

Bill as
Introduced

HB 226 - AS AMENDED BY THE HOUSE

24Feb2021... 0046h

2021 SESSION

21-0296
08/11

HOUSE BILL **226**

AN ACT relative to the repeal of laws on produce safety.

SPONSORS: Rep. Pearl, Merr. 26; Rep. Lang, Belk. 4; Rep. M. Moffett, Merr. 9

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill extends the date for the repeal of the laws on produce safety.

This bill also enables the commissioner of the department of agriculture, markets, and food to stop the sale of produce violating produce safety rules.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 226 - AS AMENDED BY THE HOUSE

24Feb2021... 0046h

21-0296
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the repeal of laws on produce safety.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 Repeal Date Changed. Amend 2018, 323:28-29 to read as follows:
2 323:28 Repeal; Effective [~~2021~~] **2026**. RSA 426-A, relative to produce safety, is repealed.
3 323:29 Effective Date.
4 I. Section 28 of this act shall take effect June 30, [~~2021~~] **2026**. . . .
5 II. The remainder of this act shall take effect upon its passage.
6 2 New Section; Produce; Stop Sale. Amend RSA 426-A by inserting after section 6 the following
7 new section:
8 426-A:7 Produce; Stop Sale. When the commissioner or the commissioner's authorized agent
9 has reasonable cause to believe produce is being distributed in violation of any of the provisions of
10 this chapter, or of any of the rules adopted under this chapter, the commissioner or agent may issue
11 and serve a written "stop sale, use or removal" order upon the owner or custodian of any such
12 produce. The produce shall not be sold, used or removed until the provisions of this chapter have
13 been complied with and the produce has been released by the commissioner or the violation has been
14 otherwise disposed of as provided in this chapter by a court of competent jurisdiction.
15 3 Effective Date. This act shall take effect upon its passage.

CHAPTER 21
HB 226 - FINAL VERSION

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2021 SESSION

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CHAPTER 21
HB 226 - FINAL VERSION

24Feb2021... 0046h

21-0296
08/11

STATE OF NEW HAMPSHIRE

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AN ACT relative to the repeal of laws on produce safety.

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1 21:1 Repeal Date Changed. Amend 2018, 323:28-29 to read as follows:

2 323:28 Repeal; Effective [~~2021~~] 2026. RSA 426-A, relative to produce safety, is repealed.

3 323:29 Effective Date.

4 I. Section 28 of this act shall take effect June 30, [~~2021~~] 2026.

5 II. The remainder of this act shall take effect upon its passage.

6 21:2 New Section; Produce; Stop Sale. Amend RSA 426-A by inserting after section 6 the
7 following new section:

8 426-A:7 Produce; Stop Sale. When the commissioner or the commissioner's authorized agent
9 has reasonable cause to believe produce is being distributed in violation of any of the provisions of
10 this chapter, or of any of the rules adopted under this chapter, the commissioner or agent may issue
11 and serve a written "stop sale, use or removal" order upon the owner or custodian of any such
12 produce. The produce shall not be sold, used or removed until the provisions of this chapter have
13 been complied with and the produce has been released by the commissioner or the violation has been
14 otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

21:3 Effective Date. This act shall take effect upon its passage.

Approved: May 06, 2021

Effective Date: May 06, 2021

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Bob Giuda, Vice Chair
Sen James Gray, Member
Sen David Watters, Member
Sen Rebecca Perkins Kwoka, Member

Date: March 16, 2021

HEARINGS

Monday	03/22/2021	
(Day)	(Date)	
Energy and Natural Resources	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. HB 529-FN	relative to cruelty to a wild animal, fish, or wild bird.	
1:15 p.m. HB 342	relative to the taking of game by certain lever-action firearms and relative to the number of rounds permitted in a firearm used to take deer.	
1:30 p.m. HB 192	relative to pistols permitted for the taking of deer.	
1:45 p.m. HB 226	relative to the repeal of laws on produce safety.	
2:00 p.m. HB 193	relative to penalties for improper timber harvesting.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/96840968683>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +19292056099,,96840968683# or +13017158592,,96840968683#
4. Webinar ID: **968 4096 8683**
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 529-FN

Rep. Read
Rep. Spillane

Rep. Toll
Rep. Abrami

Rep. Gay
Rep. DeSimone

Rep. Danielson
Rep. Wall

Rep. K. Murray

HB 342

Rep. Spillane

Rep. Love

HB 192

Rep. J. MacDonald

Rep. Deshaies

HB 226

Rep. Pearl

HB 193

Rep. Suzanne Smith

Sen. Giuda

Sen. Sherman

Rep. Pearl

Rep. Crawford

Rep. Lang

Rep. Weston

Sen. Hennessey

Sen. Watters

Rep. Roy

Rep. Avellani

Rep. Moffett

Rep. Gordon

Sen. Bradley

Rep. Verville

Rep. Umberger

Rep. Gould

Griffin Roberge 271-3042

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee
Griffin Roberge 271-3042

HB 226, relative to the repeal of laws on produce safety.

Hearing Date: March 22, 2021.

Time Opened: 2:00 p.m.

Time Closed: 2:04 p.m.

Members of the Committee Present: Senators Avard, Giuda, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: None.

Bill Analysis: This bill extends the date for the repeal of the laws on produce safety.

This bill also enables the commissioner of the department of agriculture, markets, and food to stop the sale of produce violating produce safety rules.

Sponsors:

Rep. Pearl

Rep. Lang

Rep. Moffett

Who supports the bill: Ruth Larson; Nicole Fordey; Lucinda Hope; Robert Johnson, II, NH Farm Bureau Federation.

Who opposes the bill: Robin Vogt.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Howard Pearl
Merrimack - District 26

- HB 226's Section 1 adds a five-year extension to the repeal date of the produce inspection program under RSA 426-A from June 30, 2021 to June 30, 2026. This change was requested by the NH Department of Agriculture, Markets, and Food (DAMF). The produce inspection program is required under the federal Food Safety Modernization Act enacted by the US Department of Agriculture (USDA).
- HB 226's Section 2 creates a new section in RSA 426-A to give the DAMF Commissioner or his agent the ability to issue a "stop sale order" if produce is being sold in violation of produce safety rules under RSA 426-A. Section 2's language closely mirrors DAMF's current statutory authority under RSA 426:7-a on standards for farm products.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

GJR

Date Hearing Report completed: March 22, 2021.

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB226 on 2021-03-22

Support: 4 Oppose: 1 Neutral: 0 Total to Testify: 0

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Vogt, Robin	robin.w.vogt@gmail.com	603.969.5720	A Member of the Public	Myself	Oppose	No	3/18/2021 9:05 AM
Larson, Ruth	ruthlarson@msn.com	Not Given	A Member of the Public	Myself	Support	No	3/20/2021 8:25 PM
Fordey, Nikki	nikkif610@gmail.com	Not Given	A Member of the Public	Myself	Support	No	3/21/2021 4:50 PM
Johnson, II, Robert	robj@nhfarmbureau.org	Not Given	A Lobbyist	NH Farm Bureau Federation	Support	No	3/22/2021 7:36 AM
Hope, Lucinda	lmhope46@gmail.com	Not Given	A Member of the Public	Myself	Support	No	3/21/2021 1:10 PM

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # <u>45 226</u>

Hearing Date: 03/22/2021

Executive Session Date: 03/22/2021

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Watters

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, March 22, 2021

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 226**

AN ACT relative to the repeal of laws on produce safety.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator David Watters
For the Committee

This bill adds a five-year extension to the repeal date of the state's produce inspection program under RSA 426-A. This program is required under the federal Food Safety Modernization Act, which is enacted by the US Department of Agriculture. The bill also creates a new section in the produce inspection program to give the Commissioner of the Department of Agriculture, Markets, and Food the ability to issue a "stop sale order" if produce is being sold in violation of produce safety rules.

Griffin Roberge 271-3042

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

HB 226, relative to the repeal of laws on produce safety.

Ought to Pass, Vote 5-0.

Senator David Watters for the committee.

This bill adds a five-year extension to the repeal date of the state's produce inspection program under RSA 426-A. This program is required under the federal Food Safety Modernization Act, which is enacted by the US Department of Agriculture. The bill also creates a new section in the produce inspection program to give the Commissioner of the Department of Agriculture, Markets, and Food the ability to issue a "stop sale order" if produce is being sold in violation of produce safety rules.

Docket of HB226**Bill Title:** relative to the repeal of laws on produce safety.*Official Docket of HB226.:*

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Environment and Agriculture HJ 2 P. 40
1/20/2021	H	Public Hearing: 01/27/2021 11:30 am Members of the public may attend using the following links: To join the webinar: https://www.zoom.us/j/92887623403 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/10/2021	H	Committee Report: Ought to Pass with Amendment #2021-0046h (Vote 18-0; CC) HC 12 P. 5
2/24/2021	H	Amendment #2021-0046h : AA VV 02/24/2021 HJ 3 P. 7
2/24/2021	H	Ought to Pass with Amendment 2021-0046h: MA VV 02/24/2021 HJ 3 P. 7
3/4/2021	S	Introduced 03/04/2021 and Referred to Energy and Natural Resources; SJ 7
3/17/2021	S	Remote Hearing : 03/22/2021, 01:45 pm; Links to join the hearing can be found in the Senate Calendar; SC 16
3/23/2021	S	Committee Report: Ought to Pass, 04/01/2021; Vote 5-0; CC; SC 17
4/1/2021	S	Ought to Pass : RC 23Y-1N, MA; OT3rdg; 04/01/2021; SJ 10
4/29/2021	S	Enrolled RC 24Y-0N, MA, (In recess of 04/22/2021); SJ 13
4/29/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 101
5/10/2021	H	Signed by Governor Sununu 05/06/2021; Chapter 21; Eff: 05/06/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 226

Senate Committee: ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

N/A Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

N/A - amendment # _____ - amendment # _____

_____ - amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ - amendment # _____

_____ - amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: (Clerk's Office)

_____ as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office JAK