$1,275,805 in Virginia-grown agriculture and forestry products. Since its inception, 113 Governor's AFID Fund Facility Grants have been successfully awarded to 64 localities across Virginia totaling \$10,254,900. These projects have encouraged the creation of 3,156 new jobs and 406.4 Full-Time Equivalents (FTEs), \$1,044,295,769 in new capital investment, and \$1,152,694,318 in new Virginia-grown purchases. Additionally, 51 AFID Planning Grants have been awarded totaling \$1,043,232, positively impacting 63 unique localities for local agricultural and economic development enhancements ranging from local food sourcing to poultry industry support to viticulture education.

The inaugural grant round of the Governor's AFID Fund Infrastructure Grant opened October 1, 2021, and closed November 15, 2021. This expansion of the AFID grant program was introduced by Delegate Rasoul during the 2021 Session of the General Assembly to support sustainable local food systems, small-scale agricultural producers, farmers' markets, and food hubs through matching grants up to \$25,000 to local governments. The grant recipients were announced on December 20, 2021. In total, eight applicant localities received \$159,887 in grant funding: (i) \$23,124 to Floyd County for equipment for a new meat processor; (ii) \$25,000 to Franklin County for new boilers for community

canneries; (iii) \$25,000 to the City of Harrisonburg for meat processing equipment upgrades; (iv) \$16,000 to Henrico County for farmers' market improvements; (v) \$16,675 to King William and King and Queen counties for processing equipment for goat dairies; (vi) \$4,088 to the City of Martinsville for farmers' market improvements; (vii) \$25,000 to Prince Edward County for a new boiler for the community cannery; and (viii) \$25,000 to Shenandoah County and the Town of New Market for produce aggregation infrastructure. The next grant round will open on April 1, 2022, and close May 15, 2022, with awards to be announced by June 30, 2022. During the 2022 Session of the General Assembly, Delegate Rasoul successfully introduced HB 323, which increases the maximum grant amount to \$50,000. HB 323 passed both chambers and is currently awaiting the Governor's signature.

The fiscal year (FY) 2022 Virginia Farmland Preservation Fund (Fund) grant round opened October 29, 2021, and closed December 10, 2021. Initially, the General Assembly appropriated \$250,000 in funding for FY 2022, but this was increased during the 2021 Session of the General Assembly to \$1 million. Seven localities applied for funding: Albemarle County, the City of Chesapeake, Clarke County, Fauquier County, Shenandoah County, Stafford County, and the City of Virginia Beach. Since the program's inception in 2007, a total of \$12.4 million in state matching funds from the Fund have been used in part to permanently protect 14,473 acres (108 easements) in partnership with 16 local Purchase of Development Rights programs.

In December, the Virginia Farm Bureau Federation (VFBF) and VDACS staff officially launched a major update to the Virginia Farm Link website at the VFBF Annual Convention. The relaunched website is a cooperative project between VDACS and VFBF, which have both been conducting outreach to agriculture, forestry, and land conservation networks to promote the relaunched website. In addition, VDACS staff has appeared on several broadcasts with local media to share the improved database and other resources available on the site. Since the relaunch, the site, which is located at [www.virginiafarmlink.org](http://www.virginiafarmlink.org), already has 11 registered farms and approximately 70 registered farm seekers, with more entries being added daily.

The second round of the Virginia Food Access Investment Fund (VFAIF) program opened on December 1, 2021, and closed on February 22, 2022. During the application period, the program received 37 pre-proposals, and Office of Agriculture and Forestry Development (OAFD) staff hosted six "How to Apply" webinars to guide interested applicants through the process. Additionally, OAFD staff and Virginia Community Capital (VCC) staff facilitated 20 personalized technical assistance calls with the purpose of creating a more accessible grant round. VCC has been acting as the Community Development Financial Institution (CDFI) for VFAIF for the past year. Chapters 956 and 957 of the 2020 Acts of Assembly, which established the VFAIF, require that VDACS select and work in collaboration with a CDFI to assist in administering the VFAIF Program and carrying out the purposes of the VFAIF. The program received 27 complete applications totaling approximately \$1.2 million in funding requests from small businesses and organizations aiming to increase access to fresh food in their communities. The inaugural VFAIF grant round opened on December 18, 2020, and closed on April 30, 2021. Fifteen projects were awarded grants totaling \$620,688. Awardees include small food retailers, innovative food retailers, and grocery stores in urban and rural areas throughout the Commonwealth.

	<b>As of March 18, 2022</b>	<b>On July 31, 2021</b>
Industrial Hemp Grower Registrations	65	876
Industrial Hemp Processor Registrations	241	290
Industrial Hemp Dealer Registrations	108	135
Trained Sampling Agents (crop samples)	16	N/A
Approved Testing Laboratories (crop samples)	2	N/A

## AGENCY OPERATIONS

### *Commissioner's Office*

In January, Commissioner Guthrie and agency staff participated in the 32nd Annual Eastern Shore Agricultural Conference and Trade Show. The conference was held in Belle Haven and attracted approximately 130 participants. Highlights of the conference included opening day remarks from Commissioner Guthrie. Multiple VDACS divisions exhibited at the event. The VDACS Market News Program Manager presented a potato market outlook during the event's potato session. The Market News presentation included information on potato prices, shipments, and production in the U.S. and Canada. Information on chipstock potato contracts was also provided to assist producers in upcoming negotiations. Office of Pesticide Services (OPS) staff provided a legal update, which is required for all approved pesticide applicator recertification courses. OPS staff also made available resources, including the Worker Protection Standard (WPS) How to Comply manuals, worker training videos, and pesticide recordkeeping manuals.

In January, Deputy Commissioner Green served as a panelist during a virtual roundtable hosted by the National Association of State Departments of Agriculture (NASDA) for university students involved in the MANNRS (Minorities in Agriculture and Natural Resources and Related Sciences) National Society. MANNRS students were invited to listen to the roundtable, which focused on discussing career opportunities within state departments of agriculture. In addition to Deputy Commissioner Green, the other panelists included Commissioner Ryan Quarles (Kentucky), Commissioner Richard Ball (New York), and Secretary Karen Ross (California).

In February, Commissioner Guthrie hosted a delegation of local business leaders, elected officials, and economic development representatives from Pulaski County. OAFD staff met with the delegation and briefly shared information about available resources and outlined ways OAFD has interacted with the locality. Not only did the meeting provide an opportunity to follow up with Pulaski County economic development staff about ongoing projects, the event also led to new project leads in the craft beverage and industrial hemp sectors.

In February, Commissioner Guthrie and Deputy Commissioner Green participated in the NASDA Winter Policy Conference. NASDA is a nonpartisan, nonprofit association that represents the elected and appointed commissioners, secretaries, and directors of the departments of agriculture in all 50 states and four U.S. territories. Avian Influenza (AI) was a popular topic among the participants, and Commissioner Guthrie was able to discuss recent AI detections and incident response with his

counterparts from Kentucky, Indiana, New York, and Delaware. Commissioner Guthrie and Deputy Commissioner Green also held meetings with representatives from two major pet food manufacturers regarding regulatory oversight of pet foods and their ingredients. During NASDA, meetings of the Southern U.S. Trade Association (SUSTA) and the Southern Association of State Departments of Agriculture (SASDA) were also held. Virginia serves as Secretary/Treasurer for SUSTA and as Secretary for SASDA.

In March, Governor Youngkin, the First Lady, Secretary Lohr, Chief Deputy Secretary of Agriculture and Forestry Slaybaugh, and Deputy Secretary of Agriculture and Forestry Green met with Commissioner Guthrie and the VDACS Strategic Management Team to discuss administration and agency priorities. VDACS Communications Office staff took pictures of the meeting, and agency staff gathered for a large group picture with the Governor.

### *Division of Marketing*

In February, the Director of the Division of Marketing (DM) participated in a U.S. Department of Agriculture (USDA) Trade Mission to Dubai, United Arab Emirates. The USDA, as a part of its commitment to increasing agricultural trade opportunities in Dubai, hosted a trade mission for companies and trade officials seeking to export products to member states of the Gulf Cooperation Council (GCC), including the GCC member countries Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates. In addition to the VDACS DM Director, the trade mission also included officials from five other state departments of agriculture and officials from state and regional trade groups and cooperators. Visits were made to Camel Dairy Farm, Al Maya Supermarket Group, LuLu Supermarket, the Port of Dubai, Fresh Fruits Trading Company (the largest importer of fresh fruits and vegetable in Dubai), Al Douri Group (importers and distributors of nuts and coffee), and the World Expo 2022. The trade mission also included a roundtable discussion and other meetings with USDA Secretary Tom Vilsack, USDA Regional Agricultural Counselor Valerie Brown, and USDA Regional Agricultural Attaché Mark Ford to discuss ways to grow Virginia's exports in Dubai. The mission revealed possible opportunities to increase trade in Dubai by focusing on apples, seafood, packaged food and beverages, and lumber.

The Office of International Marketing (OIM) reports that the Virginia trade data is now available for 2021. Virginia exported more than \$4.1 billion in agricultural and forestry products. This is a 28 percent increase compared to 2020. The top destinations for Virginia agricultural and forestry products include China, Canada, Taiwan, Mexico, and Japan. The top products exported were soybeans, pork and edible pork offal, soybean meal, poultry, and tobacco.

In July 2020, the OIM terminated its contract with its trade representative in the Middle East. In November 2021, a request for proposals was issued to reestablish representation in the region. Focus M, an international trade and marketing agency based in Dubai, was selected as the new trade representative in the region, with service beginning on March 1, 2022.

At the end of January, the OIM hosted a Russian wine influencer to attend CiderCon in Richmond and visit wineries across the state. Wineries visited include Jolene Family Winery (New Kent), The Williamsburg Winery, New Kent Winery, Trump Winery (Charlottesville), Gabriele Rausse Winery

(Charlottesville), Barboursville Winery, and Early Mountain Vineyards (Madison). This influencer has previously worked with USDA in Russia and other parts of Europe. As a result of the visit, the wine influencer met virtually with the VDACS Europe trade representative to discuss opportunities to promote Virginia cider and wine in the region.

In January, Frondita BioGroup (Henrico) shipped 10 tons of GeoBond, one of its feed additive products, to 10 feed mills in China for trials in poultry and swine diets. Results of these trials are expected in May 2022. OIM staff introduced Frondita BioGroup to Bennett Mineral (Walkerton), a manufacturer of a toxin binders for animal feeds. The two companies are working together on the production of GeoBond for the Chinese market. As a result of its strong relationship with OIM, Bennett Mineral offered to provide ten 1,000 kilogram totes of its binders free of charge to Frondita for export to China.

In March, TK Exports, a Virginia-based livestock exporter, participated in AgriTek/FarmTek in Kazakhstan. The U.S. Department of Commerce has sponsored the pavilion in which TK Exports will exhibit. Central Asia has excellent opportunities for livestock and related products such as feed ingredients and additives and technology.

In March, The Turman Group, a lumber company in Christiansburg, exhibited at the Dubai WoodShow in VDACS-sponsored booth space. The Dubai WoodShow is the premier destination for wood specialists who visit the show every year from across the globe. It is the region's only dedicated business-to-business meeting place for the wood and woodworking machinery industry. OIM staff assisted Turman staff in securing State Trade Expansion Program (STEP) funding for travel through the Virginia Economic Development Partnership (VEDP).

In March, The Plant Based Seafood Company (Grimstead) exhibited at the International Food and Drink Event (IFE) in London in VDACS-sponsored booth space. For more than 40 years, the International Food & Drink Event (IFE) has welcomed 30,000 retailers, wholesalers, and foodservice professionals to taste, test, and source products from a global list of producers. This year, IFE was co-located with IFE Manufacturing, Hotel, Restaurant & Catering; The Pub Show; and The London Produce Show for complete access to the full supply chain across three days. The Plant Based Seafood Company showcased its Mind Blown brand at the show with the assistance of the VDACS Europe trade representative. OIM staff assisted The Plant Based Seafood Company in securing STEP funding for travel through VEDP.

In November, December, January, and February, the Office of Domestic Marketing and Promotions (ODMP) staff conducted 14 meetings for the following Virginia commodity boards: the Virginia Wine Board, the Virginia Marine Products Board, the Virginia Cotton Board, the Virginia Spirits Board, the Virginia Horse Board, the Virginia Cattle Board, the Virginia Corn Board, the Virginia Soybean Board, the Virginia Apple Board, the Virginia Potato Board, the Virginia Tobacco Board, and the Virginia Aquaculture Advisory Board as well as one meeting of the Horse Industry Board's Marketing Subcommittee. At these meetings, the boards considered proposals for research, education, and promotional proposals for funding.

In November, December, January and February, ODMP staff participated in the following 16 events: Sussex Surry Early Childhood Food Insecurity Collaborative, North Carolina Strawberry Association's

Southeast Strawberry Expo, Southern Piedmont Agricultural Research & Extension Center's Leadership Council, the Hemp Regulators Conference, Virginia State University Small Farmers Outreach Conference, Clemson Tobacco Production Meeting, South Carolina Tobacco Board Meeting, Southwest Virginia Coalition to End Childhood Hunger meeting, 50<sup>th</sup> Tobacco Workers' Conference, 32<sup>nd</sup> Annual Eastern Shore Agricultural Conference, 2022 Mid-Atlantic Fruit and Vegetable Convention, Virginia Pumpkin Growers Association meeting, Tobacco Growers Association Annual Meeting, Virginia Grain Producers and Virginia Soybean Annual Conference, CiderCon, and the Winter Fancy Food Show. Total participation in these events was approximately 6,000.

ODMP continues to work with Madison & Main, a marketing consulting firm, on the rebranding of the Virginia's Finest and Virginia Grown programs. ODMP has reviewed and chosen updated logos for both programs. ODMP staff has also worked with Madison & Main to approve ad campaigns for Virginia's Finest companies that were launched through VDACS social media sites over the past several months. These ad campaigns are linked to a landing page that allows audiences to select Virginia's Finest vendors that sell their products online.

The Office of Food Distribution (OFD) reports that schools participating in the National School Lunch Program (NSLP) have placed a total of \$22 million worth of commodity orders for the 2022-2023 school year. Schools have set aside an additional \$13 million for the purchase of produce through the USDA Fresh Fruit and Vegetable Program.

OFD submitted a USDA Reach and Resiliency Grant to assist the Federation of Virginia Foodbanks with projects that will help expand the Emergency Food Assistance Program (TEFAP) to low income areas that have been previously underserved. The grant totaled \$625,844. Grant funds are part of USDA's Build Back Better initiative.

OFD reports that the seven Virginia foodbanks recently purchased \$1.6 million worth of food with funds from the replacement of TEFAP foods used during the Disaster Household Distributions in 2020. These foods will be distributed to food insecure families and individuals through TEFAP.

In February, Market News provided state graded feeder cattle price data going back to 2005 to VFBB. The data was requested for use in an upcoming study on Virginia feeder cattle prices and futures basis. Market News also provided retail beef price comparison data to the Virginia Cattlemen's Association. The data was requested in order to analyze the farmers' share of retail beef values. The data showed that the farmers' share for all fresh retail beef value has dropped from 44.3 percent in 2016 to 36.8 percent in 2021.

Market News provided monthly and annual average grain prices to Virginia Cooperative Extension (VCE). The information was requested by the VCE office in Virginia Beach. The data will be used for an economic impact study and to assist producers in check-off filings. Market News also provided grain price data to USDA–Farm Production and Conservation. Ten years of Virginia grain price data was provided to the USDA State Economist. The data was requested for use in an upcoming presentation.

Market News published the *Cattle & Crops* newsletter, the *Hay Clearing House* newsletter, and the *Virginia Ag Brief* on a weekly basis. *Cattle & Crops* provides cattle price and summary information from Virginia livestock auctions and state graded sales, Virginia grain prices, and national production

and supply reports of interest to Virginia producers. The *Hay Clearing House* newsletter serves as a tool to bring together buyers and sellers of hay and is particularly effective in helping livestock producers locate hay during times of shortages. The *Virginia Ag Brief* contains a weekly summary of Virginia livestock and grain prices and is distributed to print and broadcast media throughout the state. The broadcast version is sent to 25 radio stations, and the print version is emailed to 40 newspapers throughout the Commonwealth.

Market News reports that prices for many agricultural commodities are now significantly higher than before the COVID pandemic began in February 2020. Rising prices are affecting consumers, but costs for producers have increased significantly for everything from seed to feed to fuel to fertilizer. In addition to the higher costs, producers are also facing supply shortages, labor shortages, and truck shortages. Below is a summary of prices as of February 4, 2022, compared to late February 2020 and January 2021:

<b>Commodity</b>	<b>Since Feb 2020</b>	<b>Since Jan 2021</b>
Corn	↑ 64%	↑ 21%
Soybeans	↑ 77%	↑ 12%
Wheat	↑ 40%	↑ 16%
Hogs	↑ 66%	↑ 65%
Broilers	↑ 64%	↑ 56%
Cotton	↑ 115%	↑ 67%
Feeder Cattle	↑ 13%	↑ 23%
Slaughter Cattle	↑ 22%	↑ 25%

*Division of Commodity Services (DCS)*

Since December 11, 2021, Division of Commodity Services (CS) staff:

- Conducted Terminal Market and Shipping Point Inspections on 4,520,900 pounds of fresh fruits and vegetables and Processed Food Inspections on 1,573,955 pounds of processed products;
- Performed four Good Agricultural Practices (GAP) Audits for Virginia fruit and vegetable growers;
- Conducted inspections on approximately 42,000 pounds of apples exported to Canada and approximately 90,100 pounds of apples exported to the Dominican Republic;
- Inspected and certified grain commodities, including soybeans, corn, wheat, barley, soybean meal and soybean hull pellets, with a total value of more than \$668 million destined for 28 countries;
- Conducted two wheat inspection workshops for industry;
- Reviewed and resolved one Grain Law Code concern;

- Provided in-barn livestock evaluation services to producers on approximately 30,189 cattle and 180 lambs and goats, field graded 5,500 head of cattle, evaluated slaughter cattle, and graded 405 beef carcasses. Staff compiled load lot descriptions, provided marketing guidance to producers and assisted during the commingling and loading of trailer load lots;
- Inspected and certified approximately 234,769,414 pounds of Farmers' Stock peanuts and regrades, approximately 62,952,804 pounds of shelled and in-shell milled peanuts, and 2,804,799 pounds of imported peanuts from Argentina;
- Analyzed approximately 1,670 samples of peanuts for the presence and levels of aflatoxin to determine if the peanuts were safe for human consumption;
- Certified 1,684,563 pounds of various poultry parts for the USDA Feeding Program for School Lunch Products;
- Graded, via contracted full-time grading services, 51,284,880 pounds of chicken and 16,500,048 pounds of turkey for the Virginia poultry and egg industry.
- Provided non-contract fee grading and certification services for 365,001 pounds of poultry based on U.S. Consumer Grades to fulfill necessary specifications and contract requirements for the Virginia poultry and egg industry.
- Conducted USDA Food Defense Audits at Tyson Foods (Glen Allen), George's (Edinburg and Harrisonburg), U.S. Cold Storage (Harrisonburg), and Lineage Logistics (Smithfield). The purpose of these audits is to certify that plants and cold storages have measures in place to ensure a safe product. With the approval of the audits, these facilities are now eligible to bid on and produce and store product offered by the USDA Procurement Program.

In January and February, VDACS partnered with the Virginia Cattlemen's Association on exhibits to promote Virginia feeder cattle. CS staff exhibited at the Iowa Feeder Forum in Sioux Center, Iowa; the Pennsylvania Feeders Day held in Lancaster, Pennsylvania; and at the National Cattlemen's Beef Association Convention and Trade Show in Houston Texas.

#### *Division of Animal and Food Industry Services (AFIS)*

In February, Division of Animal and Food Industry Services staff responded to a Highly Pathogenic Avian Influenza (HPAI) event in a backyard mixed species flock in Fauquier County. The owner contacted VDACS on February 11 after experiencing significant mortality in her flock. Swabs from deceased birds were noted as non-negative on AI matrix and H5 PCR at the Harrisonburg National Animal Health Laboratory Network (NAHLN) lab on the same day. Based on presumptive positive results at the NAHLN lab, VDACS staff placed a verbal hold order on the premises. Samples were flown to National Veterinary Services Laboratory on February 12 for confirmation. In accordance with Virginia's Initial State Response and Containment Plan, the flock was depopulated using carbon dioxide. VDACS and USDA staff implemented the surveillance plan on February 13. All known premises within the three-kilometer zone were contacted, and all National Poultry Improvement Plan

participants' contacts within the 10-kilometer zone were contacted. The live bird market within the 10-kilometer zone was confirmed to have sold down and be fallow.

In February, the Office of Laboratory Services staff, with support from the Virginia-Maryland College of Veterinary Medicine and VCE, conducted a webinar to update stakeholders on HPAI and biosecurity. The webinar attracted approximately 200 participant and included an overview of the current HPAI situation in the U.S., details on the Fauquier County HPAI detection, and biosecurity procedures to help producers protect their flocks. The webinar was advertised across multiple channels, including social media and email. It was targeted at veterinarians, small flock producers, and VCE agents.

Since January, Office of Veterinary Services (OVS) has hosted several Avian Influenza Indemnity Drills virtually from the Harrisonburg Regional Animal Health Laboratory. These drills were inspired by the State Veterinarian's desire for VDACS, USDA, and commercial poultry companies to become more comfortable with the indemnity process during an AI event. VDACS and USDA staff designed the content of the drill. Each drill includes a guest commercial poultry company.

In December, OVS staff conducted a livestock interdiction check on Route 460 in Giles County. The interdiction check was a cooperative effort between OVS and Department of Motor Vehicle Motor Carrier Safety Personnel. The interdiction was for educational purposes, and each transporter was provided a list of Virginia's animal import requirements.

In February, OVS staff participated in the virtual Live Bird Market Working Group Meeting. The meeting covered various Avian Influenza incidents and how they were handled, change in regulations, laboratory testing, and an overview of live bird market programs. OVS staff gave a virtual presentation providing an overview of Virginia's Live Bird Market System. The presentation covered the regulations, oversight, and differences found in Virginia's live bird markets.

The Office of Dairy and Foods (ODF) Food Safety Program (FSP) participates in economic development activities with persons interested in selling food products in Virginia by reviewing new food business proposals and assisting in the development of safe food processes. From October through January, FSP performed the inspections necessary to open 167 new food businesses. A total of 348.5 hours were spent working with vendors to open these firms. FSP has an inventory of 13,110 firms under inspection. Twenty-eight Food Safety Specialists, three Food Safety Technical Specialists, and three Field Supervisors are responsible for the regulatory oversight of these firms.

FSP also works to ensure that food and dietary supplements manufactured, processed, stored, and sold in Virginia are safe, wholesome, and properly labeled. From October through January, FSP conducted 2,578 inspections of food establishments (which includes retail food stores, food manufacturers, and food warehouses), investigated 115 consumer complaints, and collected 247 food samples.

FSP has a 2021-22 contract with the U.S. Food and Drug Administration (FDA) and will receive funding (\$364,745) to conduct inspections on FDA's behalf. In the current contract year, FSP Specialists will be performing 223 contract inspections at food manufacturers and food warehouses in Virginia.

During the months of October, November, December, and January, the ODF Dairy Services Program (DSP) conducted 455 inspections of Grade "A" and manufactured-grade dairy farms and 85 cheese and ice cream manufacturing plant inspections. To ensure compliance with Virginia's regulatory standards, program staff collected 1,291 milk samples from Virginia Grade "A" dairy farms. Two hundred ninety-two (292) cheese and frozen dessert samples were collected to determine compliance with current dairy laws and regulations. Inspectors also performed 1,957 extensive discussions with producers and farm visits to review construction of dairy facilities, review the installation of milking equipment and other related items, and offer advice and assistance to dairy farmers and manufactured milk processors.

In December, DSP secured \$17,423 in grant funding from the Association of Food and Drug Officials (AFDO), supported by FDA, to ensure ongoing dairy-specific regulatory training curriculums for staff, involvement with relevant organizations and conferences, and to remain educated in updated research in regards to developing food safety and hygienic equipment design trends within the field.

In January, DSP permitted its first Amish cheese manufacturing plant. This plant is not powered by conventional electricity. Instead, it utilizes hydraulic systems, direct current diesel generators, and nature itself to make its processes work. Additionally, this is DSP's first cheese plant utilizing HTST (High-Temperature-Short-Time) continuous flow pasteurization methods. HTST requires a significant number of additional public health controls that must be evaluated and tested by DSP that are not found in conventional cheese manufacturing facilities using traditional vat pasteurization.

The Produce Safety Program (PSP) has continued its programmatic development and creation of policies, procedures, database development, and inspection protocols. PSP has partnered with various entities, including industry, FDA, and academia, in order to create a fully functional, effective program that will provide industry assistance and education, regulatory oversight of produce farms, and an appropriate level of public health protection.

PSP is continuing to build its produce farm database and verify existing farm data, as farm data is used to justify future federal funding amounts. There are currently 267 covered farms that need an inspection (including large, small, and very small farms), and 587 that are exempt or qualified exempt. There are an additional 4,656 active farms in the database that may need an inspection, but PSP must gather more information to make such a determination. Administrative staff has sent over 1,330 informational letters to clients with a PO Box listed in the 2018 Dun & Bradstreet farm survey. Inspectors are also currently working to clarify data and visit farms in their respective areas. Additionally, a total of 159 inspections of covered farms have been completed since May 1, 2019. In September, VDACS signed a new Memorandum of Understanding and contractual agreement with Virginia Tech that will provide the university with \$10,000 to continue on-farm readiness reviews, education, and outreach regarding the federal Produce Safety Rule. PSP allocated this funding from its recent federal grant in order to continue its ongoing collaboration with VCE and to engage the farming community.

The Office of Meat and Poultry Services (OMPS) looks forward to working with Virginia State University (VSU) to provide inspections on animals slaughtered and processed using the first slaughter and processing mobile unit regulated by OMPS in Virginia. The unit will have the capability to travel from farm to farm and allow for farmers to participate in the slaughtering and processing of their own animals while OMPS inspectors provide quality inspectors. The unit is the property of the VSU Extension program. VSU plans to assist Virginia's small ruminant (sheep and goat) producers who

continuously face challenges accessing USDA inspected processing facilities. Producers will have the option to process under OMPS inspection when leasing this unit.

In November 2021, USDA announced that it would invest \$32 million in The Meat and Poultry Inspection Readiness Grant (MPIRG). The grant money is to cover the costs for improvements like expanding existing facilities; modernizing processing equipment; and meeting packaging, labeling, and food safety requirements. Four Virginia custom exempt operations collectively received almost \$750,000 from the MPIRG. Each facility is expected to achieve a grant of inspection to provide slaughter and processing services within Virginia. Several custom slaughter facilities have expressed interest in obtaining grants of inspection. OMPS is also expecting to gain four additional inspected establishments in remote locals this year. Performing inspections at these new establishments could be hindered by OMPS's difficulties in hiring new inspectors. Inspected facilities are reporting difficulties in recruiting employees to work in meat packing plants. This will create a unique inspection staffing situation for the program. The mobile unit will move around the state to various farm locations, while the four facilities receiving grant money are located in remote areas that are not already covered with an inspector. Industry continues to express concerns with hiring and retaining employees.

#### *Division of Consumer Protection (DCP)*

In December, Office of Pesticide Services (OPS) staff were invited presenters and exhibitors at the Virginia Pest Management Association (VPMA) State Technical (Hybrid) Meeting in Virginia Beach. This annual meeting included business management, administrative, and technical sessions. Staff presented information regarding the administrative requirements for the submission of applicator and business license applications and issuance of credentials as well as current and future options for submission. Staff also provided a regulatory update to the over 200 attendees as part of the approved applicator recertification courses. During the event, OPS Investigator Robert Christian was recognized by VPMA for his efforts in assisting the pesticide industry during the pandemic. In recognizing Robert, VPMA stated that "VPMA considers Robert Christian a consummate professional and a true partner to the Association and the pest control industry." In recognition of his commitment to raising the professionalism of the pest control industry in Virginia, VPMA presented Robert with the Partner in Professionalism Award.

In December, OPS staff participated in a special purpose conference call hosted by the U.S. Environmental Protection Agency (EPA) in advance of a news release regarding the registration of Dicamba for over the top application to genetically modified soybeans and cotton. During the call, EPA provided a summary of dicamba-related incident reports from the 2021 growing season obtained from pesticide registrants, states, the general public, and non-governmental organizations. Despite the control measures implemented in EPA's October 2020 dicamba registration decision, the 2021 incident reports show little change in numbers, severity, or geographic extent of dicamba-related incidents when compared to the reports EPA received before the 2020 control measures were put in place. EPA received approximately 3,500 dicamba-related incident reports during the 2021 growing season. Given the new information from the 2021 growing season, EPA is reviewing whether over-the-top dicamba can be used in a manner that does not pose unreasonable risks to non-target crops and other plants, or to listed species and their designated critical habitats. EPA is also evaluating all of its options for addressing future dicamba-related incidents. The regulatory tools that EPA could use to address the

extent and severity of the alleged dicamba-related incidents are unlikely to be fully implemented by the 2022 growing season due to the statutory processes EPA is required to follow.

In January, OPS participated in EPA's Office of Chemical Safety and Pollution Prevention Special Purpose Call regarding Enlist Duo and Enlist One. Enlist Duo and Enlist One are herbicides used for post emergence control of broadleaf weeds in cotton, soybean, and corn crops, including those that have developed resistance to multiple herbicides and which may be used in 31 states, including Virginia. During the call, EPA announced its decision to register both products for seven years. The registration includes new mitigations to ensure protection of listed endangered species and critical habitat as well as additional mitigation and education for the protection of pollinators. The decision to register both products, which contain the active ingredient 2,4-D, is important; it provides growers with a tool to control broadleaf weeds, including glyphosate-resistant weeds like Palmer amaranth, and certainty that the product will be available for the 2022 growing season.

In January, EPA authorized a public health exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to VDACS for use of triethylene glycol, formulated as Grignard Pure. Grignard Pure is an unregistered pesticide for air treatment in indoor spaces (occupied and unoccupied) in Virginia to control the spread of COVID-19. Grignard Pure is not intended for use in schools. Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) authorizes EPA to exempt state and federal agencies from provisions of FIFRA and allow unregistered uses of pesticides to address emergency conditions. Under such an exemption, EPA allows limited use of a pesticide in defined geographic areas for a finite time when EPA confirms that the situation meets that statutory definition of "emergency condition" and determines that the emergency use will not cause unreasonable adverse effects to health or to the environment. The Section 18 exemption for Grignard Pure expires on January 14, 2023. OPS will meet bimonthly with the registrant as part of the introduction of the technology into the Commonwealth.

In February, OPS staff participated in the initial vendor meeting for the Spanish Language Registered Technician Exam Development Project. The meeting included a review of the requirements of the project, tentative schedule, and discussion regarding the resources for the project (e.g., applicator training manual). The use of written exams is the method established by the Virginia Pesticide Control Act for ensuring minimum competency for the purposes of certification. The goal of this project is to offer an exam in Spanish that ensures that a prospective applicator with limited English proficiency has the minimum competencies to apply pesticides properly. In addition, as all official federally registered labels are in English, the exam must ensure the ability of the prospective applicator to read and understand the pesticide label and all related labeling in order to ensure compliance with the law. OPS will be meeting with the vendor on a weekly basis throughout the project. The project is expected to be completed in early spring.

The 2022 Pesticide Collection Program has announced the dates and location of events. Collections will take place from August - October as follows:

- August 9, 2022: Southern States, 5784 Valley Pike, Stephens City
- August 10, 2022: CFC Farm & Home Center, 15172 Brandy Road, Culpeper
- September 6, 2022: CFC Farm & Home Center, 12645 Lee Hwy, Sperryville
- September 7, 2022: Rockingham County Fairgrounds, 4808 South Valley Pike, Harrisonburg
- September 8, 2022: Ivy Materials Utilization Center, 4576 Dick Woods Road, Charlottesville

- October 11, 2022: Page Cooperative Farm Bureau, 127 Big Oak Road, Luray
- October 12, 2022: Madison County Fairgrounds, 1015 Fairground Road, Madison
- October 13, 2022: Rockbridge Farmers' Cooperative, 33 Yellow Rail Lane, Rockbridge

Virginia's Pesticide Collection Program assists agricultural producers, licensed pesticide dealers, pest control firms, golf courses, and homeowners with the proper disposal of unwanted pesticides. The program is an effort by VDACS, with participation from VCE and the Division of Consolidated Laboratory Services. Since its inception in 1997, Virginia's Pesticide Collection Program has collected and destroyed more than 1.5 million pounds of pesticides. Available at no cost to eligible participants, the program is supported by pesticide fees collected by VDACS.

Effective February 28, EPA issued a ruling that all food tolerances for the pesticide chlorpyrifos were revoked and any new applications of chlorpyrifos will render any food treated as adulterated and ineligible to be distributed in interstate commerce. In issuing the final rule, EPA found that, based on currently available data and taking into consideration all currently registered uses for chlorpyrifos, EPA could not determine that there is a reasonable certainty of no harm from aggregate exposure to chlorpyrifos from sources including food, drinking water, and residential exposure. EPA has a dedicated webpage including information for anyone in possession of chlorpyrifos products for use on food. According to EPA, pesticide applicators should discontinue use on food. If the products' label allows for use in other non-food settings, it may continue to be used for those non-food purposes. Chlorpyrifos products should not be disposed of in landfills for industrial or municipal solid waste. The EPA ruling on chlorpyrifos and the resulting disposal of chlorpyrifos products has the potential to impact VDACS's pesticide disposal program. Current options for disposal of chlorpyrifos products that are labeled for use on food are as follows:

- Store chlorpyrifos products until there is an opportunity for appropriate disposal. Details on proper storage can be found using the following links:
  - <https://www.epa.gov/safepestcontrol/storing-pesticides-safely>
  - <https://www.epa.gov/pesticide-worker-safety/requirements-pesticide-storage>
- Appropriately dispose of these products as specified by the state.

On March 17, amendments to *Regulations Governing the Pesticide Fees Charged By the Department of Agriculture and Consumer Services (2 VAC 5-675)* related to commercial pesticide applicator and registered technician renewal fees became effective. The amendments eliminated renewal fees for certified commercial pesticide applicators and registered technicians. Prior to the amendments, the renewal fee for commercial applicators was \$100 and the renewal fee for registered technicians was \$50. Applicators whose certification expires June 30, 2022, will be notified by OPS with their upcoming renewal notifications. Applicators who do not renew by August 29 are required pursuant to the Virginia Pesticide Control Act to retest and pay the application fee.

In December 2021, the Office of Plant Industry Services (OPIS) completed the annual cotton boll weevil survey. Approximately 810 traps were installed on an estimated 73,000 acres of cotton in Virginia. No weevils were detected. OPIS staff also mailed invoices for the 2021 cotton boll weevil assessment to approximately 225 cotton growers. Virginia's 2021 assessment rate is \$0.75 per acre, with \$0.50 per acre providing funding for Virginia's cotton boll weevil survey and \$0.25 per acre going to the National Boll Weevil Protection Fund program. All cotton growing states

participate in this national program, which is intended to promote the control and elimination of the cotton boll weevil from producing fields in southern Texas, thereby reducing the risk of re-infestation of the cotton boll weevil in states, like Virginia, where it has been eradicated.

During the 2021 season, OPIS observed an increase in the spread of the spotted lanternfly (SLF) into localities that previously did not have SLF populations. As of March 2, 2022, 12 counties and three cities now have observed reproducing SLF populations, with an infested area in Virginia of approximately 230 square miles. OPIS continues to enforce the SLF Quarantine, perform surveys and trapping, conduct pesticide treatments, and provide outreach in efforts to slow the spread of this pest to other uninfested parts of the Commonwealth.

In January, OPIS staff provided information on SLF to the Carroll and Wythe County Board of Supervisors' meetings. OPIS staff also presented SLF information to the Albemarle County Board of Supervisors' meeting in February. Information presented included biology of the insect, the agricultural threat of SLF in Virginia, steps VDACS is taking to slow the spread of the pest, SLF quarantine and permitting requirements, and ways in which Virginia localities can prepare or respond should SLF reach their locality.

In January, OPIS staff discovered deicing products containing urea being offered for sale at two locations in northern Virginia. The Virginia Fertilizer Law prohibits the sale of deicing agents containing urea or other forms of nitrogen and phosphorus for the purpose of application to parking lots, roadways, and sidewalks or other paved surfaces in the Commonwealth. OPIS staff placed 120 eight-pound containers under stop sale at these locations. Additional inspections were performed at 19 locations, and no additional prohibited products were found. OPIS staff will continue to survey for these products during the winter season to ensure compliance with the Virginia Fertilizer Law.

In February, OPIS was notified that USDA funding in the amount of approximately \$107,000 has been awarded through the federal Plant Protection Act Section 7721 to VDACS for the 2022-23 award year. The funding will support OPIS program activities for various invasive plant pests in vineyards and forests, including *Phytophthora ramorum* (Sudden Oak Death) surveys.

In February, Division of Consumer Protection (DCP) staff participated in the Mid-Atlantic Turfgrass Expo (MATE), which was held in Glen Allen. MATE is hosted by the Virginia Turfgrass Council, a professional organization dedicated to the enhancement of turfgrass management and the promotion of the turfgrass industry. During both days of the event, OPS personnel staffed an exhibit where they offered attendees educational materials related to applicator certification, business licensing, pesticide storage, and personal protective equipment. At the exhibit, they were also able to directly answer attendees' questions about pesticide certification and business licensing. During the pesticide recertification portion of the program, OPS staff provided a legal update specific to pesticide laws and regulations. OPS staff also administered 14 applicator certification exams to applicators during the event. OPIS staff presented an overview of SLF to the meeting attendees. Information presented included SLF biology, where it is located in Virginia, the SLF quarantine, and best management practices for control of SLF. Staff also gave a presentation on certification, application, recordkeeping, and reporting requirements for the *Regulations for the Application of Fertilizer to Nonagricultural Lands* (2 VAC 5-405) and the importance of this information in Virginia's Chesapeake Bay Watershed Implementation Plan.

In March, OPIS was notified that the Entomological Society of America (ESA) adopted “spongy moth” as the new common name for the species *Lymantria dispar*, replacing the common name of “gypsy moth” due to the common names’ widely acknowledged ethnic slur and dehumanizing effects. OPIS will be working to update the associated webpages, links, and outreach material to ensure alignment with this name change

As of March 2, approximately 2,180 beehive units have been distributed to an estimated 820 individuals who were selected to receive beehive units in the FY 2022 Beehive Distribution Program. The 2,180 beehive units were distributed at a cost of \$275,000. For FY 2022, a general fund appropriation in the amount of \$325,000 is available in the Beehive Grant Fund to be used for distributing beehives through the Beehive Distribution Program and administering the program. Distribution of beehive units will continue until funding is depleted.

In January, staff from the Office of Weights and Measures (OWM) attended the National Conference on Weights and Measures (NCWM) Interim Meeting in Tampa, Florida. The NCWM interim meeting provides an opportunity for member states weights and measures officials, along with industry stakeholders, to convene and consider proposed changes to laws and regulations found in the National Institute of Standards and Technology (NIST) Handbook 44, Handbook 130, and Handbook 133. Issues related to cannabis were discussed and, if adopted, could affect sales of this product in Virginia. There was also discussion concerning Electric Vehicle Service Equipment (EVSE) used for charging electric vehicles.

In January, staff from the Office of Weights and Measures and the Deputy Director for DCP participated on a conference call with a company exploring the possibility of installing commercial parking meters in Virginia. These parking meters may be installed as part of Electric Vehicle Service Equipment (EVSE). EVSEs are electrical charging stations for battery powered vehicles. Staff provided answers to questions on pertinent laws and regulations for the installation of these devices.

**Board: Legislation of interest to the Board**

Composite view

<b>Bills</b>	<b>Committee</b>	<b>Last action</b>	<b>Date</b>
<b>HB 20</b> - Fowler - Alcoholic beverage control; tax allocation for funding the Virginia Spirits Promotion Fund, report.	(H) Committee on Appropriations <hr/> (S) Committee on Finance and Appropriations	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>HB 53</b> - Campbell, R.R. - Animal care; zoos and petting zoos, seizure of animals.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(S) Continued to 2023 in Agriculture, Conservation and Natural Resources (15-Y 0-N)	03/01/22
<b>HB 255</b> - Simonds - Dogs and cats; procurement for research.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/15/22
<b>HB 262</b> - Wyatt - Agribusiness; includes farmers markets and roadside farm markets.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Tabled in Agriculture, Chesapeake and Natural Resources (19-Y 0-N)	02/09/22
<b>HB 311</b> - Krizek - Native plant species; state agencies to prioritize use on state properties.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/15/22
<b>HB 314</b> - Krizek - Noxious weeds and invasive plants; dissemination of consumer information.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>HB 323</b> - Rasoul - Local Food and Farming Infrastructure Grant Program; increases grant for certain projects.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/11/22
<b>HB 373</b> - Williams Graves - County or city public animal shelters; return of animals after expiration of stray hold period.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Tabled in Agriculture, Chesapeake and Natural Resources (22-Y 0-N)	02/02/22
<b>HB 467</b> - Bulova - Dangerous and vicious dogs; civil liability, knowledge of propensity not required.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/15/22
<b>HB 491</b> - Bulova - Noxious weeds; amends definition to exclude plants that are commercially significant.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Continued to 2023 with substitute in Agriculture, Chesapeake and Natural Resources	02/02/22
<b>HB 523</b> - Convirs-Fowler - Pet shops;	(H) Committee on	(G) Governor's Action	03/22/22

notice of deceased animals.	Agriculture, Chesapeake and Natural Resources  (S) Committee on Agriculture, Conservation and Natural Resources	Deadline 11:59 p.m., April 11, 2022	
<b>HB 724</b> - Gooditis - Electric cooperatives; net energy metering for agricultural customer-generators, report.	(H) Committee on Commerce and Energy	(H) Left in Commerce and Energy	02/15/22
<b>HB 828</b> - Wilt - Dairy Producer Margin Coverage Premium Assistance Program; expands eligibility for participation.	(H) Committee on Agriculture, Chesapeake and Natural Resources  (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0001)	02/14/22
<b>HB 830</b> - Wilt - Slaughter and meat-processing facilities; expanding facilities through strategic planning, etc.	(H) Committee on Agriculture, Chesapeake and Natural Resources  (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>HB 831</b> - Wilt - Digestate; definition, definition of anaerobic digestion.	(H) Committee on Agriculture, Chesapeake and Natural Resources  (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>HB 837</b> - Wilt - Food and drink law; permitting requirements.	(H) Committee on Agriculture, Chesapeake and Natural Resources  (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>HB 897</b> - Adams, D.M. - Hemp products; regulation.	(H) Committee on General Laws	(H) Left in General Laws	02/15/22
<b>HB 950</b> - Webert - Cannabis control; retail market, penalties.	(H) Committee on General Laws	(H) Left in General Laws	02/15/22
<b>HB 1061</b> - Shin - Breeding dogs or cats for foreign animal testing facility; prohibited, penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/15/22
<b>HB 1089</b> - Tran - Paraquat information; VDH to develop information sheet regarding public health risks of pesticide.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/15/22
<b>HB 1249</b> - Davis - Food donations; labeling, liability.	(H) Committee on Agriculture, Chesapeake and Natural Resources  (S) Committee on Agriculture,	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22

	Conservation and Natural Resources		
<b>HB 1293</b> - Bennett-Parker - Food donations; labeling, liability.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Stricken from docket by Agriculture, Chesapeake and Natural Resources (21-Y 0-N)	02/09/22
<b>HB 1313</b> - Kory - Breeders; records of animals sold or transferred to animal testing facility.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/15/22
<b>HB 1330</b> - Edmunds - Companion animals; duty to identify submitted animal, scanning for microchip.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>HB 1336</b> - Robinson - Winery, farm winery, and limited brewery licensees; distribution of wine and beer.	(H) Committee on General Laws <hr/> (S) Committee on Rehabilitation and Social Services	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/11/22
<b>HB 1350</b> - Bell - Dealers; prohibits sale of dogs or cats for experimental purposes.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 87</b> - Stanley - Dealers; prohibits sale of dogs or cats for experimental purposes.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 88</b> - Stanley - Breeders of cats and dogs; records of animals sold or transferred to animal testing facility.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 89</b> - Stanley - Pet shops; sale of unneutered or unspayed dogs and cats prohibited, penalty.	(S) Committee on Agriculture, Conservation and Natural Resources	(S) Continued to 2023 in Agriculture, Conservation and Natural Resources (10-Y 0-N)	02/08/22
<b>SB 90</b> - Stanley - Breeders of dogs and cats for animal testing facilities; adoption of dogs and cats.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 146</b> - Suetterlein - Restaurants; on-site	(H) Committee on General Laws	(G) Governor's Action	03/22/22

certified food protection managers.	(S) Committee on Finance and Appropriations	Deadline 11:59 p.m., April 11, 2022	
<b>SB 196</b> - Mason - Alcoholic beverage control; tax allocation for funding the Virginia Spirits Promotion Fund, report.	(H) Committee on General Laws <hr/> (S) Committee on Finance and Appropriations	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/11/22
<b>SB 248</b> - Surovell - Digestate; definition, definition of anaerobic digestion.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/11/22
<b>SB 279</b> - DeSteph - Vicious dogs; law-enforcement officer, etc., to apply to a magistrate for a summons, etc.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 305</b> - Deeds - Food manufacturers; operating in historic buildings.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 341</b> - Barker - Consumer protection; online marketplace, high-volume third-party sellers.	(H) Committee on Commerce and Energy <hr/> (S) Committee on General Laws and Technology	(H) Left in Commerce and Energy	03/08/22
<b>SB 442</b> - Boysko - Dogs and cats; breeding for research, reporting to State Veterinarian.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	03/08/22
<b>SB 457</b> - Boysko - Dogs; breeding dogs for certain research prohibited, penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	03/08/22
<b>SB 535</b> - Marsden - Research breeders; oversight by Animal Welfare Oversight Officer.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Finance and	(H) Left in Agriculture, Chesapeake and Natural Resources	03/08/22

	Appropriations		
<b>SB 591</b> - Hanger - Marijuana; shape productions, definitions.	(H) Committee on General Laws <hr/> (S) Committee on Finance and Appropriations	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 604</b> - Stanley - Animal cruelty; companion animals, penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Finance and Appropriations	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 678</b> - Stuart - Agricultural operation; amends definition.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/22/22
<b>SB 726</b> - Pillion - Slaughter and meat-processing facilities; expanding facilities through strategic planning, etc.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(G) Governor's Action Deadline 11:59 p.m., April 11, 2022	03/11/22

## **HB 20 Alcoholic beverage control; tax allocation for funding the Virginia Spirits Promotion Fund, report.**

*Chief patron:* Fowler

An Act to amend and reenact §§ 3.2-3011, 3.2-3012, and 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; Virginia Spirits Promotion Fund; funding; tax allocation; report.

*Summary as passed:*

**Alcoholic beverage control; tax allocation; funding for Virginia Spirits Promotion Fund.** Requires that 20 percent of the 20 percent tax levied on alcoholic beverages sold by the Board of Directors of the Virginia Alcoholic Beverage Control Authority that is attributable to the sale of spirits produced by a distiller licensee be deposited in the Virginia Spirits Promotion Fund. The bill requires the Virginia Spirits Board to submit an annual report to the Governor and General Assembly by October 1 regarding its activities and use of moneys in the Virginia Spirits Promotion Fund. This bill is identical to SB 196.

03/10/22 House: Bill text as passed House and Senate (HB20ER)

03/10/22 House: Signed by Speaker

03/10/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **HB 53 Animal care; zoos and petting zoos, seizure of animals.**

*Chief patron:* Campbell, R.R.

A BILL to amend and reenact §§ 3.2-6500 and 3.2-6569 of the Code of Virginia, relating to animal care; humane investigators; seizure of animals; zoos.

22106112D

*Summary as passed House:*

**Animal care; zoos and petting zoos; seizure of animals.** Defines animals located at a zoo or petting zoo as agricultural animals for the standards for seizure or impoundment of companion animals. The bill also contains technical amendments.

02/15/22 House: VOTE: Passage (52-Y 47-N)

02/16/22 Senate: Constitutional reading dispensed

02/16/22 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

02/21/22 Senate: Assigned ACNR sub: Companion Animals

03/01/22 Senate: Continued to 2023 in Agriculture, Conservation and Natural Resources (15-Y 0-N)

## **HB 255 Dogs and cats; procurement for research.**

*Chief patron:* Simonds

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2, relating to procurement of dogs and cats for research.

22104113D

*Summary as introduced:*

**Procurement of dogs and cats for research.** Prohibits any state entity, including a public institution of higher education, from procuring dogs or cats for research purposes from a person or entity that has received certain citations pursuant to the federal Animal Welfare Act.

01/11/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/25/22 House: Impact statement from DPB (HB255)

01/31/22 House: Assigned ACNR sub: Agriculture

02/02/22 House: Subcommittee recommends laying on the table (7-Y 2-N)

02/15/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **HB 262 Agribusiness; includes farmers markets and roadside farm markets.**

*Chief patron:* Wyatt

A BILL to amend and reenact § 3.2-102 of the Code of Virginia, relating to agribusiness.

22101555D

*Summary as introduced:*

**Agribusiness.** Clarifies that existing agribusiness in the Commonwealth includes farmers markets and roadside farm markets.

01/11/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/19/22 House: Impact statement from DPB (HB262)

01/31/22 House: Assigned ACNR sub: Agriculture

02/02/22 House: Subcommittee recommends reporting (9-Y 1-N)

02/09/22 House: Tabled in Agriculture, Chesapeake and Natural Resources (19-Y 0-N)

### **HB 311 Native plant species; state agencies to prioritize use on state properties.**

*Chief patron:* Krizek

A BILL to amend and reenact § 2.2-220.2 of the Code of Virginia, relating to native plant species; state agencies.

22102217D

*Summary as introduced:*

**Native plant species; state agencies.** Directs the Secretaries of Natural and Historic Resources, Agriculture and Forestry, and Administration to coordinate the development of strategic actions for state agencies to take to prioritize the use of native plant species on state properties.

01/11/22 House: Prefiled and ordered printed; offered 01/12/22 22102217D

01/11/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/24/22 House: Assigned ACNR sub: Agriculture

01/26/22 House: Subcommittee recommends laying on the table (6-Y 4-N)

02/15/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **HB 314 Noxious weeds and invasive plants; dissemination of consumer information.**

*Chief patron:* Krizek

An Act to disseminate consumer information about noxious weeds and invasive plants.

*Summary as passed House:*

**Dissemination of consumer information about noxious weeds and invasive plants.** Requires the Commissioner of Agriculture and Consumer Services to develop, by January 1, 2023, a brochure for use by retail establishments that sell plants that explains the value of native plants and the harm of noxious weeds and other invasive plants.

03/09/22 House: Signed by Speaker

03/10/22 House: Impact statement from DPB (HB314ER)

03/10/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **HB 323 Local Food and Farming Infrastructure Grant Program; increases grant for certain projects.**

*Chief patron:* Rasoul

An Act to amend and reenact § 3.2-311 of the Code of Virginia, relating to Local Food and Farming Infrastructure Grant Program.

*Summary as introduced:*

**Local Food and Farming Infrastructure Grant Program.** Increases from \$25,000 to \$50,000 the amount of a grant that may be made to a political subdivision for projects that support local food production and sustainable agriculture.

03/01/22 House: Impact statement from DPB (HB323ER)

03/01/22 House: Signed by Speaker

03/02/22 Senate: Signed by President

03/11/22 House: Enrolled Bill communicated to Governor on March 11, 2022

03/11/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **HB 373 County or city public animal shelters; return of animals after expiration of stray hold period.**

*Chief patron:* Williams Graves

A BILL to amend and reenact § 3.2-6546 of the Code of Virginia, relating to county or city public animal shelters; return of animals after expiration of stray hold period.

22102841D

*Summary as introduced:*

**County or city public animal shelters; return of animals after expiration of stray hold period.** Authorizes an animal shelter to return a cat to the place from which it was taken after the expiration of the stray hold period. Any such cat shall be vaccinated for rabies, spayed or neutered, and eartipped.

01/11/22 House: Prefiled and ordered printed; offered 01/12/22 22102841D

01/11/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/24/22 House: Assigned ACNR sub: Agriculture

01/26/22 House: Impact statement from DPB (HB373)

02/02/22 House: Tabled in Agriculture, Chesapeake and Natural Resources (22-Y 0-N)

### **HB 467 Dangerous and vicious dogs; civil liability, knowledge of propensity not required.**

*Chief patron:* Bulova

A BILL to amend the Code of Virginia by adding a section numbered 3.2-6540.05, relating to dangerous and vicious dogs; civil liability.

22100645D

*Summary as introduced:*

**Dangerous and vicious dogs; civil liability; knowledge of propensity not required.** Provides that a dog owner may be civilly liable for a bite or attack by his dog regardless of whether he knew or should have known of such dog's propensity for vicious, dangerous, or otherwise aggressive behavior.

01/11/22 House: Prefiled and ordered printed; offered 01/12/22 22100645D

01/11/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/24/22 House: Assigned ACNR sub: Agriculture

01/26/22 House: Subcommittee recommends laying on the table (10-Y 0-N)

02/15/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **HB 491 Noxious weeds; amends definition to exclude plants that are commercially significant.**

*Chief patron:* Bulova

A BILL to amend and reenact §§ 3.2-800, 3.2-802, and 3.2-804 of the Code of Virginia, relating to noxious weeds.

22104153D

*Summary as introduced:*

**Noxious weeds.** Amends the definition of "noxious weeds" to exclude plants that are commercially significant, directs the Board of Agriculture and Consumer Services (the Board) to implement a phase out period when a new plant is listed as a noxious weed, directs the Department of Agriculture and Consumer Services to provide signs to nurseries and retail plant outlets listing invasive plants sold in the Commonwealth, and authorizes the Board to adopt regulations for permits required to move noxious weeds, or a part thereof, into or within the Commonwealth. The bill also directs the Department of Conservation and Recreation to update its invasive species list by January 1, 2024, and every four years thereafter.

01/24/22 House: Assigned ACNR sub: Agriculture

01/26/22 House: House subcommittee amendments and substitutes offered

01/26/22 House: Subcommittee recommends continuing to 2023 with substitute

02/02/22 House: Committee substitute printed to LIS only 22105331D-H1

02/02/22 House: Continued to 2023 with substitute in Agriculture, Chesapeake and Natural Resources

### **HB 523 Pet shops; notice of deceased animals.**

*Chief patron:* Convirs-Fowler

An Act to amend and reenact § 3.2-6511 of the Code of Virginia, relating to pet shops; notice of deceased animals.

*Summary as passed House:*

**Pet shops; reporting.** Requires pet shops to retain records indicating any time a dog or cat in its possession dies or is euthanized. Such records shall be maintained for two years and made available to animal control officers and the State Animal Welfare Inspector.

03/09/22 House: Signed by Speaker

03/10/22 House: Impact statement from DPB (HB523ER)

03/10/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **HB 724 Electric cooperatives; net energy metering for agricultural customer-generators, report.**

*Chief patron:* Gooditis

A BILL to amend and reenact § 56-594 of the Code of Virginia, relating to electric cooperatives; net energy metering for agricultural customer-generators; report.

22101680D

*Summary as introduced:*

**Electric cooperatives; net energy metering for agricultural customer-generators; report.** Removes the July 1, 2019, sunset provision of the net energy metering program for agricultural customer-generators interconnected with electric cooperatives. The bill provides that, for the purposes of net metering, an agricultural customer-generator may aggregate energy generated on noncontiguous parcels of land if the parcels are (i) owned and operated by the same agricultural customer-generator and (ii) located within a reasonable distance of the customer's original interconnection site. The bill directs the Secretary of Agriculture and Forestry to convene a workgroup for the purpose of assessing policy concerns related to the implementation of small-scale solar energy projects designed to meet the onsite energy needs of agricultural operations in the Commonwealth, and directs the workgroup to report its recommendations to the House Committee on Agriculture, Chesapeake & Natural Resources and the Senate Committee on Agriculture, Conservation & Natural Resources by December 1, 2022.

01/11/22 House: Referred to Committee on Commerce and Energy

01/31/22 House: Assigned sub: Subcommittee #2

02/03/22 House: House subcommittee amendments and substitutes offered

02/03/22 House: Subcommittee recommends laying on the table (6-Y 4-N)

02/15/22 House: Left in Commerce and Energy

## **HB 828 Dairy Producer Margin Coverage Premium Assistance Program; expands eligibility for participation.**

*Chief patron:* Wilt

An Act to amend and reenact § 3.2-3305 of the Code of Virginia, relating to Dairy Producer Margin Coverage Premium Assistance Program; emergency.

*Summary as introduced:*

**Dairy Producer Margin Coverage Premium Assistance Program; emergency.** Expands eligibility for participation in the Dairy Producer Margin Coverage Premium Assistance Program to include dairy producers who have an approved Natural Resource Conservation Service nutrient management or soil health plan developed by an approved planner. The bill also changes the application deadline from February 1 to May 15 each year and includes an emergency clause.

EMERGENCY

02/07/22 House: Enrolled Bill communicated to Governor on February 7, 2022

02/07/22 Governor: Governor's Action Deadline 11:59 p.m., February 14, 2022

02/08/22 House: Impact statement from DPB (HB828ER)

02/14/22 Governor: Approved by Governor-Chapter 1 (effective 2/14/22)

02/14/22 Governor: Acts of Assembly Chapter text (CHAP0001)

## **HB 830 Slaughter and meat-processing facilities; expanding facilities through strategic planning, etc.**

*Chief patron:* Wilt

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.2, relating to slaughter and meat-processing facilities.

*Summary as introduced:*

**Slaughter and meat-processing facilities.** Establishes that it is the policy of the General Assembly to encourage, expand, and develop slaughter and meat-processing facilities through strategic planning and financial incentive programs. The bill directs the Department of Agriculture and Consumer Services to develop a five-year strategic plan to increase total combined throughput capacity of slaughter and meat-processing facilities. This bill is identical to SB 726.

03/09/22 House: Signed by Speaker

03/10/22 House: Impact statement from DPB (HB830ER)

03/10/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **HB 831 Digestate; definition, definition of anaerobic digestion.**

*Chief patron:* Wilt

An Act to amend and reenact §§ 3.2-3600 and 3.2-3611 of the Code of Virginia, relating to anaerobic digestion; digestate.

*Summary as passed House:*

**Fertilizer; digestate.** Clarifies that a regulated product, for the purposes of fertilizer law, includes digestate. Digestate is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. The bill also includes digestate in fertilizer labeling requirements. This bill is identical to SB 248.

03/09/22 House: Signed by Speaker

03/10/22 House: Impact statement from DPB (HB831ER)

03/10/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **HB 837 Food and drink law; permitting requirements.**

*Chief patron:* Wilt

An Act to amend and reenact §§ 3.2-5100, 3.2-5101, 3.2-5130, and 15.2-2288.6 of the Code of Virginia, relating to food and drink law; permitting requirements.

*Summary as passed House:*

**Food and drink law; permitting requirements.** Requires any food manufacturer, food storage warehouse, and retail food establishment to obtain a permit from the Commissioner of Agriculture and Consumer Services prior to operating. Any such entity issued a permit would be exempt from any other license, permit, or inspection required for the sale, preparation, or handling of food. The bill requires the Commissioner to notify such entities of the reason for denial of a permit and requires that any denial, suspension, or revocation of a permit be carried out in accordance with the Administrative Process Act.

03/21/22 House: Bill text as passed House and Senate (HB837ER)

03/21/22 Senate: Signed by President

03/22/22 House: Signed by Speaker

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **HB 897 Hemp products; regulation.**

*Chief patron:* Adams, D.M.

A BILL to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114.2, 3.2-4116, 3.2-4118, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 18.2-247, 54.1-3401, and 54.1-3446; to amend the Code of Virginia by adding in Chapter 51 of Title 3.2 an article numbered 6, consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, by adding in Title 4.1 a chapter numbered 8, consisting of a section numbered 4.1-800, and by adding in Title 4.1 a chapter numbered 14, consisting of sections numbered 4.1-1400 through 4.1-1407; and to repeal Article 5 (§§ 3.2-5145.1 through 3.2-5145.5) of Chapter 51 of Title 3.2 of the Code of Virginia and to repeal §§ 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia, relating to regulated hemp products.

22103662D

*Summary as introduced:*

**Regulated hemp products.** Directs the Board of Directors of the Virginia Cannabis Control Authority to establish a scheme for the regulation of hemp products intended for smoking, edible hemp products, and topical hemp products.

01/12/22 House: Prefiled and ordered printed; offered 01/12/22 22103662D

01/12/22 House: Referred to Committee on General Laws

02/15/22 House: Left in General Laws

## **HB 950 Cannabis control; retail market, penalties.**

*Chief patron:* Webert

A BILL to amend and reenact §§ 2.2-221, 2.2-507, 2.2-511, 2.2-1119, 2.2-2818, 2.2-2905, 2.2-3114, 2.2-3705.3, 2.2-3711, 2.2-3802, 2.2-4024, 3.2-1010, 3.2-3906, 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4116, 4.1-100, 4.1-101.02, 4.1-101.07, 4.1-101.09, 4.1-101.010, 4.1-101.1, 4.1-103, 4.1-104, 4.1-105, 4.1-106, 4.1-107, 4.1-111, 4.1-112.2, 4.1-113.1, 4.1-115, 4.1-116, 4.1-118, 4.1-119, as it is currently effective and as it shall become effective, 4.1-122, 4.1-124, 4.1-128, 4.1-200, 4.1-201, 4.1-202, 4.1-205, 4.1-206.1, as it is currently effective and as it shall become effective, 4.1-206.2, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-212, 4.1-213, 4.1-215, 4.1-216, 4.1-216.1, 4.1-222, 4.1-224, 4.1-225, 4.1-227, 4.1-230, 4.1-240, 4.1-300, 4.1-302, 4.1-303, 4.1-310, 4.1-310.1, 4.1-320, 4.1-323, 4.1-324, 4.1-325, 4.1-325.2, 4.1-329, 4.1-336, 4.1-337, 4.1-338, 4.1-348, 4.1-349, 4.1-350, 4.1-351, 4.1-352, 4.1-353, 4.1-354, 4.1-606, 4.1-614, 4.1-1100, 4.1-1101, 4.1-1101.1, 5.1-13, 9.1-101, as it is currently effective and as it shall become effective, 9.1-400, 9.1-500, 9.1-801, 9.1-1101, 15.2-2820, 16.1-69.40:1, 16.1-260, 16.1-273, 16.1-278.9, 17.1-276, 18.2-46.1, 18.2-57, 18.2-247, 18.2-248, 18.2-248.01, 18.2-251, 18.2-251.03, 18.2-251.1:1, 18.2-251.1:2, 18.2-251.1:3, 18.2-252, 18.2-254, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-265.1, 18.2-265.2, 18.2-265.3, 18.2-287.2, 18.2-308.03, 18.2-308.012, 18.2-308.016, 18.2-308.4, 18.2-371.2, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303, 19.2-303.01, 19.2-386.22 through 19.2-386.25, 19.2-389, 19.2-389.3, as it is currently effective and as it shall become effective, 19.2-392.02, 19.2-392.6, 22.1-206, 22.1-277.08, 23.1-609, 23.1-1301, 33.2-613, 46.2-105.2, 46.2-347, 48-17.1, 51.1-212, 53.1-231.2, 54.1-2903, 54.1-3408.3, 54.1-3442.6, 54.1-3442.8, 58.1-3, 59.1-148.3, 65.2-107, 65.2-402, and 65.2-402.1 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 3.2-4117.1 and 3.2-4117.2, by adding in Chapter 41.1 of Title 3.2 a section numbered 3.2-4122, by adding in Chapter 51 of Title 3.2 an article numbered 6, consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, by adding in Chapter 6 of Title 4.1 sections numbered 4.1-629, 4.1-630, and 4.1-631, by adding in Title 4.1 chapters

numbered 7 through 10, consisting of sections numbered 4.1-700 through 4.1-1009, by adding sections numbered 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1111, and 4.1-1113 through 4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200 through 4.1-1207, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1312, by adding in Title 4.1 a chapter numbered 14, consisting of sections numbered 4.1-1400 through 4.1-1405, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and by adding in Article 3 of Chapter 9 of Title 22.1 a section numbered 22.1-141.3; and to repeal Article 30 (§§ 2.2-2499.5 through 2.2-2499.8) of Chapter 24 of Title 2.2, Chapter 15 (§§ 4.1-1500 through 4.1-1503) of Title 4.1, and §§ 18.2-248.1 and 18.2-251.1 of the Code of Virginia, relating to cannabis control; retail market; penalties.

22103888D

*Summary as introduced:*

**Cannabis control; retail market; penalties.** Establishes a framework for the creation of a retail marijuana market in the Commonwealth. The bill creates a regulatory and licensing structure for such retail market and for the cultivation, manufacture, and wholesale of marijuana and marijuana products, to be administered by the Virginia Cannabis Control Authority. The bill also relocates and modifies numerous criminal provisions regarding marijuana offenses. The bill has staggered effective dates.

01/12/22 House: Prefiled and ordered printed; offered 01/12/22 22103888D

01/12/22 House: Referred to Committee on General Laws

01/14/22 House: Impact statement from VCSC (HB950)

02/07/22 House: Impact statement from DPB (HB950)

02/15/22 House: Left in General Laws

### **HB 1061 Breeding dogs or cats for foreign animal testing facility; prohibited, penalty.**

*Chief patron:* Shin

A BILL to amend the Code of Virginia by adding a section numbered 3.2-6592.1, relating to breeding\_dogs or cats for foreign animal testing facility prohibited; penalty.

22102693D

*Summary as introduced:*

**Breeding dogs or cats for foreign animal testing facility prohibited; penalty.** Prohibits a person from breeding or raising a dog or cat for the purpose of selling or transferring the dog or cat, or its offspring, to an animal testing facility outside of the United States. A violation of the bill is a Class 1 misdemeanor.

01/24/22 House: Impact statement from DPB (HB1061)

01/31/22 House: Assigned ACNR sub: Agriculture

02/02/22 House: House subcommittee amendments and substitutes offered

02/02/22 House: Subcommittee recommends laying on the table (7-Y 2-N)

02/15/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **HB 1089 Paraquat information; VDH to develop information sheet regarding public health risks of pesticide.**

*Chief patron:* Tran

A BILL to amend the Code of Virginia by adding a section numbered 3.2-3932.1, relating to paraquat information.

22104258D

*Summary as introduced:*

**Paraquat information.** Requires the Department of Health to develop an information sheet regarding the public health risks of the pesticide known as paraquat and make the sheet available to download from its website. The bill requires the Department of Agriculture and Consumer to require that employers with employees licensed to apply paraquat provide a copy of the information sheet to each licensee, keep records concerning licensees, and update and annually report data regarding the use of paraquat to the Department of Health.

01/12/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/24/22 House: Assigned ACNR sub: Agriculture

01/26/22 House: Impact statement from DPB (HB1089)

01/26/22 House: Subcommittee recommends laying on the table (6-Y 4-N)

02/15/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **HB 1249 Food donations; labeling, liability.**

*Chief patron:* Davis

An Act to amend and reenact §§ 3.2-5144 and 35.1-14.2 of the Code of Virginia, relating to food donations; labeling; liability.

*Summary as passed House:*

**Food donations; labeling; liability.** Exempts individuals and entities that donate food and charitable organizations that accept food donations from criminal and civil liability for donating or receiving food past its best-by date or other non-safety labels so long as all parties are informed. The bill provides that immunity from liability shall not apply in instances of gross negligence or intentional misconduct.

03/09/22 House: Signed by Speaker

03/10/22 House: Impact statement from DPB (HB1249ER)

03/10/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **HB 1293 Food donations; labeling, liability.**

*Chief patron:* Bennett-Parker

A BILL to amend and reenact §§ 3.2-5144 and 35.1-14.2 of the Code of Virginia, relating to food donations; labeling; liability.

22104304D

*Summary as introduced:*

**Food donations; labeling; liability.** Exempts individuals and entities that donate food and charitable organizations that accept food donations from criminal and civil liability for donating or receiving food past its best-by date or other non-safety labels so long as all parties are informed. The bill provides that immunity from liability shall not apply in instances of gross negligence or intentional misconduct.

01/20/22 House: Presented and ordered printed 22104304D

01/20/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/31/22 House: Assigned ACNR sub: Agriculture

01/31/22 House: Impact statement from DPB (HB1293)

02/09/22 House: Stricken from docket by Agriculture, Chesapeake and Natural Resources (21-Y 0-N)

## **HB 1313 Breeders; records of animals sold or transferred to animal testing facility.**

*Chief patron:* Kory

A BILL to amend the Code of Virginia by adding a section numbered 3.2-6592.1, relating to breeders; records of animals sold or transferred to animal testing facility; records and reports.

22104172D

*Summary as introduced:*

**Breeders; records of animals sold or transferred to animal testing facility; report.** Requires entities that breed dogs or cats for sale or transfer to an animal testing facility to keep records of each animal for two years from the date of the sale or transfer, and to annually submit a summary of the records to the State Veterinarian. Such entities shall also report certain information to the State Veterinarian on a monthly basis. The report shall include information regarding the birth, acquisition, death, sale, transfer, or other disposition of a dog or cat in the prior month.

01/21/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/31/22 House: Impact statement from DPB (HB1313)

01/31/22 House: Assigned ACNR sub: Agriculture

02/02/22 House: Subcommittee recommends laying on the table (6-Y 3-N)

02/15/22 House: Left in Agriculture, Chesapeake and Natural Resources

## **HB 1330 Companion animals; duty to identify submitted animal, scanning for microchip.**

*Chief patron:* Edmunds

An Act to amend and reenact §§ 3.2-6546 and 3.2-6549 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6585.1, relating to duty to identify submitted animal; microchip.

*Summary as passed House:*

**Companion animals; duty to identify submitted animal; microchip.** Requires veterinarians, public or private animal shelters, and releasing agencies to seek to identify the lawful owners of the unidentified companion animals that are submitted to them by scanning for embedded microchips. The bill provides that such scanning shall be conducted at the time of intake, at the time of assessment, and prior to disposition and that a reasonable effort shall be made to contact the owner. The bill also requires that documentation of such scanning and any attempts to contact the owner be maintained for at least 30 days from the date of final disposition of the animal.

03/10/22 House: Impact statement from DPB (HB1330ER)

03/10/22 House: Signed by Speaker

03/11/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **HB 1336 Winery, farm winery, and limited brewery licensees; distribution of wine and beer.**

*Chief patron:* Robinson

An Act directing the Department of Agriculture and Consumer Services to convene a work group to evaluate the needs of the Virginia Winery Distribution Company.

*Summary as introduced:*

**Department of Agriculture and Consumer Services; winery, farm winery, and limited brewery licensees; distribution of wine and beer.** Directs the Department of Agriculture and Consumer Services to convene a work group consisting of representatives of the Virginia Alcoholic Beverage Control Authority, the Virginia Wineries Association, the Virginia Wine Wholesalers Association, the Virginia Beer Wholesalers Association, and the Virginia Craft Brewers Guild and other relevant stakeholders to (i) conduct research to determine the appropriate fee structure and general fund appropriation necessary to adequately address staffing needs and perform information technology system upgrades for the purpose of accommodating winery, farm winery, and limited brewery licensees that wish to utilize the services of the Virginia Winery Distribution Company; (ii) evaluate the number of barrels of beer allowed to be distributed by a limited brewery licensee over the course of one year; and (iii) review and evaluate alternative avenues of distribution, other than distribution through the Virginia Winery Distribution Company, that could be made available to limited brewery licensees. The bill directs the work group to report its findings and recommendations to the Board of Directors of the Virginia Winery Distribution Company (the Board) for approval and directs the Board to report any such approved findings and recommendations to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on General Laws no later than October 1, 2022.

03/03/22 House: Impact statement from DPB (HB1336ER)

03/03/22 House: Signed by Speaker

03/04/22 Senate: Signed by President

03/11/22 House: Enrolled Bill communicated to Governor on March 11, 2022

03/11/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **HB 1350 Dealers; prohibits sale of dogs or cats for experimental purposes.**

*Chief patron:* Bell

An Act to amend and reenact § 3.2-6511.2 of the Code of Virginia, relating to dealers; sale of dogs or cats for experimental purposes.

*Summary as passed House:*

**Dealers; sale of dogs or cats for experimental purposes.** Prohibits a dealer or commercial dog or cat breeder, including an entity that breeds dogs or cats regulated under federal law as research animals, from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations pursuant to the federal Animal Welfare Act.

03/10/22 House: Impact statement from DPB (HB1350ER)

03/10/22 House: Signed by Speaker

03/11/22 Senate: Signed by President

03/22/22 House: Enrolled Bill communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 87 Dealers; prohibits sale of dogs or cats for experimental purposes.**

*Chief patron:* Stanley

An Act to amend and reenact § 3.2-6511.2 of the Code of Virginia, relating to dealers; sale of dogs or cats for experimental purposes.

*Summary as passed Senate:*

**Dealers; sale of dogs or cats for experimental purposes.** Prohibits a dealer or commercial dog or cat breeder, as defined in the bill, from importing for sale, selling, or offering for sale a dog or cat bred by a person who has received certain citations pursuant to the federal Animal Welfare Act. Current law only prohibits such activities related to the sale of dogs. The bill also clarifies that selling

includes selling the dog or cat for experimental purposes. Certain provisions of the bill apply only to violations occurring on or after March 1, 2023.

03/10/22 Senate: Impact statement from DPB (SB87ER)

03/10/22 Senate: Signed by President

03/10/22 House: Signed by Speaker

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 88 Breeders of cats and dogs; records of animals sold or transferred to animal testing facility.**

*Chief patron:* Stanley

An Act to amend the Code of Virginia by adding a section numbered 3.2-6592.1, relating to breeders; records of animals sold or transferred to animal testing facility.

*Summary as introduced:*

**Breeders; records of animals sold or transferred to animal testing facility.** Requires entities that breed dogs or cats for sale or transfer to an animal testing facility to keep records of each animal for two years from the date of the sale or transfer, and to annually submit a summary of the records to the State Veterinarian.

03/10/22 Senate: Impact statement from DPB (SB88ER)

03/10/22 Senate: Signed by President

03/10/22 House: Signed by Speaker

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 89 Pet shops; sale of unneutered or unspayed dogs and cats prohibited, penalty.**

*Chief patron:* Stanley

A BILL to amend and reenact § 3.2-6510 of the Code of Virginia, relating to pet shops; sale of unneutered or unspayed dogs and cats prohibited; penalty.

22101414D

*Summary as introduced:*

**Pet shops; sale of unneutered or unspayed dogs and cats prohibited; penalty.** Prohibits a pet shop from selling a dog or cat unless it has first been spayed or neutered. A violation is a Class 3 misdemeanor.

01/05/22 Senate: Prefiled and ordered printed; offered 01/12/22 22101414D

01/05/22 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/18/22 Senate: Impact statement from DPB (SB89)

01/24/22 Senate: Assigned ACNR sub: Companion Animals

02/08/22 Senate: Continued to 2023 in Agriculture, Conservation and Natural Resources (10-Y 0-N)

### **SB 90 Breeders of dogs and cats for animal testing facilities; adoption of dogs and cats.**

*Chief patron:* Stanley

An Act to amend and reenact § 3.2-6593.1 of the Code of Virginia, relating to breeders of dogs and cats for animal testing facilities; adoption of dogs and cats.

*Summary as introduced:*

**Breeders of dogs and cats for animal testing facilities; adoption of dogs and cats.** Requires a breeder of dogs and cats for sale or transfer to an animal testing facility that no longer has a need for a dog or cat in its possession to offer the animal for adoption prior to euthanizing it. Currently, only animal testing facilities are subject to this requirement.

03/10/22 Senate: Impact statement from DPB (SB90ER)

03/10/22 Senate: Signed by President

03/10/22 House: Signed by Speaker

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 146 Restaurants; on-site certified food protection managers.**

*Chief patron:* Suetterlein

An Act to amend and reenact § 35.1-14 of the Code of Virginia, relating to restaurants; on-site certified food protection managers.

*Summary as passed Senate:*

**Prepared foods; certified food protection managers.** Provides that regulations adopted by the State Board of Health shall not require an establishment that sells only prepared food to have a certified food protection manager on site during all hours of operation.

03/10/22 Senate: Impact statement from DPB (SB146ER)

03/10/22 Senate: Impact statement from DPB (SB146S1)

03/10/22 Senate: Signed by President

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 196 Alcoholic beverage control; tax allocation for funding the Virginia Spirits Promotion Fund, report.**

*Chief patron:* Mason

An Act to amend and reenact §§ 3.2-3011, 3.2-3012, and 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; Virginia Spirits Promotion Fund; funding; tax allocation; report.

*Summary as passed Senate:*

**Alcoholic beverage control; tax allocation; funding for Virginia Spirits Promotion Fund.** Requires that 20 percent of the 20 percent tax levied on alcoholic beverages sold by the Board of Directors of the Virginia Alcoholic Beverage Control Authority that is attributable to the sale of spirits produced by a distiller licensee be deposited in the Virginia Spirits Promotion Fund. The bill requires the Virginia Spirits Board to submit an annual report to the Governor and General Assembly by October 1 regarding its activities and use of moneys in the Virginia Spirits Promotion Fund. This bill is identical to HB 20.

03/03/22 House: Signed by Speaker

03/04/22 Senate: Impact statement from DPB (SB196ER)

03/04/22 Senate: Signed by President

03/11/22 Senate: Enrolled Bill Communicated to Governor on March 11, 2022

03/11/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **SB 248 Digestate; definition, definition of anaerobic digestion.**

*Chief patron:* Surovell

An Act to amend and reenact §§ 3.2-3600 and 3.2-3611 of the Code of Virginia, relating to anaerobic digestion; digestate.

*Summary as passed Senate:*

**Fertilizer; digestate.** Clarifies that a regulated product, for the purposes of fertilizer law, includes digestate. Digestate is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. The bill also includes digestate in fertilizer labeling requirements. This bill is identical to HB 831.

03/02/22 House: Signed by Speaker

03/03/22 Senate: Signed by President

03/03/22 Senate: Impact statement from DPB (SB248ER)

03/11/22 Senate: Enrolled Bill Communicated to Governor on March 11, 2022

03/11/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **SB 279 Vicious dogs; law-enforcement officer, etc., to apply to a magistrate for a summons, etc.**

*Chief patron:* DeSteph

An Act to amend and reenact §§ 3.2-6540.1 and 3.2-6569 of the Code of Virginia, relating to vicious dogs.

*Summary as passed Senate:*

**Vicious dogs.** Requires a law-enforcement officer or animal control officer to apply to a magistrate for a summons for a vicious dog if such officer is located in either the jurisdiction where the vicious dog resides or in the jurisdiction where the vicious dog committed one of the acts set forth in the definition of a vicious dog. Current law requires such action only if the law-enforcement officer or animal control officer is located in the jurisdiction where the vicious dog resides. The bill also requires any evidentiary hearing or appeal to be held not less than 30 days from the date of the summons or appeal, unless good cause is found by the court.

03/10/22 Senate: Signed by President

03/10/22 House: Signed by Speaker

03/11/22 Senate: Impact statement from DPB (SB279ER)

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **SB 305 Food manufacturers; operating in historic buildings.**

*Chief patron:* Deeds

An Act to amend and reenact § 3.2-5100 of the Code of Virginia, relating to food manufacturers operating in historic buildings.

*Summary as introduced:*

**Food manufacturers operating in historic buildings.** Authorizes the Commissioner of the Department of Agriculture and Consumer Services to exempt food manufacturers operating in historic buildings from certain laws and regulations related to the structure of a building if the food manufacturer is deemed to be producing food products that are low risk of being adulterated.

03/10/22 Senate: Impact statement from DPB (SB305ER)

03/10/22 Senate: Signed by President

03/10/22 House: Signed by Speaker

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 341 Consumer protection; online marketplace, high-volume third-party sellers.**

*Chief patron:* Barker

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 55, consisting of sections numbered 59.1-589 through 59.1-592, relating to consumer protection; online marketplace; high-volume third-party sellers; civil penalty.

22104776D

*Summary as passed Senate:*

**Consumer protection; online marketplace; high-volume third-party sellers.** Establishes requirements for high-volume third-party sellers, defined in the bill as participants in an online marketplace that have entered into at least 200 discrete sales or transactions for 12 continuous months during the past 24 months resulting in accumulation of an aggregate total of \$5,000 or more in gross revenues. The bill requires an online marketplace to (i) require high-volume third-party sellers to provide identifying and contact information to the online marketplace; (ii) verify the information provided by a high-volume third-party seller within 10 days of receipt; and (iii) require that high-volume third-party sellers make certain conspicuous disclosures to consumers on their product listing pages, with certain limited exceptions. The bill provides that the Attorney General has the exclusive authority to enforce its provisions and that any violation of its provisions is a prohibited practice under the Virginia Consumer Protection Act.

02/22/22 House: Read first time

02/22/22 House: Referred to Committee on Commerce and Energy

02/28/22 House: Assigned sub: Subcommittee #4

03/01/22 House: Subcommittee recommends laying on the table (6-Y 0-N)

03/08/22 House: Left in Commerce and Energy

### **SB 442 Dogs and cats; breeding for research, reporting to State Veterinarian.**

*Chief patron:* Boysko

A BILL to amend the Code of Virginia by adding a section numbered 3.2-6592.1, relating to breeding of dogs and cats for research; reporting.

22104122D

*Summary as introduced:*

**Breeding of dogs and cats for research; reporting.** Requires any person who or entity that breeds dogs and cats for animal testing facilities to report certain to the State Veterinarian on a monthly basis. The report shall include information regarding the birth, acquisition, death, sale, transfer, or other disposition of a dog or cat in the prior month.

02/21/22 House: Read first time

02/21/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

02/21/22 House: Assigned ACNR sub: Agriculture

02/23/22 House: Subcommittee recommends laying on the table (10-Y 0-N)

03/08/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **SB 457 Dogs; breeding dogs for certain research prohibited, penalty.**

*Chief patron:* Boysko

A BILL to amend the Code of Virginia by adding a section numbered 3.2-6592.1, relating to breeding dogs for certain research prohibited in certain circumstances.

22106232D

*Summary as passed Senate:*

**Breeding dogs for certain research prohibited.** Prohibits for two years a person who has received a particular citation from the U.S Department of Agriculture (USDA) on or after July 1, 2023, from breeding or raising a dog for the purpose of selling or transferring the dog or cat, or its offspring, to an animal research facility outside of the United States, or to an animal research facility located in the United States that will use the animal for testing or research not required by federal law or regulation. The bill allows a person who has received such a USDA citation to offer a dog or cat in his possession for release or adoption in certain circumstances. The provisions of the bill do not become effective unless reenacted by the 2023 Session of the General Assembly.

02/22/22 House: Read first time

02/22/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

02/22/22 House: Assigned ACNR sub: Agriculture

02/23/22 House: Subcommittee recommends laying on the table (10-Y 0-N)

03/08/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **SB 535 Research breeders; oversight by Animal Welfare Oversight Officer.**

*Chief patron:* Marsden

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2, relating to oversight of research breeders; Animal Welfare Oversight Officer; Advisory Committee; civil penalty.

22104308D

*Summary as introduced:*

**Oversight of research breeders; Animal Welfare Oversight Officer; Animal Welfare Oversight Advisory Committee; civil penalty.** Directs the State Veterinarian to hire an Animal Welfare Oversight Officer to inspect and oversee the operations of research breeders, defined in the bill as a person or entity that breeds dogs or cats for sale or transfer for use in testing or research within or outside the Commonwealth, and report any violations of state or federal law by the research breeder. The bill requires each research breeder to register with the Animal Welfare Oversight Officer, pay a registration fee as determined by the Commissioner of Agriculture and Consumer Services, and allow the Animal Welfare Oversight Officer continuous access to its facilities located in the Commonwealth. The bill subjects a research breeder that does not register, pay the fee, or allow the Animal Welfare Oversight Officer access to its facilities to a civil penalty of \$1,000 for each day of noncompliance. The bill also establishes an Animal Welfare Oversight Advisory Committee.

02/18/22 House: Read first time

02/18/22 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

02/21/22 House: Assigned ACNR sub: Agriculture

02/23/22 House: Subcommittee recommends laying on the table (6-Y 4-N)

03/08/22 House: Left in Agriculture, Chesapeake and Natural Resources

### **SB 591 Marijuana; shape productions, definitions.**

*Chief patron:* Hanger

An Act to amend and reenact §§ 3.2-4113, 3.2-4118, 4.1-600, 4.1-606, 9.1-1101, 18.2-247, 18.2-251.1, 19.2-188.1, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3446 of the Code of Virginia, relating to marijuana; shape prohibitions; definitions of marijuana and tetrahydrocannabinol.

*Summary as passed Senate:*

**Marijuana; shape prohibitions; definitions of marijuana and tetrahydrocannabinol.** The bill modifies the definition of "marijuana" in several Code sections to (i) include any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent or more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package and (ii) exclude industrial hemp that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture or his agent; an industrial hemp extract that contains a tetrahydrocannabinol concentration of no greater than 0.3 percent and no more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package at the time such industrial hemp extract is offered for retail sale and is derived from industrial hemp grown, dealt, or processed in compliance with state or federal law; and any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act by the Board of Pharmacy. The bill defines "tetrahydrocannabinol" to include any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, or salts of isomers. The bill removes references in the Code to delta-9 tetrahydrocannabinol and amends numerous sections to accommodate for the definitional changes described above. The bill requires the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations that prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit. The bill has staggered effective dates.

03/21/22 Senate: Bill text as passed Senate and House (SB591ER)

03/21/22 Senate: Signed by President

03/22/22 House: Signed by Speaker

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 604 Animal cruelty; companion animals, penalty.**

*Chief patron:* Stanley

An Act to amend and reenact § 3.2-6500 of the Code of Virginia, relating to animal cruelty; companion animals; penalty.

*Summary as passed Senate:*

**Animal cruelty; companion animals; penalty.** Clarifies that dogs and cats in the possession of a person who or an entity that breeds dogs or cats for sale or transfer to an animal research facility are considered companion animals for the purposes of animal cruelty statutes. The bill also provides that breeding dogs or cats for sale or transfer to a research facility, or breeding dogs or cats within a research facility, does not constitute bona fide scientific or medical experimentation for purposes of animal cruelty statutes. The provisions of the bill are contingent on funding in a general appropriation act and do not become effective unless reenacted by the 2023 Session of the General Assembly.

03/10/22 Senate: Impact statement from DPB (SB604ER)

03/10/22 Senate: Signed by President

03/10/22 House: Signed by Speaker

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

### **SB 678 Agricultural operation; amends definition.**

*Chief patron:* Stuart

An Act to amend and reenact § 3.2-300 of the Code of Virginia, relating to definition of agricultural operation.

*Summary as passed:*

**Definition of agricultural operation.** Amends the definition of "agricultural operation" for purposes of the Right to Farm Act to include the housing of livestock. The bill provides that this change is declaratory of existing law.

03/10/22 Senate: Impact statement from DPB (SB678ER)

03/10/22 Senate: Signed by President

03/10/22 House: Signed by Speaker

03/22/22 Senate: Enrolled Bill Communicated to Governor on March 22, 2022

03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

## **SB 726 Slaughter and meat-processing facilities; expanding facilities through strategic planning, etc.**

*Chief patron:* Pillion

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.2, relating to slaughter and meat-processing facilities.

*Summary as introduced:*

**Slaughter and meat-processing facilities.** Establishes that it is the policy of the General Assembly to encourage, expand, and develop slaughter and meat-processing facilities through strategic planning and financial incentive programs. The bill directs the Department of Agriculture and Consumer Services to develop a five-year strategic plan to increase total combined throughput capacity of slaughter and meat-processing facilities. This bill is identical to HB 830.

03/02/22 House: Signed by Speaker

03/03/22 Senate: Signed by President

03/03/22 Senate: Impact statement from DPB (SB726ER)

03/11/22 Senate: Enrolled Bill Communicated to Governor on March 11, 2022

03/11/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

**Counts:** HB: 26 SB: 17

		FY 2023		
		Introduced (HB30/SB30)	Senate	House
Division		Dollars	Dollars	Dollars
<b>Chapter 552 (2022 Appropriation Act)</b>		<b>\$ 81,028,948</b>	<b>\$ 81,028,948</b>	<b>\$ 81,028,948</b>
<b>Technical Adjustments</b>				
General Fund		\$ 1,229,741	\$ 1,229,741	\$ 1,229,741
Nongeneral Fund		\$ 680,921	\$ 680,921	\$ 680,921
<b>Total Technical Adjustments:</b>		<b>\$ 1,910,662</b>	<b>\$ 1,910,662</b>	<b>\$ 1,910,662</b>
<b>Increases:</b>				
Increase funding for the Farmland Preservation Fund and establish a pilot program to address the partition of heirs property in the Commonwealth	MRKT	\$ 2,500,000	\$ 3,125,000	\$ -
Increase support for the Agriculture and Forestry Industries Development (AFID) Fund and administration	MRKT	\$ 2,097,213	\$ 597,213	\$ 2,097,213
Capitalize and establish the Virginia Spirits Promotion Fund	MRKT	\$ 952,375	\$ 952,375	\$ 952,375
Increase support for invasive species early detection and rapid response	CP	\$ 600,000	\$ 300,000	\$ 600,000
Increase the deposit to the Virginia Wine Promotion Fund	MRKT	\$ 501,640	\$ 501,640	\$ 501,640
Provide salary support to improve recruitment and retention of environmental specialist positions	AFIS	\$ 335,000	\$ 335,000	\$ 335,000
Improve veterinarian recruitment and retention through salary support	AFIS	\$ 300,000	\$ 300,000	\$ 300,000
Replace weights and measures large capacity scale truck	CP	\$ 240,000	\$ 240,000	\$ 240,000
Provide support for policy, planning, and research	COM	\$ 109,138	\$ -	\$ 109,138
Partner with Virginia State University (VSU)'s Small Farm Outreach Program	MRKT	\$ 30,000	\$ 30,000	\$ 30,000
Virginia Fresh Match Nutrition Incentive Program	MRKT	\$ -	\$ 1,000,000	\$ -
Oversight of Research Breeders	AFIS	\$ -	\$ 109,138	\$ -
Regulation of Hemp Products	AFIS	\$ -	\$ 710,000	\$ -
4-H Educational Facilities	MRKT	\$ -	\$ 1,500,000	\$ -
Provide additional positions for pesticide registration (NGF)	CP	\$ 175,091	\$ 175,091	\$ 175,091
<b>Total Increases:</b>		<b>\$ 7,840,457</b>	<b>\$ 9,875,457</b>	<b>\$ 5,340,457</b>
<b>Net change with new legislation</b>		<b>\$ 7,840,457</b>	<b>\$ 9,875,457</b>	<b>\$ 5,340,457</b>
<b>2022 Budget Bill</b>		<b>\$ 90,780,067</b>	<b>\$ 92,815,067</b>	<b>\$ 88,280,067</b>
<b>Percentage change over Chapter 552</b>		<b>12.03%</b>	<b>14.55%</b>	<b>8.95%</b>
<b>2022 Budget Bill - General Fund</b>		<b>\$ 51,683,138</b>	<b>\$ 53,718,138</b>	<b>\$ 49,183,138</b>
<b>Percentage change over Chapter 552</b>		<b>20.79%</b>	<b>25.54%</b>	<b>14.95%</b>

**BOARD OF AGRICULTURE AND CONSUMER SERVICES**  
**Future Meeting Dates**

**MARK YOUR CALENDARS**

**Thursday, May 19, 2022**

Patrick Henry Building  
West Reading Room  
1111 East Broad Street  
Richmond, VA

**July 2022**

TBD

**Friday, December 9, 2022**

Patrick Henry Building  
East Reading Room  
1111 East Broad Street  
Richmond, VA