

Journal of the Senate

FRIDAY, APRIL 21, 2023

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Becca Girrell of Morrisville.

Message from the House No. 48

A message was received from the House of Representatives by Ms. Alona Tate, 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. 489. An act relating to approval of an amendment to the charter of the Town of Shelburne.

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

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 24. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on April 20, 2023, he approved and signed a bill originating in the House of the following title:

H. 148. An act relating to raising the age of eligibility to marry.

Committee Relieved of Further Consideration; Bill Committed

S. 139.

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to the modernization of public safety communications in Vermont,

and the bill was committed to the Committee on Government Operations.

Bills Referred to Committee on Finance

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

H. 77. An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

H. 86. An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

Bill Referred to Committee on Appropriations**H. 479.**

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 the Transportation Program and miscellaneous changes to laws related to transportation.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 148.

By the Committee on Health and Welfare,

An act relating to child care and early childhood education.

Bill Referred

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

H. 489. An act relating to approval of an amendment to the charter of the Town of Shelburne.

To the Committee on Rules.

Third Reading Ordered**S. 146.**

Senate committee bill entitled:

An act relating to the permitting of indirect discharges.

Having appeared on the Calendar for notice for one day, was taken up.

Senator Bray, for the Committee on Finance, to which the bill was referred, recommended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Third Reading Ordered

H. 418.

Senator Watson, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of an amendment to the charter of the Town of Barre.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Consideration Interrupted by Adjournment

H. 222.

Senator Hardy, for the Committee on Health and Welfare, to which was referred House entitled:

An act relating to reducing overdoses.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2, regional stakeholder meetings; public needle and syringe disposal programs, in subsection (a), in the first sentence, by striking out “Health’s Accountable Communities for”

Second: By striking out Sec. 3a, 33 V.S.A. § 2004, in its entirety and inserting in lieu thereof the following:

Sec. 3a. [Deleted.]

Third: In Sec. 6b, 18 V.S.A. § 4752, in subsection (e), after “Department of Vermont Health Access”, by inserting the phrase or the Department’s pharmacy benefits manager

Fourth: By striking out Sec. 8b, rulemaking; prior authorization; buprenorphine in its entirety and inserting in lieu thereof a new Sec. 8b to read as follows:

Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENORPHINE

The Department of Vermont Health Access shall amend its rules pursuant to 3 V.S.A. chapter 25 to enable health care providers in office-based opioid-treatment programs to prescribe 24 milligrams or less of the preferred medication for buprenorphine without prior authorization in accordance with 33 V.S.A. § 19011.

Fifth: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out the word “tenants” and inserting in lieu thereof the phrase persons in recovery

Sixth: By inserting a new reader assistance heading and Secs. 11 and 12 after Sec. 10 to read as follows:

* * * Drug Checking for Contamination Detection * * *

Sec. 11. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, ~~unless the context otherwise requires:~~

* * *

(45) “Drug-checking” means the testing of a substance to determine its chemical composition or assist in determining whether the substance contains contaminants, toxic substances, or hazardous compounds.

Sec. 12. 18 V.S.A. § 4240a is added to read:

§ 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR
CONTAMINANT DETECTION

(a) Notwithstanding any other provision of law, it shall not be a violation of this chapter to receive, possess, transport, or store samples of a substance that may contain a regulated drug solely for purposes of analyzing the substance to determine its chemical composition and disseminate information regarding the analysis to the provider of the substance.

(b) On-site community drug-checking service providers shall be permitted to:

(1) collect voluntarily provided residual samples of substances potentially containing regulated drugs, possess, transport, or store samples of a regulated drug solely for purposes of analyzing the substances to determine its chemical composition as a lifesaving intervention;

(2) use any available technologies to analyze the contents of samples to obtain timely, highly accurate information regarding the composition of drugs to prevent overdose and mitigate health risks;

(3) provide results of analysis obtained from drug-checking technology to the person requesting drug services;

(4) disseminate data containing only the results of analysis and containing no personally identifiable information to community members at risk of overdose; and

(5) if necessary, arrange for a sample of a drug or substance to be tested by an approved laboratory.

(c) In operating any drug-checking service, no personally identifiable information shall be collected from a person providing a controlled substance to a service provider.

(d) An employee, contractor, volunteer, or other person acting in the good faith provision of drug-checking services authorized by the Department, acting in accordance with established protocols, shall not:

(1) be subject to arrest, charge, or prosecution for a violation pursuant to this chapter, including for attempting to, aiding and abetting in, or conspiracy to commit a violation of this chapter;

(2) have their property subject to forfeiture, any civil or administrative penalty, or liability of any kind, including disciplinary action by a professional licensing board, credentialing restrictions, contractual or civil liability, or medical staff or other employment action; or

(3) be denied any right or privilege for actions, conduct, or omissions relating to the operation of a drug-checking service in compliance with this chapter and any rules adopted pursuant to this chapter.

(e) An individual possessing a regulated substance and who provides any portion of the substance to a program pursuant to this section for purposes of obtaining drug-checking services shall not be subject to arrest, charge, or prosecution for possession of a regulated substance pursuant to this chapter or civil or administrative penalty or disciplinary action by a professional licensing board for a violation of this chapter.

(f) Local governments shall not collect, maintain, use, or disclose any personal information relating to an individual from whom local government receives any drug or substance for checking or disposal.

(g) The result of a test carried out by an authorized drug-checking service provider shall not be admissible as evidence in any criminal or civil proceeding.

(h)(1) The Department of Health shall publish guidance and provide technical assistance for any service provider choosing to implement drug-checking services under this section.

(2) The Department shall coordinate the collection and dissemination of deidentified data related to drug-checking services to inform prevention and public health initiatives.

Seventh: By inserting a new reader assistance heading and Secs. 13 and 14 after the newly added Sec. 12 to read as follows:

* * * Opioid Abatement Special Fund * * *

Sec. 13. 18 V.S.A. § 4774 is amended to read:

§ 4774. OPIOID ABATEMENT SPECIAL FUND

(a)(1) There is created the Opioid Abatement Special Fund, a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and administered by the Department of Health. The Opioid Abatement Special Fund shall consist of all abatement account fund monies disbursed to the Department from the national abatement account fund, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services.

(2) The Department shall ~~include~~ submit a spending plan to the General Assembly, informed by the recommendations of the Opioid Settlement Advisory Committee established pursuant to section 4772 of this subchapter, ~~as part of its annual budget submission,~~ and once funding is approved appropriated by the General Assembly from the Opioid Abatement Special Fund, the Department shall request to have the funds formally released from the national abatement account fund, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services. The Department shall disburse monies from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.

* * *

Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND

In fiscal year 2023, the following monies shall be appropriated from the Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:

(1) \$1,980,000.00 for the expansion of naloxone distribution efforts, including establishing harm reduction vending machines, home delivery and

mail order options, and expanding the harm reduction pack and leave behind kit programs;

(2)(A) \$2,000,000.00 divided equally between four opioid treatment programs to cover costs associated with partnering with other health care providers to expand satellite locations for the dosing of medications, including costs associated with the satellite locations' physical facilities, staff time at the satellite locations, and staff time at opioid treatment programs to prepare medications and coordinate with satellite locations;

(B) the satellite locations established pursuant to this subdivision (2) shall be located in Addison County, eastern Vermont between the Northeast Kingdom and Brattleboro, Chittenden County, and a facility operated by the Department of Corrections;

(3) \$1,976,000.00 to fund 26 outreach or case management staff positions within the preferred provider network and within syringe service organizations for the provision of services that increase motivation of and engagement with individuals with substance use disorder in settings such as police barracks, shelters, social service organizations, and elsewhere in the community;

(4) \$240,000.00 divided equally among the State's four syringe service providers to provide overdose prevention services and response education and resources that build trust between individuals with substance use disorder and Vermont's system of care;

(5) \$840,000.00 to provide contingency management services to individuals with substance use disorder;

(6) \$100,000.00 to implement a wound care telehealth consultation pilot program for the purpose of utilizing wound care experts to provide telehealth drop-in appointments to address syringe use by individuals with opioid use disorder;

(7) \$200,000.00 to expand the distribution of fentanyl test strips and, if available, xylazine test strips; and

(8)(A) \$700,000.00 to the Department of Health's Division of Substance Use Programs to award one or more grants to an organization or organizations providing or preparing to implement drug-checking services with spectroscopy devices, including high-pressure mass spectrometer (HPMS) or Fourier-transform infrared spectroscopy device (FTIR), in a harm reduction setting;

(B) the grants awarded pursuant to this subdivision (8) shall be based on an applicant's ability to provide publicly available drug-checking services.

And by renumbering the remaining section to be numerically correct.

Eighth: In the newly renumbered Sec. 15, effective dates, before the period, by inserting and Sec. 8b (rulemaking; prior authorization; buprenorphine) shall take effect on January 1, 2024

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending completion of the report of the Committee on Health and Welfare, consideration was interrupted by adjournment.

Appointment of Senate Members to Green Mountain Care Board Nominating Committee

Pursuant to the provisions of 18 V.S.A. § 9390, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Green Mountain Care Board Nominating Committee, for a term of two years:

Senator Gulick
Senator Westman

Message from the House No. 49

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

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

J.R.H. 5. Joint resolution authorizing the Green Mountain Girls State educational program to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023.

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

The House has considered Senate proposal of amendment to the following House bill:

H. 41. An act relating to referral of domestic and sexual violence cases to community justice centers.

And has concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 92. House concurrent resolution in memory of Vergennes Fire Chief James M. Breur.

H.C.R. 93. House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont.

H.C.R. 94. House concurrent resolution congratulating the National Wild Turkey Federation on its 50th anniversary.

H.C.R. 95. House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award.

H.C.R. 96. House concurrent resolution congratulating The Wilson House on its 35th anniversary.

H.C.R. 97. House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop.

H.C.R. 98. House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching.

H.C.R. 99. House concurrent resolution recognizing July 2023 as Self-Care Awareness Month in Vermont.

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

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Lanpher and Birong,

By Senators Bray and Hardy,

H.C.R. 92.

House concurrent resolution in memory of Vergennes Fire Chief James M. Breur.

By Reps. Rachelson and others,

By Senators Clarkson, Collamore, Hardy, Lyons, Vyhovsky, Watson and Wrenner,

H.C.R. 93.

House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont.

By Reps. Brennan and others,

H.C.R. 94.

House concurrent resolution congratulating the National Wild Turkey Federation on its 50th anniversary.

By Reps. Morgan and others,

By Senators Weeks, Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Starr, Watson, Westman, White, Williams and Wrenner,

H.C.R. 95.

House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award.

By Reps. Rice and others,

By Senators Campion and Sears,

H.C.R. 96.

House concurrent resolution congratulating The Wilson House on its 35th anniversary.

By Reps. Williams and others,

H.C.R. 97.

House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop.

By Reps. McCann and others,

H.C.R. 98.

House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching.

By Rep. Toof,

H.C.R. 99.

House concurrent resolution recognizing July 2023 as Self-Care Awareness Month in Vermont.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 25, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 24.