Bill as Introduced

1999 SESSION

99-0007
08/09

HOUSE BILL ***51***

AN ACT providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such equipment.

SPONSORS: Rep. Melcher, Hills 11; Rep. Owen, Merr 6; Rep. McRae, Hills 7

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill requires producers of maple products in the state of New Hampshire to register the equipment used in the production of such products with the commissioner of agriculture, markets, and food.

The bill also allows the commissioner to adopt rules relative to standards for such equipment.

This bill is a request of the department of agriculture, markets, and food.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

99-0007
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such equipment.

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

1 New Paragraph; Definitions; Commercial Sugarmaker. Amend RSA 429:13 by inserting after paragraph III the following new paragraph:

III-a. "Commercial sugarmaker" means a person who collects or purchases maple sap for maple product production and sale.

2 New Paragraph; Definitions; Maple Packer. Amend RSA 429:13 by inserting after paragraph VII the following new paragraph:

VII-a. "Maple packer" means a person who purchases and packs or further processes maple syrup for sale.

3 New Section; Registration. Amend RSA 429 by inserting after section 13 the following new section:

429:13-a Registration.

I. A commercial sugarmaker or maple packer in this state shall register with the commissioner its intent to produce or pack maple sap or maple products for sale.

II. A commercial sugarmaker or maple packer shall complete a registration form supplied by the commissioner listing the information as specified by rules adopted by the commissioner under RSA 541-A.

III. The commissioner shall issue a certificate of registration and a registration number to each commercial sugarmaker or maple packer registered in accordance with this section. The certificate shall be displayed on the premises of the sugarmaker or packer.

IV. A registration issued by the commissioner shall remain effective for a period of 5 years from issuance upon which it may be renewed.

4 Labels; Information Required. Amend RSA 429:14, I(a) to read as follows:

(a) The name, address, and zip code of the packer ***or distributor***;

5 New Paragraph; Adulteration. Amend RSA 429:15 by inserting after paragraph II the following new paragraph:

III. Maple syrup and maple products which are labeled as being pure maple products and which are produced, packaged, handled, or sold in this state shall not in any way be adulterated by the addition or introduction, whether intentional or inadvertent, of any substance that would change the essential characteristics of the maple product or render the maple products unsafe.

6 Rulemaking Authority. Amend RSA 429:25 to read as follows:

429:25 Rulemaking Authority. The commissioner of agriculture, markets, and food shall have general authority to administer this chapter and shall adopt rules pursuant to RSA 541-A for carrying out its provisions. ***The commissioner may adopt rules governing the standards for facilities and equipment used for the production, packaging, and/or storage of maple products; the grading, labeling, and packaging requirements for maple products; the information and procedures for registration; fees for the inspection of maple facilities and products; and such other matters as the commissioner deems necessary for the public good and the furtherance of the maple industry.*** [~~He~~] ***The commissioner*** shall in person or by [~~his~~] ***a*** deputy or agent have free access at all reasonable hours to any place, building, or vehicle in which maple syrup or honey is ***produced, packaged,*** sold, offered, or exposed for sale, or exchanged or distributed at retail or wholesale. [~~He~~] ***The commissioner*** shall also have power in person or by [~~his~~] ***a*** deputy or agent to open any package or container, and may upon tendering the market price take such container and its contents or sample therefrom.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Babson, Carr. 5
October 26, 1999
1999-2180h
08/01

Amendment to HB 51

Amend the title of the bill by replacing it with the following:

AN ACT providing for the voluntary registration of commercial maple producers and maple packers.

Amend RSA 429:13, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. "Commercial sugarmaker" means a person who collects or purchases maple sap for maple production.

Amend the bill by replacing sections 3-5 with the following:

3 New Section; Registration. Amend RSA 429 by inserting after section 13 the following new section:

429:13-a Registration.

I. The commissioner shall design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

II. A commercial sugarmaker or maple packer who agrees to voluntarily register for a period of 6 years shall complete a registration form supplied by the commissioner. The information on the form shall be limited to the name of the owner or operator, the farm or business name, the address and phone number of the farm or business, and whether the registrant is a commercial sugarmaker or maple packer.

III. Commercial sugarmakers and maple packers agreeing to voluntarily register shall be placed on a list of voluntary registrants by the commissioner. Use of the voluntary registration list by the department shall be limited to disseminating information relative to the maple industry, conducting surveys on topics that are timely and important to the maple industry, and emergency notification to commercial sugarmakers and maple packers of conditions or practices found to adversely impact the quality of maple products.

4 Labels; Information Required. Amend RSA 429:14, I(a) to read as follows:

(a) The name, address, and zip code of the packer, ***distributor or producer***;

5 New Paragraph; Adulteration. Amend RSA 429:15 by inserting after paragraph II the following new paragraph:

III. Maple syrup and maple products which are labeled as being pure maple products and which are produced, packaged, handled, or sold in this state shall not in any way be adulterated by the addition or introduction of any substance that would change the essential characteristics of the maple product or render the maple products unsafe.

1999-2180h

AMENDED ANALYSIS

This bill requires the commissioner of agriculture, markets, and food to design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

The bill also allows the commissioner to adopt rules relative to standards for facilities and equipment used for the production, packaging, or storage of maple products, and other matters relative to the maple industry.

Environment and Agriculture
October 26, 1999
1999-2185h
08/10

Amendment to HB 51

Amend the title of the bill by replacing it with the following:

AN ACT providing for the voluntary registration of commercial maple producers and maple packers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions; Commercial Sugarmaker. Amend RSA 429:13 by inserting after paragraph III the following new paragraph:

III-a. "Commercial sugarmaker" means a person who collects or purchases maple sap for maple production and sale.

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III. Commercial sugarmakers and maple packers agreeing to voluntarily register shall be placed on a list of voluntary registrants by the commissioner. Use of the voluntary registration list by the department shall be limited to disseminating information relative to the maple industry, conducting surveys on topics that are timely and important to the maple industry, and emergency notification to commercial sugarmakers and maple packers of conditions or practices found to adversely impact the quality of maple products.

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1999-2185h

AMENDED ANALYSIS

This bill requires the commissioner of agriculture, markets, and food to design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

Environment and Agriculture
October 26, 1999
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adopted

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1999-2185h

AMENDED ANALYSIS

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Committee Minutes

ENVIRONMENT AND AGRICULTURE COMMITTEE

1999 Re-Referred Bills and Subcommittee Assignments

REVISED 8/20/99

HB 0051	providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture,	**Rep. David Babson, Jr., Chair** Rep. Derek Owen Rep. William R. Phinney
HB 0052	exempting certain currants and gooseberries resistant to the white pine blister rust organism from restrictions on planting in control areas.	**Rep. Kenneth Marshall, Chair** Rep. Karen McRae Rep. Leighton Pratt Rep. David Meader Rep. Derek Owen
HB 0239-FN-A	permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund.	**Rep. Donald Philbrick, Chair** Rep. Irene Messier Rep. Richard Shelton Rep. John Cobb Rep. John Tuthill
HB 0310	repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections.	**Rep. Kenneth Marshall, Chair** Rep. Karen McRae Rep. Leighton Pratt Rep. David Meader Rep. Derek Owen
HB 0335	prohibiting the land application of sludge in reclamation areas.	**Rep. Hobart Harmon, Chair** Rep. William Phinney Rep. David Meader Rep. Leighton Pratt Rep. Richard Shelton
HB 0648-FN	relative to a sludge testing program.	**Rep. John Cobb, Chair** Rep. Karen McRae Rep. James Phinizy Rep. Patricia Dunlap Rep. David M. Scanlan

Exec Session

HB 51 - 10-26-99

Amendment 1999-2180h

Change title : to register maple producers

Remove confidentiality clause

Should be seperate bill for all agricultural products

try voluntary program of registration for a few years — this is a food product / ag dept should monitor & register - not Dept of Health

[redacted]

OTP/A

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # 51 Date 2-2-99

Committee Environment & Agriculture

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Steve Blenkett	Hillsboro PO Box 1395	478-3227			X
Rep H.C. Dickinson	Carroll #2				X
Ruth Manns	Canterbury				X
Bruce C. Jacobsen	LEBANON				X
Paul B Messer	Sar Orford				X
Dave Fuller	Lancaster				X
Alan Fogarole	Concord				X
Robert W Mellen					X
Lesley Eckhaus	Glebrook Dist 1				X
Richard Moore	Loudon				X

Hearing Minutes

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 51

BILL TITLE: providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such eqiuuipment.

DATE: February 2, 1999

LOB ROOM: 303 **Time Public Hearing Called to Order:** 10:10

Time Adjourned: 11:30

(please circle if present)

Committee Members: Reps. Musler Leishman, Messier, L. Pratt, McRae, Philbrick, Babson, Phinney, Marshall, Dunlap, Franks, Scanlan, Cobb, Harmon, B. Hall, Owen, Melcher, Meader, M. Ouellette, Phinizy, Shelton and Tuthill.

Bill Sponsors: Rep. Melcher, Hills 1; Rep. Owen, Merr 6; Rep. McRae, Hills 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Owen, sponsor, agency bill
Richard Uncles, NH Dept. of Ag., need bill to clarify the existing law and rules that implement it. Grades for syrup deal with color, clarity, etc. but no authority to deal w/food safety – parallel w/cider industry and food safety – voluntary sampling program for lead levels pointed out limits in AG. Dept. authority. Changes names of packers on label – to packer and distributor. Paragraph on adulteration – expanded to foreign substances. Rule making authority. Believes this bill settles the authority issue.
Question by committee:
Babson: why necessary?
Ans: no list or producers
McRae: rules?
Owen: exemption for size?
Ans: commercial of any size needs to register
Messier: save? For subcommittee
Phinney: maple producers already doing?
Ans: yes, but rule-----
Rule-making authority already?
Ans: not broad enough
Scanlan: consequence to substandard equipment?
Ans: at this point . . . . Rules should deal w/what is not allowed

Richard Crane, opposed, sugar on spot where great-grandfather sugared "Lead Free or Die" called everyone possible – setting up dictatorship in maple sugar industry via rules – read between the lines – call UNH Extension Office if want a list
Questions by the Committee:
Phinizy: how know about problems?
Ans: read all journals w/regard to maple
Messier: answer makes over 500 gallons per year want to raise production to 1000 gallons
Written testimony:
*Alger *Mann
Bruce Townsend defer to
***Gordon Goewn**, President Farm Bureau Federation, retired dairy farmer – now w/son maple producer in Acworth
Voluntary certification or registration program
Dept. of Ag. Should be inspecting agency
Lines 2 – 12 p. 2 – re: access time amendment
65,000 taps personally being worked
Fees for inspection – not needed
Questions by the committee:
Babson: opposed to packer/distributor distinction ans: no
Sumner Dole, opposed
UNH Coop Ext. Forester out of Laconia – representing self – bill does not represent the shared vision of the maple industry to reduce lead levels in syrup and protect the consumer – Adulteration by other sugars, IMSI testing – adulteration more a problem outside NH and this country, manufacturers etc. researching lead in syrup
Questions by the committee:
Babson: cost of testing? Ans: lead ± · adulteration ± $400.00
Scanlon: lead contamination what's different now? Ans: can now detect
Hall: ? ans: maple syrup is an agricultural product
Owen: how many members in Maple Assoc? ans: 450 members
Phinizy: ? ans: combination of education and regulation
Phinney: industry policing itself? Ans; yes – pro-active
Ed Merrill: opposed, not speaking
Roy Hutchinson: opposed 400-500 gallons made per year? Free access in bill – can't see problem current lead levels are lower than 30 years ago
Paul Messer, Sr., issue is both pro and con; Pres. Maple Producers Assoc. does not want to be regulated by Dept. of Health register and then access by the media. What is public information and right to know? Build in some type of confidentiality – need to protect the individual
Second section – p2, line 4 may adopt rules
Need to allow for advisory group of producers and manufacturers in rule making authority w/legal input, too.
Questions by the committee:
Babson
Hank Peterson: Sec't. of Maple Prod. Assoc., active in international group, confidentiality a prime concern, many producers not members of the assoc., current lack of compliance with laws already on the books. Density, color, taste
Owen, Marshall
Messier: inspection annual? Ans; seal of quality program agree to inspection at any time.

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 51

BILL TITLE: providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such equipment.

DATE: {Type HEARING DATE here} 2-2-99

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Pg 2 HB 51 2-2-99

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Phinney - maple producers already doing?? ans. yes but --- rule making authority already?
ans. not broad enough
Scanlan - consequence to substandard equip? ans - at this point ---- rules should deal w/ what is not allowed
Phinizy -

Richard Crane, opposed, sugars on spot where great-grandfather sugared "Lead Free or Die"

called everyone possible - setting up dictatorship in Maple Sugar industry via rules
read between the lines
call UNH Extension Office if want a list

HB 51 - 2-2-99

? by the committee

Phinizy - how know about problems?
ans. read all journals w/ regard to maple

Messies - ans. makes over 500 gallons per year want to raise production to 1000 gallons

Written testimony
Alger
Mara

Bruce Townsend defer to

* Gordon Gowen, Pres. farm Bureau federation, retired dairy farmer - now w/ son maple produces in Actworth

voluntary certification or registration program
Dept of Ag should be inspecting agency

lines 2-12 pg 2 - re: access time amendment

p.9 4

HB 51 - 2-2-99

6500 taps personally ~~done~~ being worked
fee's for inspection - not needed

? questions by the committee -
Babson: opposed to packer/distributor distinction? - no
Pratt -

Sumner Dole - opposed - UNHCoop Ext Forester out of Laconia - representing self - bill does not represent the shared vision of the maple industry to reduce lead levels in syrup and protect the consumer - Adulteration by other sugars, IMSI testing - adulteration more a problem outside NH and this country, Manufacturers etc researching lead in syrup

? by committee -
Babson - cost of testing - ans. lead ± $40.00 adulteration ± $400.00
Scanlon - lead contamination what's different now? ans - can now detect

HB 51 - 2-2-99

P95

Hall - ? - ans. Maple Syrup is an agricultural product,
Owen - ? of members in Maple Assoc.
ans. 450 members
Phinizy -
ans. combination of education and regulation
Phinizy - industry policing itself? - ans. yes - pro-active

Ed Merrill - opposed - not speaking

Roy Hutchinson - opposed - 400 - 500 gallons made per yr. ? free access in bill - can't see problem current lead levels are lower than than 30 years ago.

~~2 by committee~~

Paul Messer, Sr. issue is both pro and con, Pres. Maple Producers Assoc. does not want to be regulated by Dept of Health

~~Bonnet Dale~~
~~Asian Longhorn Beetle~~"

HB51 2-2-99

register and then access by the media ~~and~~ what is public information and right to know
build in some type of confidentiality - need to protect the individual
Second section - pg 2 ln 4
may adopt rules

need to allow for advisory group of producers & manufacturers in rule making authority w/ legal input too

? by the committee
Babson

Hank Peterson - Sec'y Maple Prod Assoc
active in international group
confidentiality a prime concern
many producers not members of the assoc.
current lack of compliance with laws already on the books.
density, color, taste

pg 7 HB 51 - 2-2-99.

? by the committee -
Owen
Marshall
Messier - ? - inspection annual?
- ans - seal of quality program
agree to inspection at any time.

Sub-Committee Actions

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 51

BILL TITLE: providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment.

DATE: March 3, 1999

Subcommittee Members: Reps. Pratt, Owen, Meader, Babson, Marshall, McRae

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Pratt

Seconded by Rep. Owen

Vote: 6-0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

3/3/99 HB 51 - Sub Committee.

Pratt
Owen
Meader
Babson
Marshall
McKee.

Prime sponsor:
Present: Dan'l Scanlon -
Dick Uncles.
Brenda Clements.

Question arose about Line 23- "a distributor" and labeling.
Procedural approaches were discussed. Leanings were toward "Re-refer."
Rep Pratt made motion to Re-refer. Seconded by Owen.
Rep Babson & Melcher noted the parts of bill which perk the Maple Disc.

1. Registration
2. labeling
3. ~~Addl~~ Adulteration
4. Rules.

Pratt - Y
Owen - Y
Meader - Y
McKee - Y
Marshall Y
Babson - Y

6-0 to Re refer.

Sub-comittee closed.

Sub-Committee Minutes

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

TDD Access: Relay NH 1-800-735-2964

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

MEMORANDUM

TO: **Re-referred HB 0051 Subcommittee Members**
Rep. Derek Owen
Rep. William R. Phinney

FROM: **Rep. David L. Babson, Jr., Subcommittee Chair**
PO Box 10, Ossipee, NH 03864-0010
(603) 539-4928 / davbab@worldpath.net

DATE: **August 24, 1999**

SUBJ: **Re-referred HB 0051, an act** providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment.

As subcommittee chair of re-referred HB 51, I have scheduled a subcommittee work session for Thursday, September 9, 1999 at 9:00 a.m. in Room 303 of the Legislative Office Building. Enclosed is a copy of HB 51 for review.

Should you have any questions or unable to attend the work session, please do not hesitate to contact me.

DLB/laz
Enclosure
cc: Rep. Melcher, Hills 11 (sponsor)
Rep. McRae, Hills 7 (sponsor)
Joel Anderson, Committee Researcher

HB 51 – AS INTRODUCED

1999 SESSION

99-0007
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COMMITTEE: Environment and Agriculture

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The bill also allows the commissioner to adopt rules relative to standards for such equipment.

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7 Effective Date. This act shall take effect 60 days after its passage.

Testimony

NEW HAMPSHIRE FARM BUREAU FEDERATION, INC.

295 Sheep Davis Road • Concord, New Hampshire 03301-5747 • (603) 224-1934 • Fax (603) 228-8432
www.fb.com/nhfb

Testimony on HB 51

Requiring the registration of equipment used in the production of maple products.

February 2, 1999 ~ Environment & Agriculture – 10:30 a.m.

Mr. Chairman, members of the committee, thank you for the opportunity to offer testimony on HB 51. For the record, my name is Gordon Gowen. I am the president of the New Hampshire Farm Bureau Federation, a 5,000 member family organization representing farm and rural interests. I am presenting testimony based on the positions our members direct us to on issues of concern and interest to them. In addition to being a retired dairy farmer, my son and I produce maple syrup and maple products in Acworth, NH.

Our policy presents us with a very challenging position, one that is both in opposition and support. Our opposition is presented in policy as a statement of philosophy and reflects our organizations concern for the increasing trend toward over-regulation by state and federal government. The writing of rules is burdensome and the enforcement fees and sometimes adversarial attitudes these rules often create are counterproductive. However, in the past few years there has been an increased openness among state agencies that has provided industry with more of an opportunity to participate in the rulemaking process.

Since our policy is reviewed and voted on an annual basis, it provides the opportunity for discussion of current issues of concern to the industry. This past year's policy process was highlighted by concerns regarding mandatory registration generated by our maple producer members. The result of these discussions also generated new policy that actually gives us the opportunity to support this bill as well. Our producers, first and foremost, would prefer to see the creation of a voluntary certification program for maple producers, however, should the NH Dept. of Agriculture deem it necessary for maple producers to be registered, over a voluntary program, we feel registration and inspection should be handled by them.

In addition, we would like to offer one additional comment regarding the bill that specifically addresses new language contained on page 2, lines 9 – 12: We would like to recommend the inclusion of the following statement:

"In the case of producers who package syrup within their private home, the Commissioner's agent will coordinate with the producer on a mutually agreed upon access time." Recommendation is to place it after the sentence that reads: ***"The commissioner shall in person or by a deputy or agent have free access at all reasonable hours, to any place, building, or vehicle in which maple syrup or honey is produced, packaged, sold, offered, or exposed for sale, or exchanged or distributed at retail or wholesale."***

Our reason for submitting this suggestion is that many producers are only producing or packaging for a very short window of time, and it would not be a productive use of an inspectors time to show up when they aren't and many times this is done in the privacy of an individuals home.

Thank you for this opportunity to comment on HB 51. I would be happy to entertain questions.

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

Testimony on 99 HB 51:

TO: The Honorable Peter Leishman, Vice Chairman
Environment & Agriculture Committee, House of Representatives

FROM: Representative John Alger February 2, 1999

Honorable Chairman and Members of the Committee,

On behalf of Robert Gregoire, a resident of Rumney and a maple producer, I submit these comments on HB 51 which he has written out longhand in the following attachment of the bill:

"It would make sense to postpone this hearing to give the Dept. of Ag. and the NH Maple Producers more time to put together viable suggestions to benefit the public. While the Dept. of Ag. has requested this bill, more time is needed to get suggestions from the producers.

"An issue not addressed by anyone so far is what type of Stainless Steel is considered food grade. The older type pans or vats were made of English Tin or Stainless with lead solder.

Thanks
Bob Gregoire"

Gregoire's address: Prospect Hill Road, Rumney 03266, telephone 786-9993.

John Alger
State Representative
Grafton County District #9

(LEGISLAT\99HB51)

Hearing 10 AM 2/2/99
LOB 303

HB 51 – AS INTRODUCED

1999 SESSION

99-0007
08/09

To: Chairman – E&A
From: Rep. Alger
Comments by Robert Gregoire Rumney

HOUSE BILL **51**

AN ACT providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such equipment.

SPONSORS: Rep. Melcher, Hills 11; Rep. Owen, Merr 6; Rep. McRae, Hills 7

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill requires producers of maple products in the state of New Hampshire to register the equipment used in the production of such products with the commissioner of agriculture, markets, and food.

The bill also allows the commissioner to adopt rules relative to standards for such equipment.

This bill is a request of the department of agriculture, markets, and food.

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

For John Alger:

2/1/99

I would note since the postponement of this hearing to give the Dept of Ag + the NH Maple Producers more time to put together valuable suggestions to benefit the public, while the Dept of Ag has requested the bill, more time is needed to get suggestions from the producers –

An issue not addressed by anyone so far is what type of Stainless Steel is considered food grade – the older type pans or vats were made of English Tin or Stainless with lead soldered.

Thanks –

Bob Gregoire

Robert Gregoire
239 Prospect Hill Rd.
Rumney, NH 03266-3227

HB 51 - AS INTRODUCED

99-0007
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such equipment.

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

1 New Paragraph; Definitions; Commercial Sugarmaker. Amend RSA 429:13 by inserting after paragraph III the following new paragraph:

III-a. "Commercial sugarmaker" means a person who collects or purchases maple sap for maple product production and sale.

2 New Paragraph; Definitions; Maple Packer. Amend RSA 429:13 by inserting after paragraph VII the following new paragraph:

VII-a. "Maple packer" means a person who purchases and packs or further processes maple syrup for sale.

3 New Section; Registration. Amend RSA 429 by inserting after section 13 the following new section:

429:13-a Registration.

I. A commercial sugarmaker or maple packer in this state shall register with the commissioner its intent to produce or pack maple sap or maple products for sale.

II. A commercial sugarmaker or maple packer shall complete a registration form supplied by the commissioner listing the information as specified by rules adopted by the commissioner under RSA 541-A.

III. The commissioner shall issue a certificate of registration and a registration number to each commercial sugarmaker or maple packer registered in accordance with this section. The certificate shall be displayed on the premises of the sugarmaker or packer.

IV. A registration issued by the commissioner shall remain effective for a period of 5 years from issuance upon which it may be renewed.

4 Labels; Information Required. Amend RSA 429:14, I(a) to read as follows:

(a) The name, address, and zip code of the packer ***or distributor***;

5 New Paragraph; Adulteration. Amend RSA 429:15 by inserting after paragraph II the following new paragraph:

III. Maple syrup and maple products which are labeled as being pure maple products and which are produced, packaged, handled, or sold in this state shall not in any way be adulterated by the addition or introduction, whether intentional or inadvertent, of any substance that would change the essential characteristics of the maple product or render the maple products unsafe.

6 Rulemaking Authority. Amend RSA 429:25 to read as follows:

429:25 Rulemaking Authority. The commissioner of agriculture, markets, and food shall have general authority to administer this chapter and shall adopt rules pursuant to RSA 541-A for carrying out its provisions. ***The commissioner may adopt rules governing the standards for facilities and equipment used for the production, packaging, and/or storage of maple products; the grading, labeling, and packaging requirements for maple products; the information and procedures for registration; fees for the inspection of maple facilities and products; and such other matters as the commissioner deems necessary for the public good and the furtherance of the maple industry.*** [~~He~~] ***The commissioner*** shall in person or by [~~his~~] ***a*** deputy or agent have free access at all reasonable hours to any place, building, or vehicle in which maple syrup or honey is ***produced, packaged,*** sold, offered, or exposed for sale, or exchanged or distributed at retail or wholesale. [~~He~~] ***The commissioner*** shall also have power in person or by [~~his~~] ***a*** deputy or agent to open any package or container, and may upon tendering the market price take such container and its contents or sample therefrom.

7 Effective Date. This act shall take effect 60 days after its passage.

HB 51 - AS INTRODUCED

1999 SESSION

99-0007
08/09

HOUSE BILL *51*

AN ACT providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such equipment.

SPONSORS: Rep. Melcher, Hills 11; Rep. Owen, Merr 6; Rep. McRae, Hills 7

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill requires producers of maple products in the state of New Hampshire to register the equipment used in the production of such products with the commissioner of agriculture, markets, and food.

The bill also allows the commissioner to adopt rules relative to standards for such equipment.

This bill is a request of the department of agriculture, markets, and food.

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

For John Algeo: 2/1/99

I would make sense to postpone this hearing to give the Dept of Agr. the NH Maple Producers enough time to put to gether reable suggestions to benefit the public. while the Dept of Ag has requested the bill, more time is needed to get suggestions from the producers —

An issue not addressed by anyone so far is what type of Stainless Steel is considered food grade — the older type pans or vats were made of English Tin or Stainless with lead solder.

Thanks —

Bob Gregoire

Robert Gregoire
239 Prospect Hill Rd.
Rumney, NH 03266-3227

2 February 99

Good Morning Mr Chairman, members of the committee.

My name is Wayne Mann, I'm a resident of Canterbury and a Maple Producer.

A very small producer, 30 gals a year. I purchase and package an additional 60 gallons of bulk syrup. My product is known internationally. I'm fortunate to live on the published route to Shaker Village and as a result a stream of visitors from around the world pass my farm. As a result syrup has gone to such places as Tasmania, So. Korea, New Zeland, Columbia, Isreal and Austria.

There are three things that concern me about HB 51. First, any producer lists resulting from registration must be held in confidence and not released to third parties for mailing list use or for any other purpose. Secondly, if and when a fee is collected for registering or for any other service it must be dedicated to the Department of Ag, Markets and Food and not to the General Fund. Finally, the bill adds new definitions to the law, to wit; "Commercial Sugarmaker means a person who collects ... maple sap for maple product production and sale." and "Maple Packer means a person who purchases and packs ... maple syrup for sale.". In addition the Commissioner is asking for additional authority to: "have free access ...to any place, building, ... in which maple syrup ... is produced or packaged...". In my case, and that of many other small producers, means the kitchen of my private home. Therefore I suggest that the following be inserted in line 11 after the word **packaged,** (In the case of small producers, who package syrup within their private home, the Commissioner or the Comissioner's agent will coordinate with the producer on a mutually agreed upon access time).". As written it is to strong and infringes upon my constitutional rights. My wording achieves what the Commissioner needs to get the job done and protects my right to privacy.

Wayne A. Mann
35 Fife Rd
Canerbury, NH 03224

783-9886

MAPLE AND HONEY PRODUCTS

§ 429:13. Definitions.

When used in this subdivision:

I. "Advertisement" means any method used to call attention to a product which is intended to arouse a desire to purchase that product. It shall include, but is not limited to, signs, displays, radio and television broadcasts, newspapers and periodicals, direct mail, and other printed forms.

II. "Bulk honey" means honey packed in containers of more than one gallon; or more than 12 pounds.

III. "Bulk maple syrup" means maple syrup packed in containers of more than one gallon.

IV. "Commissioner" means the commissioner for the New Hampshire department of agriculture, markets, and food or his designee.

V. "Department" means the New Hampshire department of agriculture, markets, and food.

VI. "Grade" or "grades" means the standards for maple syrup:

(a) Established by the commissioner of agriculture, markets, and food as the official grades for maple syrup produced in the state of New Hampshire as provided in RSA 426:1;

(b) Established by the United States Department of Agriculture; or

(c) Established by the laws of some other state if the maple syrup was produced in whole or in part in such other state.

VII. "Honey", "liquid or extracted honey", "strained honey" or "pure honey" means the nectar of plants that has been transformed by and is the natural product of the honeybee, either in the honeycomb, or taken from the honeycomb and marketed in a liquid, crystallized or granulated condition.

VIII. "Maple products" means only maple syrup, maple sugar, maple cream, or any other product in which the sugar content is entirely derived from pure maple sap and to which nothing has been added.

IX. "Maple sap" means the unprocessed liquid derived from the maple tree (Acer).

X. [Repealed.]

XI. "Maple sugar" means the solid, crystalline product of maple tree sap only.

XII. "Maple syrup" means syrup made from pure maple sap and intended for human consumption or for use in the manufacture of maple products.

XIII. "Packaged honey" means honey packed in containers of one gallon or less; or 12 pounds or less.

XIV. "Packaged maple syrup" means maple syrup packed in containers of one gallon or less.

XV. "Person" means any individual, firm, partnership, corporation, association, cooperative or business trust.

XVI. "Produced in New Hampshire" means only that maple syrup or honey or those other maple or honey products which are manufactured in their entirety from pure, unprocessed maple sap or from pure unprocessed honey, as applicable, within the state of New Hampshire pursuant to standards established by this subdivision and the rules adopted hereunder.

XVII. "Public eating place" means any person or establishment engaged in the business of preparing and selling food for the general public's consumption on the premises.

§ 429:14. Labels.

I. Every shipment, package or container of maple syrup packed, sold, offered or exposed for sale or distribution by any person shall be plainly marked according to packaging and labeling rules and shall include:

(a) The name, address and zip code of the packer;

(b) The true name of the product;

(c) The grade; and

(d) The volume of the contents at 68 degrees Fahrenheit or 20 degrees Celsius.

II. Every shipment, package or container of maple products other than maple syrup, packed, sold, offered or exposed for sale or distribution by any person shall be plainly marked according to packaging and labeling rules and shall include:

(a) The name, address and zip code of the packer;

(b) The true name of the product;

(c) The volume of the contents at 68 degrees Fahrenheit or 20 degrees Celsius if the product is a liquid or with the net weight if the product is not a liquid.

III. Any labeling on bulk or packaged maple syrup which indicates "state of New Hampshire pure maple syrup", "New Hampshire maple syrup," "New Hampshire syrup," or any other words which imply that the syrup so marked was produced in New Hampshire shall be used exclusively upon maple syrup which is entirely produced within the state of New Hampshire in compliance with the terms of this subdivision and the rules adopted hereunder.

IV. Any labeling on all other maple products which states or implies that those products were produced in New Hampshire shall be used exclusively upon pure maple products which are entirely produced within the state of New Hampshire in compliance with the terms of this subdivision and the rules adopted hereunder.

§ 429:15. Adulteration; Filtration.

I. Maple products which are labeled as being pure maple products and which are produced, packaged, handled or sold in this state shall not in any way be adulterated with cane sugar, corn sugar, or any other foreign sweetener.

II. Maple syrup which is produced, packaged, handled or sold in this state shall not be bleached or lightened in color by artificial means except by simple filtration through cloth or paper to remove suspended solids. The commissioner may by rule approve other methods of filtration.

§ 429:16. Labeling Container of Maple Flavored Products.

I. Every product or package containing a product made by combining maple sap, maple sugar or maple syrup with any other sugar or other substance packed, sold, offered or exposed for sale or distribution by any person in this state shall be plainly marked according to packaging and labeling rules and shall include the following on the principal display panel:

(a) An accurate and descriptive name;

(b) The net quantity contents declaration; and

(c) The amount of maple sugar or maple syrup the product contains expressed in percentage of volume if the product is a liquid or a list of the product ingredients in order of decreasing

predominance by weight if the product is a solid. The percentage statement or ingredient list shall be in close proximity to the product name.

II. The same information required in paragraph I shall be included in any advertisements of the product. When the product is served in any public eating place, the menu shall be conspicuously marked with an accurate and descriptive name and a statement expressing the percentage of maple sugar or maple syrup the product contains.

III. The words "maple", "mapyl", "mapley", or words of similar import, shall not appear in any manner on a container, label, menu, or advertisement of maple flavored products, unless:

(a) Such words are printed in the statement of contents together with the percentage;

(b) Such words are a part of the packer's name, provided that the packer's name cannot appear to be a part of the product name; or

(c) The words "blend" or "flavored" appear immediately before, after, above or below and in equal prominence and in letters of equal size to such words.

IV. The term "maple flavored" may only be used when 100 percent of the flavoring material is a pure maple product. If any artificial maple flavor is used, the label shall clearly and conspicuously state "artificial flavor".

§ 429:17. Labeling Container of Artificial Maple Flavored Products.

It shall be unlawful to use the term "maple syrup" or "maple sugar", however modified, to describe any product, flavoring, sweetener or food additive unless the product, flavoring, sweetener or food additive so described meets the statutory definition of "maple syrup" or "maple sugar". Terms such as "artificial maple syrup" or "artificial maple sugar" are declared to be misleading and deceptive and may not be used in the labeling or advertising of any product. Terms such as "artificial maple flavor" or "artificial maple flavor sweetener" may be used to describe a product flavored or sweetened with a substance which attempts to duplicate real maple flavor, providing that words such as "artificial", "flavor", and other modifiers of the word "maple" shall appear in equal prominence to the word "maple" on the label and in all advertising of the product.

§ 429:18. Hydrometers.

[Repealed 1997, 136:3, II, eff. June 9, 1997.]

§ 429:19. Advertising.

I. All advertisements of maple syrup displayed, circulated, broadcast by radio or telecast within this state which quote a price shall specify the grade and volume of maple syrup in equal prominence with the stated price.

II. All advertisements of maple products and maple flavored products displayed, circulated, broadcast by radio or telecast within this state which quote a price shall specify the quantity of contents in equal prominence with the stated price.

III. All advertisements of maple syrup or maple products which state or imply that the products were produced in New Hampshire shall be used exclusively upon maple syrup or maple products produced within the state of New Hampshire.

IV. All advertising of maple flavored products shall be in compliance with the advertising provisions contained in RSA 429:16. All advertising of artificial maple flavored products shall be in compliance with the advertising provisions contained in RSA 429:17.

Sections 20 – 24 not shown as they pertain to honey.

§ 429:25. Rulemaking Authority.

The commissioner of agriculture, markets, and food shall have general authority to administer this chapter and shall adopt rules pursuant to RSA 541-A for carrying out its provisions. He shall in person or by his deputy or agent have free access at all reasonable hours to any place, building, or vehicle in which maple syrup or honey is sold, offered, or exposed for sale, or exchanged or distributed at retail or wholesale. He shall also have power in person or by his deputy or agent to open any package or container, and may upon tendering the market price take such container and its contents or sample therefrom.

§ 429:25-a. Stop Sale, Use, or Removal Orders.

When the commissioner or duly authorized agent has reasonable cause to believe any product is being distributed in violation of any of the provisions of this subdivision, or any of the rules adopted under this subdivision, the commissioner or duly authorized agent may issue and serve a written "stop sale, use, or removal" order upon the custodian of any such product. The product shall not be sold, used, or removed until the provisions of this subdivision have been complied with and the product has been released by the commissioner or duly authorized agent or the violation has been otherwise disposed of as provided in this subdivision by a court of competent jurisdiction.

§ 429:26. Hearings.

When the commissioner of agriculture, markets, and food learns of any violation of any of the provisions of this subdivision, he shall cause notice of such violations, together with the copy of his findings, to be given the person or persons concerned. Persons so notified shall be afforded a hearing under rules adopted by the commissioner under RSA 541-A.

§ 429:27. Penalties.

I. Any person who, by himself or by his servant or agent, violates any provision of this subdivision or rule adopted under this subdivision shall be guilty of a misdemeanor. For any subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Any person who violates any provision of this subdivision or any rule adopted or order issued under this subdivision shall, in addition, be liable for a civil forfeiture not to exceed $5,000 for each violation, for each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney general.

III. Any person who violates any provision of this subdivision, or any rule or order of the commissioner, shall be subject to the imposition of an administrative fine levied by the commissioner, not to exceed $1,000 for each violation.

§ 429:28. Interpretation.

Nothing in this subdivision shall be construed as interfering with the powers of the department of health and human services or with statutes relating to public health and sanitary inspection, production and distribution of food.

New Hampshire

Laws and Rules relative to the sale of

Maple Products

Administered by the:
Bureau of Markets
NH Dept. of Agriculture, Markets & Food
25 Capitol St.
PO Box 2042
Concord, NH 03302-2042
Tel: (603) 271-3685, 271-2753

NEW HAMPSHIRE MAPLE LAW

CHAPTER 429

MAPLE AND HONEY PRODUCTS

429:13 Definitions. When used in this subdivision:

I. "Advertisement" means any method used to call attention to a product which is intended to arouse a desire to purchase that product. It shall include, but is not limited to, signs, displays, radio and television broadcasts, newspapers and periodicals, direct mail, and other printed forms.

II. "Bulk honey" means honey packed in containers of more than one gallon; or more than 12 pounds.

III. "Bulk maple syrup" means maple syrup packed in containers of more than one gallon.

IV. "Commissioner" means the commissioner for the New Hampshire department of agriculture, markets and food or his designee.

V. "Department" means the New Hampshire department of agriculture, markets and food.

VI. "Grade" or "grades" means the standards for maple syrup:

(a) Established by the commissioner of agriculture, markets and food as the official grades for maple syrup produced in the state of New Hampshire as provided in RSA 426:1;

(b) Established by the United States Department of Agriculture: or

(c) Established by the laws of some other state if the maple syrup was produced in whole or in part in such other state.

VII. "Honey", "liquid or extracted honey", strained honey" or "pure honey" means the nectar of plants that has been transformed by and is the natural product of the honeybee, either in the honeycomb, or taken from the honeycomb and marketed in a liquid, crystallized or granulated condition.

VIII. "Maple products" means only maple syrup, maple sugar, maple cream, or any other product in which the sugar content is entirely derived from pure maple sap and to which nothing has been added.

IX. "Maple sap" means the unprocessed liquid derived from the maple tree (Acer).

X. "Maple sugar" means the solid, crystalline product of maple tree sap only.

XI. "Maple syrup" means syrup made from pure maple sap and intended for human consumption or use in the manufacture of maple products.

XII. "Packaged honey" means honey packed in containers of one gallon or less; or 12 pounds or less.

XIII. "Package maple syrup" means maple syrup packed in containers of one gallon or less.

XIV. "Person" means any individual, firm, partnership, corporation, association, cooperative or business trust.

XV. "Produced in New Hampshire" means only that maple syrup or honey or those other

maple or honey products which are manufactured in their entirety from pure, unprocessed maple sap or from pure unprocessed honey, as applicable, within the state of New Hampshire pursuant to standards established by this subdivision and the rules adopted hereunder.

XVI. "Public eating place" means any person or establishment engaged in the business of preparing and selling food for the general public's consumption on the premises.

429:14 Labels.

I. Every shipment, package or container of maple syrup packed, sold, offered or exposed for sale or distribution by any person shall be plainly marked according to packaging and labeling rules and shall include:

(a) The name, address and zip code of the packer;

(b) The true name of the product;

(c) The grade; and

(d) The volume of the contents at 68 degrees Fahrenheit or 20 degrees Celsius.

II. Every shipment, package or container of maple products other than maple syrup, packed, sold, offered or exposed for sale or distribution by any person shall be plainly marked according to packaging and labeling rules and shall include:

(a) The name, address and zip code of the packer;

(b) The true name of the product;

(c) The volume of the contents at 68 degrees Fahrenheit or 20 degrees Celsius if the product is a liquid or with the net weight if the product is not a liquid.

III. Any labeling on bulk or packaged maple syrup which indicates "State of New Hampshire pure maple syrup", "New Hampshire maple syrup", "New Hampshire syrup", or any other words which imply that the syrup so marked was produced in New Hampshire shall be sued exclusively upon maple syrup which is entirely produced within the state of New Hampshire in compliance with the terms of this subdivision and the rules adopted hereunder.

IV. Any labeling on all other maple products which states or implies that those products were produced in New Hampshire shall be used exclusively upon pure maple products which are entirely produced within the state of New Hampshire in compliance with the terms of this subdivision and the rules adopted hereunder.

429:15 Adulteration; Filtration.

I. Maple products which are labeled as being pure maple products and which are produced, packaged, handled or sold in this state shall not in any way be adulterated with cane sugar, corn sugar or any other foreign sweetener.

II. Maple syrup which is produced, packaged, handled or sold in this state shall not be bleached or lightened in color by artificial means except by simple filtration through cloth or paper to remove suspended solids. The commissioner may by rule approve other methods of filtration.

429:16 Labeling Container of Maple Flavored Products.

I. Every product or package containing a product made by combining maple sap, maple sugar or maple syrup with any other sugar or other substance packed, sold, offered or exposed for sale or distribution by any person in this state shall be plainly marked according to packaging and

labeling rules and shall include the following on the principal display panel:

(a) An accurate and descriptive name;

(b) The net quantity contents declaration; and

(c) The amount of maple sugar or maple syrup the product contains expressed in percentage of volume if the product is a liquid or a list of the product ingredients in order of decreasing predominance by weight if the product is a solid. The percentage statement or ingredient list shall be inclose proximity to the product name.

II. The same information required in paragraph I shall be included in any advertisements of the product. When the product is served in any public eating place, the menu shall be conspicuously marked with an accurate and descriptive name and a statement expressing the percentage of maple sugar or maple syrup the product contains.

III. The words "maple", "mapyl", "mapley", or words of similar import, shall not appear in any manner on a container, label, menu, or advertisement of maple flavored products, unless:

(a) Such words are printed in the statement of contents together with the percentage;

(b) Such words are a part of the packer's name, provided that the packer's name cannot appear to be a part of the product name; or

(c) The words "blend" or "flavored" appear immediately before, after, above or below and in equal prominence and in letters of equal size to such words.

IV. The term "maple flavored" may only be used when 100 percent of the flavoring materials is a pure maple product. If any artificial maple flavor is used, the label shall clearly and conspicuously state "artificial flavor."

429:17 Labeling Container of Artificial Maple Flavored Products. It shall be unlawful to use the term "maple syrup" or "maple sugar", however modified, to describe any product, flavoring, sweetener or food additive unless the product, flavoring, sweetener or food additive so described meets the statutory definition of "maple syrup" or "maple sugar". Terms such as "artificial maple syrup" or "artificial maple flavor sweetener" are declared to be misleading and deceptive and may not be used in the labeling or advertising of any product. Terms such as "artificial maple flavor" or "artificial maple flavor sweetener" may be sued to describe a product flavored or sweetened with a substance which attempts to duplicate real maple flavor, providing that words such as "artificial", "flavor", and other modifiers of the word "maple" shall appear in equal prominence to the word "maple" on the label and in all advertising of the product.

429:19 Advertising.

I. All advertisements of maple syrup displayed, circulated, broadcast by radio or telecast within this state which quote a price shall specify the grade and volume of maple syrup in equal prominence with the stated price.

II. All advertisements of maple products and maple flavored products displayed, circulated, broadcast by radio or telecast within this state which quote a price shall specify the quantity of contents in equal prominence with the stated price.

III. All advertisements of maple syrup or maple products which state or imply that the products were produced in New Hampshire shall be used exclusively upon maple syrup or maple products produced within the state of New Hampshire.

IV. All advertising of maple flavored products shall be in compliance with the advertising

provision s contained in RSA 429:16. All advertising of artificial maple flavored products shall be in compliance with the advertising provision s contained in RSA 429:17.

429:25 Rulemaking Authority. The commissioner of agriculture, markets and food shall have general authority to administer this chapter and shall adopt rules pursuant to RSA 541-A for carrying out its provisions. He shall in person or by his deputy or agent have free access at all reasonable hours to any place, building, or vehicle in which maple syrup or honey is sold, offered, or exposed for sale, or exchanged or distributed at retail or wholesale. He shall also have power in person or by his deputy or agent to open any package or container, and may upon tendering the market price take such container and its contents or sample therefrom.

429:25-a Stop Sale, Use, or Removal Orders. When the commissioner or duly authorized agent has reasonable cause to believe any product is being distributed in violation of any of the provisions of this subdivision, or any of the rules adopted under this subdivision, the commissioner or duly authorized agent may issue and serve a written "stop sale, use, or removal" order upon the custodian of any such product. The product shall not be sold, used, or removed until the provisions of this subdivision have been complied with and the product has been released by the commissioner or duly authorized agent or the violation has been otherwise disposed of as provided in this subdivision by a court of competent jurisdiction.

429:26 Hearings. When the commissioner of agriculture, markets and food learns of any violation of any of the provisions of this subdivision, he shall cause notice of such violations, together with the copy of his findings, to be give the person or persons concerned. Persons so notified may be given a hearing under rules adopted by the commissioner. Notice of such hearing shall declare the date, hour and place of the hearing.

429:27 Penalty.

I. Any person who, by himself or by his servant or agent, violates any provision of this subdivision or rule adopted under this subdivision shall be guilty of a misdemeanor. For any subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Any person who violates any provision of this subdivision or any rule adopted or order issued under this subdivision shall, in addition, be liable for a civil forfeiture not to exceed $5,000 for each violation, for each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney general.

III. Any person who violates any provision of this subdivision or any rule or order of the commissioner, shall be subject to the imposition of an administrative fine levied by the commissioner, not to exceed $1,000 for each violation.

429:28 Interpretation. Nothing in this subdivision shall be construed as interfering with the powers of the Department of Health and Human Services, Division of Public Health Services, or with statutes relating to public health and sanitary inspection, production and distribution of food.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Agr 900 STANDARDS FOR FARM PRODUCTS: BRANDS, LABELS, GRADES

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Adopt Agr 904, previously effective 10-19-90 (Document # 4956), and expired 10-19-96, to read as follows:

CHAPTER Agr 900 STANDARDS FOR FARM PRODUCTS: BRANDS, LABELS, GRADES

Statutory Authority: RSA 426:1, RSA 429:25,

PART Agr 904 MAPLE SYRUP

Statutory Authority: RSA 426:1, RSA 429:25

Agr 904.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food, pursuant to RSA 429:13 et seq., relative to grading, labeling, packaging and sale of maple products in New Hampshire.

Agr 904.02 Applicability. These rules apply to any person who produces, packages or distributes maple products for sale or distribution in the state.

Agr 904.03 Definitions. The following words and terms shall have the meanings indicated when used in this part:

(a) "Act" means RSA 429:13-28.

(b) "Baume" means a measurement that relates the density of a liquid to that of a salt solution.

(c) "Brix" means a measurement of the percent of soluble solids in a liquid.

(d) "Buddy" or "Buddiness" means the unpleasant flavor characteristic of syrup or sugar made from sap collected from maple trees as they come out of dormancy, just prior to and during the onset of bud break.

(e) "Clean" means that the syrup is practically free from foreign material.

(f) " Consumer sized containers" means one gallon or less.

(g) "Damage" means any defects that materially affect the appearance or the edibility or marketability of the syrup.

(h) "Maple syrup" means syrup with a density of 36 points Baume or 66.9 Brix at 60 degrees F. which is made from pure maple sap and intended for human consumption or for use in the manufacture of maple products.

(i) "Plainly and conspicuously" means that the lettering used to cover information required by the law on markings is large and legible enough so as not to be obscured by other markings or illustrations used.

(j) "Practically clear" means slight presence in suspension of fine particles of mineral matter, such as malate of lime, niter, sugar sand or other substances that detract from the clearness of the syrup.

(k) "Practically free" means slight presence of foreign material such as bark, soot, dust or dirt.

(l) "Serious damage" means any defect that seriously detracts from the edibility, marketability, purity, or safety of the syrup and includes badly scorched syrup, buddy syrup, fermented syrup or syrup that has any distasteful foreign flavor or disagreeable odor.

(m) "United States Department of Agriculture color standards" means the official United States Department of Agriculture permanent glass color standards for maple syrup contained in a comparative device for determining the grade of maple syrup.

Agr 904.04 Grades Established.

(a) Grade A Light Amber syrup shall have the following characteristics:

(1) The syrup shall be pure maple syrup that is clean and practically clear or better;

(2) The color shall be as light or lighter in color than the light amber color as represented by the United States Department of Agriculture light amber color standard;

(3) The syrup shall possess a good maple flavor practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness or bitterness; and

(4) The syrup shall be free from serious damage.

(b) Grade A Medium Amber syrup shall have the following characteristics:

(1) The syrup shall be pure maple syrup that is clean and practically clear or better;

(2) The color shall be darker in color than light amber, but shall be no darker than the medium amber color as represented by the United States Department of Agriculture medium amber color standard;

(3) The syrup shall possess a good maple flavor practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness or bitterness; and

(4) The syrup shall be free from serious damage.

(c) Grade A Dark Amber syrup shall have the following characteristics:

(1) The syrup shall be pure maple syrup that is clean and practically clear or better;

(2) The color shall be darker in color than medium amber, but shall be no darker than the dark amber color as represented by the United States Department of Agriculture dark amber color standard;

(3) The syrup shall possess a good maple flavor practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness or bitterness; and

(4) The syrup shall be free from serious damage.

(d) Grade B syrup shall have the following characteristics:

(1) The syrup shall be pure maple syrup that is darker than dark amber as represented by the United States Department of Agriculture dark amber color standard, or syrup that does not meet the requirements for Grade A;

(2) The syrup shall have a fairly good maple flavor;

(3) The syrup shall be free from serious damage; and

(4) The syrup shall be practically free from foreign material.

(e) Substandard classification syrup shall have the following characteristics:

(1) The syrup shall be syrup that fails to meet the requirements of any of the previous classifications; and

(f) Substandard classification syrup shall not be graded above substandard or packaged in consumer sized containers.

Agr 904.05 Tolerances for Established Grades.

(a) In order to allow for variations incident to proper grading and handling, not more than

10 percent by count of the containers in any lot shall have syrup below the requirements for the grade, provided:

(1) That no part of this tolerance shall be allowed for defects causing serious damage;

(2) That no tolerance shall be allowed for syrup that is darker in amber color than that which is required of the next darker grade; and

(3) That no tolerance shall be allowed for syrup that is lighter in amber color than that which is required of the next lighter grade.

(b) Not more than 10 percent by count of the containers in any lot shall be as light in density as 35.5 points Baume or 65.9 Brix at 60 degrees F. and not more than 10 percent by count heavier in density than 37 points Baume or 68.9 Brix at 60 degrees F.

Agr 904.06 Labeling

(a) Any maple syrup, maple product, maple flavored product or artificial maple flavored product label shall comply with applicable federal and state statutes relating to labeling and consumer fraud.

(b) Artificial maple flavored products shall be clearly and conspicuously labeled on their principal display panel or panels with the term "artificial flavor" and meet the requirements of RSA 429:17.

(c) Artificial maple flavored products shall be labeled as follows:

(1) The letters of the words "artificial flavor" shall be of a size equal to, or larger than, other words used to describe the product;

(2) It shall be unlawful to use the terms "maple syrup" or "maple sugar," however modified, to describe an artificially flavored product; and

(3) Any restaurant menu listing such a product, or any advertising of such a product, shall clearly state that the product is artificially flavored, pursuant to RSA 429:16.

(d) Persons wishing to determine whether the labels for maple products comply with the terms of the law and these rules shall submit a copy of such labels to the department of agriculture, markets and food prior to their printing and use. If the label complies with the terms of the law and these rules, the department shall certify its compliance with the provisions of the law.

Agr 904.07 Containers.

(a) All maple syrup packaged in consumer size containers shall:

(1) Be hot packed at a temperature of 180 degrees F. or higher;

(2) Be packed in containers made from food grade material; and

(3) Have tamper evident seals placed over the container openings, which means it would be readily apparent if it was previously opened.

(b) All maple syrup containers, caps and closures shall:

(1) Be clean;

(2) Be sanitary;

(3) Be free from rust;

(4) Not contain, or be constructed of, any substance which could tend to damage the color, flavor, marketability, purity, or safety of the maple syrup; and

(5) Be stored, prior to use, in a manner that prevents contamination.

(c) Maple syrup shall not be packed in or found to be in cracked, punctured, bulged, rusty, or unsanitary containers which are unsealed or improperly sealed.

Agr 904.08 Bulk Maple Syrup.

(a) Bulk maple syrup sold directly to consumers, restaurants, or any other market where the syrup is not further processed before purchase by the consumer shall meet the same density standards as packaged maple syrup.

(b) Bulk maple syrup sold directly to consumers, restaurants, or any other market where the syrup is not further processed before purchase by the consumer shall be labeled with the same information required by RSA 429:14.

McLure's
HONEY & MAPLE
products
DIVISION OF DUTCH GOLD HONEY, INC.
603-444-6246
FAX 603-444-6659
46 No. Littleton Road, Littleton, New Hampshire 03561

February 4, 1999

Rep. George Musler
Chairman
Environment and Agriculture Committee
N.H. House of Representatives
33 North State Street
Concord, NH 03301-6328

Dear Representative Musler:

McLure's Honey & Maple Products, A Division of Dutch Gold Honey is located in Littleton. We are the largest packer of Pure Honey in New England and among the larger packers of Pure Maple Syrup in the world. A significant portion of our business is involved with packing a retail unit of honey or pure maple syrup under the name of a particular supermarket chain or company. This is known in the industry as Private Labeling.

We wish to express our support for the proposed addition of "or distributor" on line 23 of HB 51. It is our understanding that this addition will allow McLure's Honey & Maple Products, as well as other companies packing honey and/or maple syrup in New Hampshire, to continue to Private Label. I believe that the current requirement, if allowed to continue, (the packer name and address appearing on all labels) would constitute a major competitive disadvantage in the Private Label business for New Hampshire companies, and a logistical nightmare for supermarkets and other companies offering private labeled honey or maple syrup in New Hampshire. We feel that if the packer address is required on private labeled honey and pure maple syrup, it is only fair to require the same on the hundreds of other private labeled food products offered in New Hampshire stores.

Please give favorable consideration to the addition of "or distributor" for both honey and pure maple syrup on line 23 of HB 51. Thank you.

Best Regards,

J. Cavanaugh

Joe Cavanaugh
General Manager

Voting Sheets

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 51

BILL TITLE: **providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment.**

DATE: March 24, 1999

LOB ROOM: 303

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Marshall

Seconded by Rep. Melcher

Vote: 14-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Donald R. Philbrick, Clerk

ENVIRONMENT AND AGRICULTURE — 1999 SESSION

HB 51 Bill #

Public Hearings 2FEB99 Executive Session 3-24-99

COMMITTEE REPORT: RE-REFER ~~FBC~~

	YEAS	NAYS
Musler, George T, Chairman		
Leishman, Peter R, V Chairman	✓	
Messier, Irene M	✓	
Pratt, Leighton C	✓	
McRae, Karen K, Clerk		
Philbrick, Donald R	✓	
Babson, David L, Jr	✓	
Phinney, William R		✓
Marshall, Kenneth R	✓	
Dunlap, Patricia C	✓	
Franks, Suzan L R	✓	
Scanlan, David M		
Cobb, John S	✓	
Harmon, Hobart M		
Hall, Betty B	✓	
Owen, Derek		
Melcher, Harold P	✓	
Meader, David R	✓	
Ouellette, Mary M		
Phinizy, James		✓
Shelton, Richard C	✓	
Tuthill, John G	✓	
TOTAL VOTE		

Appeared in Favor	Appeared in Opposition
14	2

EXECUTIVE SESSION

COMMITTEE: E & A

BILL NUMBER: HB 57

BILL TITLE: Providing for registration of equipment used in the production of maple products.

DATE: 10-26-99 LOB ROOM: 303

Amendments:

Sponsor: Rep. Babson OLS Document #: 1999-2185 Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP/ OTP/A /ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Babson

Seconded by Rep. Musler

Vote: _____ (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: _____

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. _____, Clerk

ENVIRONMENT AND AGRICULTURE 1999 SESSION

HB Bill # 51

Public Hearings _____ Executive Session 10-26-99

COMMITTEE REPORT: OTP/A

	YEAS	NAYS
Musler, George T, Chairman		
Leishman, Peter R, V Chairman	✓	
Messier, Irene M	✓	
Pratt, Leighton C	✓	
McRae, Karen K, Clerk	✓	
Philbrick, Donald R, Acting Clk	✓	
Babson, David L, Jr	✓	
Phinney, William R	✓	
Marshall, Kenneth R	✓	
Dunlap, Patricia C	✓	
Franks, Suzan L R		
Scanlan, David M	abstain/conflict	
Cobb, John S	✓	
Harmon, Hobart M		
Hall, Betty B	✓	
Owen, Derek	✓	
Melcher, Harold P	✓	
Meader, David R	✓	
Ouellette, Mary M		
Phinizy, James		✓
Shelton, Richard C	✓	
Tuthill, John G		✓
TOTAL VOTE	15	2

Appeared in Favor | Appeared in Opposition

10/99

Committee Report

COMMITTEE REPORT

COMMITTEE: **Environment and Agriculture**

BILL NUMBER: **HB 0051**

TITLE: providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment.

DATE: March 24, 1999 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☒ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The Committee felt that issues raised by this proposal need additional time to resolve.

Vote 14-2.

Rep. Kenneth R. Marshall
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

COMMITTEE REPORT

COMMITTEE: **Environment and Agriculture**

BILL NUMBER: **HB 51**

TITLE: providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets, and food to adopt rules relative to standards for such equipment.

DATE: {Type DATE} CONSENT CALENDAR YES ☐ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☒ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote {Type VOTE}.

Rep. {Type NAME}
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

COMMITTEE REPORT

COMMITTEE: **Environment and Agriculture**

BILL NUMBER: **HB 51**

TITLE: providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment.

DATE: October 26, 1999 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

An act to provide commercial producers, packers, and distributors with the opportunity to voluntarily register with the Department of Agriculture, Markets and Food. This bill also defines producers and distributors and states what information will be on the registration form.

Vote 15-2.

Rep. David L. Babson, Jr.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Environment and Agriculture

HB 51, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson, Jr. for **Environment and Agriculture:** An act to provide commercial producers, packers, and distributors with the opportunity to voluntarily register with the Department of Agriculture, Markets and Food. This bill also defines producers and distributors and states what information will be on the registration form. Vote 15-2.

COMMITTEE REPORT

COMMITTEE: E + A

BILL NUMBER: HB 51

TITLE: providing for registration of equipment used in the production of maple products

Title amended for enrolled.

DATE: 10-26-99 CONSENT CALENDAR: YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS W/ AMENDMENT

Amendment No. 1999-2185h

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ INTERIM STUDY (Available only 2nd year of biennium)

STATEMENT OF INTENT:

An act to provide commercial producers, packers, and distributors with the opportunity to voluntarily register with the Dept of AMF. This bill also defines producers and distributors and states what information will be on the registration form.

OTP as Amended 15-2

COMMITTEE VOTE: 15-2

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Babson (KCH)
For the Committee

Rev. 07/30/99