

Journal of the Senate

WEDNESDAY, APRIL 3, 2024

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 39

A message was received from the House of Representatives by Ms. Courtney Reckord, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 883. An act relating to making appropriations for the support of government.

In the passage of which the concurrence of the Senate is requested.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the third day of April, 2024, he returned without signature and *vetoed* a bill originating in the Senate of the following title:

S.18 An act relating to banning flavored tobacco products and e-liquids.

Text of Communication from Governor

The text of the communication to the Senate from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 18** to the Senate is as follows:

April 3, 2024

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning S.18, *An act relating to banning flavored tobacco products and e-liquids*, without my signature because of my objections described herein.

Admittedly, I've struggled with this bill, as it seems hypocritical and out of step with other initiatives that have passed into law recently and over time.

To be clear, I too feel we have an obligation to protect our children, but it must be balanced in such a way that we honor the rights and freedoms of adults to make decisions about their individual lives.

That's why, in 2019, I signed a bill raising the legal age to buy tobacco or e-cigarette products from 18 to 21 and even increased a tax on some of those products to deter use. In my mind, these were reasonable steps that struck the right balance.

From my perspective, this bill is inconsistent with other laws related to legalized substance use. In 2020, the Legislature legalized the commercial sale of cannabis, including edibles and other flavored products, which are now widely available, despite the known risks to youth and their developing brains. Yet, to my knowledge, I'm not aware of an initiative to ban such products, even considering their obvious appeal to minors and negative health impacts.

In addition, we (the State) allow, and in fact actively advertise and profit from, the sale of flavored alcohol products. We also promote and highlight our distilleries and breweries with all their unique flavors, which has been incredibly successful, not only financially, but also from a branding and tourism standpoint. But it can't be denied alcohol abuse has been the root cause of many societal challenges.

I've found people lose faith in government when policies have these types of inconsistencies, because they contradict common sense.

Furthermore, from a purely practical point of view, these products would continue to be widely available just across the river in New Hampshire, and through online sales.

Regardless of what becomes of this bill, the Legislature should direct the Attorney General and the Department of Liquor and Lottery to further crack down on direct online sales to minors.

In conclusion, I'm not convinced the in-state prohibition of flavored tobacco, e-liquids and tobacco substitutes only, is justified when sales will remain online, and when State law plainly encourages sales of other unhealthy adult products to continue.

Sincerely,

Philip B. Scott
Governor

PBS/kp

Rules Suspended; Bill Not Referred to Committee Appropriations

H. 543

Appearing on the Calendar for notice, and, pending referral of the bill to the Committee on Appropriations pursuant to Senate Rule 31, Senator Kitchel moved that the rules be suspended and the Senate bill entitled:

An act relating to Vermont's adoption of the Social Work Licensure Compact.

Not be referred to the Committee on Appropriations pursuant to Senate Rule 31 (and thereby remain on the Calendar for notice),

Which was agreed to.

Bill Referred to Committee on Appropriations

H. 247.

House bill of the following title, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule, was referred to the Committee on Appropriations:

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact.

Bill Referred

House bill of the following title was read the first time and referred:

H. 883.

An act relating to making appropriations for the support of government.

To the Committee on Appropriations.

Bill Amended; Bill Passed**S. 96.**

Senate bill entitled:

An act relating to privatization contracts.

Was taken up.

Thereupon, pending third reading of the bill, Senators Vyhovsky, Hardy, Watson and White moved to amend the bill in Sec. 1, fiscal and operational impact of privatization contract changes, in subsection (a), following “in consultation with the Joint Fiscal Office, the State Auditor,” by inserting the Vermont State Employees’ Association,

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Adjournment

On motion of Senator Clarkson, the Senate adjourned until one o’clock in the afternoon on Thursday, April 4, 2024.