

House Calendar

Wednesday, April 5, 2023

92nd DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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ACTION CALENDAR

Action Postponed Until April 5, 2023

Favorable with Amendment

H. 282

An act relating to the Psychology Interjurisdictional Compact

Rep. Berbeco of Winooski, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. chapter 55 is amended to read:

CHAPTER 55. PSYCHOLOGISTS

Subchapter 1. General Provisions

* * *

Subchapter 2. Psychology Interjurisdictional Compact

§ 3021. PSYCHOLOGY INTERJURISDICTIONAL COMPACT;

ADOPTION

Vermont hereby enacts and adopts the Psychology Interjurisdictional Compact. The form, format, and text of the Compact have been conformed to the conventions of the Vermont Statutes Annotated. It is the intent of the General Assembly that this subchapter be interpreted as substantively the same as the Psychology Interjurisdictional Compact that is enacted by other Compact party states.

§ 3022. PURPOSE

(a) Whereas, states license psychologists, in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice; and

(b) Whereas, this Compact is intended to regulate the day to day practice of telepsychology, which is the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

(c) Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries

for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

(d) Whereas, this Compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

(e) Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

(f) Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

(g) Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

(h) Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

(1) increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;

(2) enhance the states' ability to protect the public's health and safety, especially client and patient safety;

(3) encourage the cooperation of Compact states in the areas of psychology licensure and regulation;

(4) facilitate the exchange of information between Compact states regarding psychologist licensure, adverse actions, and disciplinary history;

(5) promote compliance with the laws governing psychological practice in each Compact state; and

(6) invest all Compact states with the authority to hold licensed psychologists accountable through the mutual recognition of Compact state licenses.

§ 3023. DEFINITIONS

As used in this subchapter:

(1) "Adverse action" means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is

identified by the state psychology regulatory authority as discipline and is a matter of public record.

(2) “Association of State and Provincial Psychology Boards (ASPPB)” means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(3) “Authority to Practice Interjurisdictional Telepsychology” means a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this Compact, in another Compact state.

(4) “Bylaws” means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to section 3031 of this title for its governance or for directing and controlling its actions and conduct.

(5) “Client or patient” means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, consulting services, or a combination of these.

(6) “Commissioner” means the voting representative appointed by each state psychology regulatory authority pursuant to section 3031 of this title.

(7) “Compact state” means a state, the District of Columbia, or United States territory that has enacted this Compact legislation and that has not withdrawn pursuant to subsection 3024(c) of this title or been terminated pursuant to subsection 3023(b) of this title.

(8) “Coordinated licensure information system” or “coordinated database” means an integrated process for collecting, sorting, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

(9) “Confidentiality” means the principle that data or information is not made available or disclosed to unauthorized persons or processes, or both.

(10) “Day” means any part of a day in which psychological work is performed.

(11) “Distant State” means the Compact state where a psychologist is physically present, not through the use of the telecommunications technologies, to provide temporary in-person, face-to-face psychological services.

(12) “E.Passport” means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization

in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(13) “Executive Board” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

(14) “Home State” means a Compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the Home State is the Compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact state and is practicing under the Temporary Authorization to Practice, the Home State is any Compact state where the psychologist is licensed.

(15) “Identity history summary” means a summary of information retained by the Federal Bureau of Investigation (FBI), or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

(16) “In-person, face-to-face” means interactions in which the psychologist and the client or patient are in the same physical space and does not include interactions that may occur through the use of telecommunication technologies.

(17) “Interjurisdictional Practice Certificate” or “IPC” means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one’s qualifications for such practice.

(18) “License” means authorization by a state psychology authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(19) “Non-Compact state” means any state that is not at the time a Compact state.

(20) “Psychologist” means an individual licensed for the independent practice of psychology.

(21) “Psychology Interjurisdictional Compact Commission,” or “Commission,” means the national administration of which all Compact states are members.

(22) “Receiving State” means a Compact state where the client or patient is physically located when the telepsychological services are delivered.

(23) “Rule” means a written statement by the Psychology Interjurisdiction Compact Commission promulgated pursuant to section 3022 of this title that is of general applicability; implements, interprets, or prescribes a policy or provision of the Compact, or an organization, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact state; and includes the amendment, repeal, or suspension of an existing rule.

(24) “Significant investigatory information” means:

(A) investigative information that a state psychology regulatory authority, after preliminary inquiry that includes notification and an opportunity to respond if required by state laws, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(B) investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified or had an opportunity to respond, or both.

(25) “State” means a state, commonwealth, territory, or possession of the Unites States, or the District of Columbia.

(26) “State psychology regulatory authority” means the board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

(27) “Telepsychology” means the provision of psychological services using telecommunication technologies.

(28) “Temporary Authorization to Practice” means a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact state.

(29) “Temporary in-person, face-to-face practice” means a psychologist is physically present, not through the use of telecommunications technologies, in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.

§ 3024. HOME STATE LICENSURE

(a) The Home State shall be a Compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold one or more Compact state licenses at a time. If the psychologist is licensed in more than one Compact state, the Home State is the Compact state where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

(c) Any Compact state may require a psychologist not previously licensed in a Compact state to obtain and retain a license to be authorized to practice in the Compact state under the circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

(d) Any Compact state may require a psychologist to obtain and retain a license to be authorized to practice in a Compact state under circumstances not authorized by the Temporary Authorization to Practice under the terms of this Compact.

(e) A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact state:

(1) currently requires the psychologist to hold an active E.Passport;

(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI, or other designee with similar authority, no later than 10 years after activation of the Compact; and

(5) complies with the bylaws and rules of the Commission.

(f) A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact state:

(1) currently requires the psychologist to hold an active IPC;

(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI, or other designee with similar authority, no later than 10 years after activation of the Compact; and

(5) complies with the bylaws and rules of the Commission.

§ 3025. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

(a) Compact states shall recognize the right of a psychologist, licensed in a Compact state in conformance with section 3024 of this title, to practice telepsychology in other Compact states, called Receiving States, in which the psychologist is not licensed under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

(b) To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact state must:

(1) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(A) regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to subdivision (A) of this subdivision (b)(1) by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

(2) hold a graduate degree in psychology that meets the following criteria:

(A) The program, wherever it may administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(B) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(C) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(D) The program must consist of an integrated, organized sequence of study.

(E) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities.

(F) The designated director of the program must be a psychologist and a member of the core faculty.

(G) The program must have an identifiable body of students who are matriculated in that program for a degree.

(H) The program must include supervised practicum, internship, or field training appropriate to the practice of psychology.

(I) The curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree.

(J) The program includes an acceptable residency as defined by the rules of the Commission.

(3) possess a current, full, and unrestricted license to practice psychology in a Home State that is a Compact state;

(4) have no history of adverse action that violate the rules of the Commission;

(5) have no criminal record history reported on an identity history summary that violates the rules of the Commission;

(6) possess a current, active E.Passport;

(7) provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the Home and Receiving States, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

(8) meet other criteria as defined by the rules of the Commission.

(c) The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

(d) A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with the

state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

(e) If a psychologist's license in any Home State, another Compact state, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended, or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact state under the Authority to Practice Interjurisdictional Telepsychology.

§ 3026. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

(a) Compact states shall also recognize the right of a psychologist, licensed in a Compact state in conformance with section 3024 of this title, to practice temporarily in other Compact states, called Distant States, in which the psychologist is not licensed, as provided in the Compact.

(b) To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact state must:

(1) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(A) regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to subdivision (A) of this subdivision (b)(1) by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

(2) hold a graduate degree in psychology that meets the following criteria:

(A) The program, wherever it may administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(B) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(C) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(D) The program must consist of an integrated, organized sequence of study.

(E) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities.

(F) The designated director of the program must be a psychologist and a member of the core faculty.

(G) The program must have an identifiable body of students who are matriculated in that program for a degree.

(H) The program must include supervised practicum, internship, or field training appropriate to the practice of psychology.

(I) The curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree.

(J) The program includes an acceptable residency as defined by the rules of the Commission.

(3) possess a current, full, and unrestricted license to practice psychology in a Home State that is a Compact state;

(4) have no history of adverse action that violate the rules of the Commission;

(5) have no criminal record history that violates the rules of the Commission;

(6) possess a current, active IPC;

(7) provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

(8) meet other criteria as defined by the rules of the Commission.

(c) A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

(d) A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

(e) If a psychologist's license in any Home State, another Compact state, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended, or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact state under the Temporary Authorization to Practice.

§ 3027. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the Commission, and under the following circumstances:

(1) the psychologist initiates a client or patient contact in a Home State via telecommunications technologies with a client or patient in a Receiving State; and

(2) other conditions regarding telepsychology as determined by rules promulgated by the Commission.

§ 3028. ADVERSE ACTIONS

(a) A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

(b) A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.

(c) If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is

terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

(1) All Home State disciplinary orders that impose adverse action shall be reported to the Commission in accordance with the rules promulgated by the Commission. A Compact state shall report adverse actions in accordance with the rules of the Commission.

(2) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the Commission.

(3) Other actions may be imposed as determined by the rules promulgated by the Commission.

(d) A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

(e) A Distant State's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under the Temporary Authorization to Practice that occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

(f) Nothing in this Compact shall override a Compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the Compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact state during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the event a Compact state imposes an adverse action pursuant to subsection (c) of this section.

§ 3029. ADDITIONAL AUTHORITIES INVESTED IN COMPACT

STATE'S PSYCHOLOGY REGULATORY AUTHORITY

(a) In addition to any other powers granted under state law, a Compact state's psychology regulatory authority shall have the authority under this Compact to:

(1) Issue subpoenas for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another Compact state, shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence, or both, are located; and

(2) Issue cease and desist or injunctive relief orders, or both, to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology or the Temporary Authorization to Practice, or both.

(b) During the course of any investigation, a psychologist may not change the psychologist's Home State licensure. A Home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State psychology regulatory authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change the psychologist's Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the rules of the Commission. All information provided to the Commission or distributed by Compact states pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact states.

§ 3030. COORDINATED LICENSURE INFORMATION SYSTEM

(a) The Commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all psychologists to whom this Compact is applicable in all Compact states as defined by the rules of the Commission.

(b) Notwithstanding any other provision of state law to the contrary, a Compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the Commission, including:

- (1) identifying information;
- (2) licensure data;
- (3) significant investigatory information;
- (4) adverse actions against a psychologist's license;
- (5) an indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice, or both, is revoked;
- (6) nonconfidential information related to alternative program participation information;
- (7) any denial of application for licensure and the reasons for such denial; and
- (8) other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

(c) The coordinated database administrator shall promptly notify all Compact states of any adverse action taken against, or significant investigative information on, any licensee in a Compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the Compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the Compact state reporting the information shall be removed from the coordinated database.

§ 3031. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

(a) The Compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

(1) The Commission is a body politic and an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings.

(1) The Commission shall consist of one voting representative appointed by each Compact state who shall serve as that state's Commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact state. This delegate shall be limited to:

(A) the Executive Director, Executive Secretary, or similar executive;

(B) a current member of the state psychology regulatory authority of a Compact state; or

(C) a designee empowered with the appropriate delegate authority to act on behalf of the Compact state.

(2) Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact state in which the vacancy exists.

(3) Each Commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

(4) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(5) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 3032 of this title.

(6) The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

(A) noncompliance of a Compact state with its obligations under the Compact;

(B) employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees; or other matters related to the Commission's internal personnel practices and procedures;

(C) current, threatened, or reasonably anticipated litigation against the Commission;

(D) negotiation of contracts for the purchase or sale of goods, services, or real estate;

(E) accusation against any person of a crime or formally censuring any person;

(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) disclosure of investigatory records compiled for law enforcement purposes;

(I) disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

(J) matters specifically exempted from disclosure by federal and state statute.

(7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

(c) The Commission shall, by a majority vote of the Commissioners, prescribe bylaws or rules, or both, to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:

(1) Establishing the fiscal year of the Commission;

(2) Providing reasonable standards and procedures:

(A) for the establishment and meetings of other committees; and

(B) governing any general or specific delegation of any authority or function of the Commission;

(3) Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;

(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

(6) Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;

(7) Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment or reserving, or both, of all of its debts and obligations;

(8) The Commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact states;

(9) The Commission shall maintain its financial records in accordance with the bylaws; and

(10) The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

(d) The Commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Compact state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety or of conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

(e) The Executive Board. The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

(1) The Executive Board shall be composed of six members:

(A) five voting members who are elected from the current membership of the Commission by the Commission; and

(B) one ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(2) The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(3) The Commission may remove any member of the Executive Board as provided in bylaws.

(4) The Executive Board shall meet at least annually.

(5) The Executive Board shall have the following duties and responsibilities:

(A) recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact states such as annual dues, and any other applicable fees;

(B) ensure Compact administration services are appropriately provided, contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the Commission;

(E) monitor Compact compliance of member states and provide compliance reports to the Commission;

(F) establish additional committees as necessary; and

(G) other duties as provided in rules or bylaws.

(f) Financing of the Commission.

(1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The Commission may levy on and collect an annual assessment from each Compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual

assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all Compact states.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact states, except by and with the authority of the Compact state.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

(g) Qualified immunity, defense, and indemnification.

(1) The members, officers, Executive Director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The Commission shall defend any member, officer, Executive Director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising

out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

§ 3032. RULEMAKING

(a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the Compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

(d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

(1) on the website of the Commission; and

(2) on the website of each Compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) at least 25 persons who submit comments independently of each other;

(2) a governmental subdivision or agency; or

(3) a duly appointed person in an association that has at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

(j) The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

(l) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of Commission or Compact state funds;

(3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) protect public health and safety.

(m) The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

§ 3023. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(a) Oversight.

(1) The executive, legislative, and judicial branches of state government in each Compact state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact state pertaining to the subject matter of this Compact that may affect the powers, responsibilities, or actions of the Commission.

(3) The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

(b) Default, technical assistance, and termination.

(1) If the Commission determines that a Compact state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

(A) provide written notice to the defaulting state and other Compact states of the nature of the default, the proposed means of remedying the default, and any other action to be taken by the Commission; and

(B) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact states, and all rights, privileges, and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact states.

(4) A Compact state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The Commission shall not bear any costs incurred by the state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

(6) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the State of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) Dispute resolution.

(1) Upon request by a Compact state, the Commission shall attempt to resolve disputes related to the Compact that arise among Compact states and between Compact and non-Compact states.

(2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(d) Enforcement.

(1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(2) By majority vote, the Commission may initiate legal action in the U.S. District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

§ 3024. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY

INTERJURISDICTIONAL COMPACT COMMISSION AND
ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

(a) The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact state. The provisions that become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

(b) Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

(c) Any Compact state may withdraw from this Compact by enacting a statute repealing the same.

(1) A Compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact state and a non-Compact state that does not conflict with the provisions of this Compact.

(e) This Compact may be amended by the Compact states. No amendment to this Compact shall become effective and binding upon any Compact state until it is enacted into the law of all Compact states.

§ 3025. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact states.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 9-0-1)

Rep. Andrews of Westford, for the Committee on Ways and Means, recommends the report of the Committee on Health Care be amended as follows:

By striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

* * * Secretary of State Fees * * *

* * * Advisor Professions * * *

Sec. 2. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

(1) Verification of license, \$20.00.

(2) An examination fee established by the Secretary, which shall be ~~no~~ not greater than the costs associated with examinations.

(3) Reinstatement fees for expired licenses pursuant to section 127 (unauthorized practice) of this title.

(4) Continuing, qualifying, or prelicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(5) A preapplication criminal background determination, \$25.00.

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

(1) Application for registration, ~~\$75.00~~ \$100.00, except application for:

(A) Private investigator and security services employees, unarmed registrants, ~~\$60.00~~ \$70.00.

(B) Private investigator and security service employees, transitory permits, ~~\$60.00~~ \$70.00.

(C) Private investigator and security service employees, armed registrants, ~~\$120.00~~ \$140.00.

(2) Application for licensure or certification, ~~\$100.00~~ \$115.00, except application for:

(A) Barbering or cosmetology schools and shops, ~~\$300.00~~ \$355.00.

(B) Funeral directors, embalmers, disposition facility personnel, removal personnel, funeral establishments, disposition facilities, and limited services establishments, ~~\$70.00~~ \$85.00.

(C) Application for real estate appraisers, ~~\$275.00~~ \$315.00.

(D) Temporary real estate appraiser license, ~~\$150.00~~ \$175.00.

(E) Appraisal management company registration, ~~\$600.00~~ \$685.00.

(F) Private investigator or security services agency, ~~\$340.00~~ \$390.00.

(G) Private investigator and security services agency, ~~\$400.00~~ \$460.00.

(H) Private investigator or security services sole proprietor, \$250.00.

(I) Private investigator or security services unarmed licensee, ~~\$150.00~~ \$175.00.

(J) Private investigator or security services armed licensee, ~~\$200.00~~
\$230.00.

(K) Private investigator and security services instructor, ~~\$120.00~~
\$140.00.

(L) Barbers, cosmetologists, nail technicians, and estheticians,
\$120.00.

(M) Massage therapist, bodyworker, or touch professional, \$90.00.

(N) Optician, \$145.00.

(O) Physical therapists and assistants, \$120.00.

(P) Independent clinical social workers and master's social workers,
\$120.00.

(3) Optician trainee registration, ~~\$50.00~~ \$75.00.

(4) Biennial renewal, ~~\$240.00~~ \$275.00, except biennial renewal for:

(A) Independent clinical social workers and master's social workers,
~~\$150.00~~ \$180.00.

(B) Occupational therapists and assistants, ~~\$150.00~~ \$180.00.

(C) Physical therapists and assistants, ~~\$150.00~~ \$180.00.

(D) Optician trainees, ~~\$100.00~~ \$135.00.

(E) Barbers, cosmetologists, nail technicians, and estheticians,
~~\$130.00~~ \$155.00.

(F) Schools of barbering or cosmetology, ~~\$300.00~~ \$355.00.

(G) Funeral directors and embalmers, ~~\$280.00~~ \$415.00.

(H) Disposition facility personnel and removal personnel, ~~\$100.00~~
\$150.00.

(I) Funeral establishments, disposition facilities, and limited services
establishments, ~~\$640.00~~ \$945.00.

(J) [Repealed.]

(K) Radiologic therapist, radiologic technologist, nuclear medicine
technologist, ~~\$150.00~~ \$175.00.

(L) Certified alcohol and drug abuse counselor, certified apprentice
addiction professional, and licensed alcohol and drug abuse counselor, ~~\$225.00~~
\$260.00.

(M) Private investigator or security services agency, or both, ~~\$300.00~~
\$345.00.

(N) Private investigator or security services unarmed licensee,
~~\$120.00~~ \$140.00.

(O) Private investigator or security services armed licensee, ~~\$180.00~~
\$205.00.

(P) Private investigator or security services unarmed registrant,
~~\$80.00~~ \$95.00.

(Q) Private investigator or security services armed registrant,
~~\$130.00~~ \$150.00.

(R) Private investigator or security services sole proprietor, \$250.00.

(S) Private investigator or security services instructor, ~~\$180.00~~
\$205.00.

(T) Barbering or cosmetology shop, \$285.00.

(5) Limited temporary license or work permit, ~~\$50.00~~ \$60.00.

(6) Radiologic evaluation, \$125.00.

(7) Annual renewal for appraisal management company registration,
~~\$300.00~~ \$345.00.

(8) Real estate appraiser trainee, \$115.00.

* * *

* * * Boxing * * *

Sec. 3. 26 V.S.A. § 6009 is amended to read:

§ 6009. FEES

(a) Applicants and persons regulated by this subchapter shall be subject to the following fees:

(1) Promoter registration ~~\$500.00~~ \$825.00

(2) Boxer registration ~~\$25.00~~ \$30.00

(3) Manager registration ~~\$25.00~~ \$30.00

(4) Second registration ~~\$25.00~~ \$30.00

(5) Referee registration ~~\$25.00~~ \$30.00

(6) Judge registration ~~\$25.00~~ \$30.00

(7) Biennial renewal for ~~professional boxers,~~ managers, seconds, referees, and judges ~~\$25.00~~ \$30.00

(8) Biennial renewal for professional boxer \$35.00

(9) Biennial renewal for professional promotor \$45.00

* * *

* * * Mixed Martial Arts * * *

Sec. 4. 26 V.S.A. § 6033 is amended to read:

§ 6033. FEES

Applicants and persons regulated by this subchapter shall be subject to the following fees:

(1) Application:

(A) Promoter license ~~\$500.00~~ \$545.00

(B) Event license ~~\$250.00~~ \$275.00

(C) Contestant license ~~\$25.00~~ \$30.00

(D) Participant license ~~\$25.00~~ \$30.00

(2) ~~Biennial renewal for managers, seconds, referees, and judges \$25.00~~ \$30.00

(3) Biennial renewal for promoters ~~\$500.00~~ \$545.00

(4) Annual renewal for contestants ~~\$25.00~~ \$30.00

(5) Late fees set pursuant to 3 V.S.A. § 127(d)(1).

* * * Nursing Home Administrators * * *

Sec. 5. 18 V.S.A. § 2058 is amended to read:

§ 2058. LICENSE FEES

Applicants and persons regulated under this chapter shall be subject to the following fees:

(1) Application ~~\$100.00~~ \$115.00

(2) Biennial renewal ~~\$200.00~~ \$275.00

* * * Board Professions * * *

* * * Accounting * * *

Sec. 6. 26 V.S.A. § 56 is amended to read:

§ 56. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for license ~~\$100.00~~ \$115.00
- (2) Biennial renewal of license ~~\$220.00~~ \$255.00
- (3) Firm registration ~~\$200.00~~ \$230.00
- (4) [Repealed.]
- (5) Firm biennial renewal of registration ~~\$400.00~~ \$460.00
- (6) Sole proprietor firm biennial renewal of registration ~~\$200.00~~ \$230.00

* * * Allied Mental Health * * *

Sec. 7. 26 V.S.A. § 4089a is amended to read:

§ 4089a. FEES

A person who seeks entry on the roster shall pay the following fees:

- (1) Initial roster entry ~~\$80.00~~ \$95.00
- (2) Biennial roster reentry ~~\$150.00~~ \$175.00

Sec. 8. 26 V.S.A. § 4041a is amended to read:

§ 4041a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$250.00~~ \$285.00

Sec. 9. 26 V.S.A. § 3270a is amended to read:

§ 3270a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$200.00~~ \$230.00

* * * Architect * * *

Sec. 10. 26 V.S.A. § 209 is amended to read:

§ 209. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for initial license ~~\$60.00~~ \$120.00
- (2) ~~Initial license issuance~~ \$20.00
- (3) Biennial renewal ~~\$155.00~~ \$225.00

* * * Chiropractor * * *

Sec. 11. 26 V.S.A. § 535 is amended to read:

§ 535. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Chiropractors
 - (A) Application ~~\$200.00~~ \$225.00
 - (B) Biennial renewal ~~\$265.00~~ \$295.00
 - (C) Initial competency endorsement under section 525 of this title \$70.00
 - (D) Biennial renewal of competency endorsement under section 525 of this title \$70.00
 - (E) Evaluation \$125.00
- (2) Registration of intern ~~\$50.00~~ \$80.00

* * * Dental * * *

Sec. 12. 26 V.S.A. § 662 is amended to read:

§ 662. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application
 - (A) Dentist ~~\$250.00~~ \$285.00
 - (B) Dental therapist ~~\$185.00~~ \$215.00
 - (C) Dental hygienist ~~\$175.00~~ \$200.00
 - (D) Dental assistant ~~\$70.00~~ \$80.00
- (2) Biennial renewal

- (A) Dentist ~~\$575.00~~ \$655.00
- (B) Dental therapist ~~\$270.00~~ \$310.00
- (C) Dental hygienist ~~\$215.00~~ \$245.00
- (D) Dental assistant ~~\$90.00~~ \$105.00

* * *

* * * Engineer * * *

Sec. 13. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for engineering license or application to add additional specialty discipline ~~\$100.00~~ \$115.00
- (2) Application for engineer intern certificate ~~\$50.00~~ \$60.00
- (3) Biennial license renewal ~~\$150.00~~ \$175.00
- (4) [Repealed.]

* * * Land Surveyor * * *

Sec. 14. 26 V.S.A. § 2597 is amended to read:

§ 2597. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application ~~\$200.00~~ \$290.00
- (2) Biennial renewal of license ~~\$300.00~~ \$365.00

* * * Nursing * * *

Sec. 15. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Nursing Assistants
 - (A) Application ~~\$20.00~~ \$25.00
 - (B) Biennial renewal ~~\$55.00~~ \$65.00

(2) Practical Nurses and Registered Nurses

(A) Application by exam \$75.00

(B) Application by endorsement ~~\$150.00~~ \$175.00

(C) Biennial renewal for Practical Nurses ~~\$175.00~~ \$200.00

(D) Biennial renewal for Registered Nurses ~~\$190.00~~ \$220.00

(3) Advanced Practice Registered Nurses

(A) Initial endorsement of advanced practice registered nurses ~~\$100.00~~
\$115.00

(B) Biennial renewal of advanced practice registered nurses ~~\$125.00~~
\$145.00

* * * Optometry * * *

Sec. 16. 26 V.S.A. § 1718 is amended to read:

§ 1718. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application ~~\$225.00~~ \$325.00

(2) Biennial renewal ~~\$350.00~~ \$395.00

* * * Osteo * * *

Sec. 17. 26 V.S.A. § 1794 is amended to read:

§ 1794. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

(A) Licensure ~~\$500.00~~ \$450.00

(B) Limited temporary license ~~\$50.00~~ \$75.00

(2) Biennial license renewal ~~\$300.00~~ \$350.00

(3) Annual limited temporary license renewal ~~\$100.00~~ \$145.00

* * *

* * * Pharmacy * * *

Sec. 18. 26 V.S.A. § 2046 is amended to read:

§ 2046. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Initial application:

- (A) Pharmacists ~~\$110.00~~ \$155.00
- (B) Retail drug outlets ~~\$300.00~~ \$410.00
- (C) Institutional drug outlets ~~\$400.00~~ \$460.00
- (D) Manufacturing drug outlet ~~\$400.00~~ \$550.00
- (E) Wholesale drug outlet ~~\$700.00~~ \$800.00
- (F) Investigative and research projects ~~\$300.00~~ \$410.00
- (G) Pharmacy technicians ~~\$50.00~~ \$70.00
- (H) Outsourcing drug outlet ~~\$700.00~~ \$800.00
- (I) Nuclear drug outlet ~~\$700.00~~ \$800.00
- (J) Compounding drug outlet ~~\$700.00~~ \$800.00
- (K) Home infusion drug outlet ~~\$700.00~~ \$800.00
- (L) Third-party logistics ~~\$700.00~~ \$800.00
- (M) Pharmacy interns ~~\$20.00~~ \$25.00
- (N) Nonresident manufacturers ~~\$800.00~~ \$800.00
- (O) Community-based long-term care pharmacy \$550.00
- (P) Institutional long-term care pharmacy \$550.00

(2) Biennial renewal:

- (A) Pharmacists ~~\$125.00~~ \$145.00
- (B) Retail drug outlets ~~\$400.00~~ \$460.00
- (C) Institutional drug outlets ~~\$500.00~~ \$570.00
- (D) Manufacturing drug outlet ~~\$500.00~~ \$570.00
- (E) Wholesale drug outlet ~~\$500.00~~ \$570.00
- (F) Investigative and research projects ~~\$300.00~~ \$345.00
- (G) Pharmacy technicians ~~\$60.00~~ \$85.00
- (H) Outsourcing drug outlet ~~\$500.00~~ \$570.00

- (I) Nuclear drug outlet ~~\$500.00~~ \$570.00
 - (J) Compounding drug outlet ~~\$500.00~~ \$570.00
 - (K) Home infusion drug outlet ~~\$500.00~~ \$570.00
 - (L) Third-party logistics ~~\$500.00~~ \$570.00
 - (M) Pharmacy interns ~~\$45.00~~ \$55.00
 - (N) Nonresident manufacturers \$570.00
 - (O) Community-based long-term care pharmacy \$570.00
 - (P) Institutional long-term care pharmacy \$570.00
- (3) Pharmacy reinspection \$100.00

* * * Psychology * * *

Sec. 19. 26 V.S.A. § 3010 is amended to read:

§ 3010. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for license ~~\$175.00~~ \$240.00
- (2) Biennial renewal of license ~~\$150.00~~ \$195.00
- (3) [Repealed.]
- (4) [Repealed.]

* * * Real Estate * * *

Sec. 20. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

* * *

- (2) Biennial renewal of broker or salesperson license ~~\$240.00~~ \$220.00

* * *

* * * Veterinary * * *

Sec. 21. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application ~~\$100.00~~ \$145.00

(2) Biennial Renewal ~~\$175.00~~ \$200.00

* * * Corporations Division * * *

* * * Assumed Business Name * * *

Sec. 22. 11 V.S.A. § 1625 is amended to read:

§ 1625. FEES

(a) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a return, shall, at the time of filing as provided, pay a registration fee of ~~\$50.00~~ \$70.00 to the Secretary of State.

(b) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a certificate of cessation or change of business status or an application to reserve a business name shall, at the time of filing, pay a fee of ~~\$20.00~~ \$35.00 to the Secretary of State.

* * *

Sec. 23. 11 V.S.A. § 1635 is amended to read:

§ 1635. REREGISTRATION

(a) One or more persons doing business under a registered business name shall reregister the name every five years by filing a reregistration return with the Secretary of State with a fee of ~~\$40.00~~ \$65.00 within 60 days following the date five years after the date of the original registration or of the last reregistration. The Secretary of State shall prepare and supply the necessary forms.

* * *

* * * Corporation * * *

Sec. 24. 11A V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

(a) The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State for filing:

(1) Articles of incorporation	\$125.00 <u>\$155.00</u>
(2) Application for reserved name	20.00 <u>\$40.00</u>
(3) Notice of transfer of reserved name	No fee <u>\$20.00</u>
(4) Application for registered name of a foreign corporation	25.00 <u>\$50.00</u>
(5) Application for renewal of registered name of a foreign corporation	\$25.00 <u>\$50.00</u>
(6) Statement of change of registered agents or registered office, or both	\$25.00 and not to exceed \$1,000.00 per filer per calendar year.
(7) Agent's statement of resignation	No fee
(8) Amendment of articles of incorporation	\$25.00 <u>\$50.00</u>
(9) Restatement of articles of incorporation	\$25.00 <u>\$50.00</u>
(10) Articles of merger or share exchange	\$50.00 <u>\$95.00</u>
(11) Articles of dissolution	\$20.00 <u>\$35.00</u>
(12) Articles of revocation of dissolution	\$20.00 <u>\$35.00</u>
(13) Application for certificate of authority	\$125.00 <u>\$155.00</u>

(14) Application for amended certificate of authority	\$25.00 <u>\$50.00</u>
(15) Application for certificate of withdrawal	\$20.00 <u>\$25.00</u>
(16) Annual report of a foreign corporation	\$200.00 <u>\$250.00</u>
(17) Annual report of a domestic corporation	\$45.00 <u>\$60.00</u>
(18) Application for certificate of good standing	\$25.00
(19) Any other document required or permitted to be filed by this title	\$20.00 <u>\$35.00</u>
(20) <u>Articles of correction</u>	<u>\$20.00</u>
(21) <u>Articles of domestication</u>	<u>\$20.00</u>
(22) <u>Statement of conversion</u>	<u>\$20.00</u>

* * *

(d) When a corporation has been involuntarily terminated for failure to file its annual report, the Secretary of State shall collect, for each year the corporation failed to file its annual report, the annual report filing fee and a reinstatement fee of ~~\$25.00~~ \$50.00.

* * * Limited Liability Company * * *

Sec. 25. 11 V.S.A. § 4012 is amended to read:

§ 4012. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

- (1) Articles of organization ~~\$125.00~~ \$155.00
- (2) Application for certificate of authority ~~\$125.00~~ \$155.00
- (3) Amendment of articles or certificate of authority ~~\$25.00~~ \$35.00
- (4) Cancellation of certificate of authority ~~\$20.00~~ \$25.00
- (5) Application for reserved name ~~\$20.00~~ \$25.00

- (6) Notice of transfer of reserved name ~~No fee~~ \$20.00
- (7) Application for registered name \$25.00
- (8) Application for renewal of registered name \$25.00
- (9) Statement of change of designated agent or designated office, or both ~~\$25.00~~ \$35.00 and not to exceed \$1,000.00 per filer per calendar year
- (10) Agent's statement of resignation no fee
- (11) Restatement of articles of organization \$25.00
- (12) Articles of correction ~~\$25.00~~ \$35.00
- (13) Application for certificate of existence or authorization ~~\$25.00~~ \$35.00
- (14) Articles of merger ~~\$50.00~~ \$55.00
- (15) Annual report of a domestic limited liability company ~~\$35.00~~ \$45.00
- (16) Annual report of a foreign limited liability company ~~\$140.00~~ \$170.00
- (17) Reinstatement ~~\$25.00~~ \$35.00
- (18) Any other document required or permitted to be filed by this chapter \$20.00
- (19) Articles of domestication \$20.00
- (20) Articles of termination \$20.00
- (21) Notice of withdrawal of reserved name \$20.00
- (22) Statement of conversion \$20.00

(b) The Secretary of State shall collect the following fees:

- (1) ~~\$25.00~~ \$35.00 each time process is served on the Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if ~~he or she~~ the party prevails in the proceeding.
- (2) \$25.00 for the certificate certifying the copy of any filed document relating to a limited liability company or a foreign limited liability company.

* * * Limited Liability Partnership * * *

Sec. 26. 11 V.S.A. § 3310 is amended to read:

§ 3310. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Statement of authority	\$125.00 <u>\$155.00</u>
(2) Statement of denial	No fee <u>\$25.00</u>
(3) Statement of dissociation	No —fee <u>\$20.00</u>
(4) Statement of dissolution	No fee <u>\$25.00</u>
(5) Statement of merger	\$50.00 <u>\$85.00</u>
(6) Statement of qualification	\$75.00 <u>\$130.00</u>
(7) Statement of foreign qualification	\$100.00 <u>\$170.00</u>
(8) Amendment	\$25.00 <u>\$45.00</u>
(9) Cancellation	\$5.00 <u>\$10.00</u>
(10) Annual report of domestic limited liability partnership	\$15.00 <u>\$30.00</u>
(11) Annual report of foreign limited liability partnership	\$100.00 <u>\$170.00</u>
(12) Reinstatement	\$25.00 <u>\$45.00</u>
(13) Statement of change of designated agent or designated office, or both	\$25.00 <u>\$35.00,</u> not to exceed \$1,000.00

	per filer
	per
	calendar
	year
(14) Application for certificate of good standing	\$25.00 <u>\$45.00</u>
(15) Any other document permitted or required to be filed by this chapter	\$20.00
(16) <u>Amendment – Foreign</u>	<u>\$35.00</u>

* * *

* * * Limited Partnership * * *

Sec. 27. 11 V.S.A. § 3420 is amended to read:

§ 3420. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Certificate of Limited Partnership	\$125.00 <u>\$130.00</u>
(2) Registration of Foreign Limited Partnership	\$125.00 <u>\$155.00</u>
(3) Amendment - <u>Domestic</u>	\$25.00 <u>\$35.00</u>
(4) Cancellation	No fee <u>\$25.00</u>
(5) Merger	\$50.00 <u>\$65.00</u>
(6) Statement of change of designated agent or designated office, or both	\$25.00 <u>\$35.00,</u> not to exceed \$1,000.00

	per filer
	per calen-
	dar year
(7) Application for certificate of good standing	\$25.00 <u>\$35.00</u>
(8) Any other document permitted or required to be filed by this chapter	\$20.00
(9) <u>Amendment – Foreign</u>	<u>\$35.00</u>
(10) <u>Name reservation, application</u>	<u>\$20.00</u>
(11) <u>Name reservation, transfer</u>	<u>\$20.00</u>
(12) <u>Restated certificate of limited partnership</u>	<u>\$20.00</u>

* * *

* * * Nonprofit Corporations * * *

Sec. 28. 11B V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State for filing:

(1) Articles of incorporation	\$125.00 <u>\$155.00</u>
(2) Application for reserved name	\$20.00 <u>\$35.00</u>
(3) Transfer of reserved name	No fee <u>\$35.00</u>
(4) Application for registered name	\$25.00 <u>\$45.00</u>
(5) Renewal of registered name	\$25.00 <u>\$45.00</u>
(6) Statement of change of registered agents or registered office, or both	\$25.00 <u>\$35.00</u>

	and
	not to
	exceed
	\$1,000.00
	per filer
	per calen-
	dar
	year.
(7) Agent's statement of registration	No fee
(8) Amendment of articles of association	\$25.00 <u>\$45.00</u>
(9) Restatement of articles of association	\$25.00 <u>\$45.00</u>
(10) Articles of merger	\$50.00 <u>\$90.00</u>
(11) Articles of dissolution	No fee
(12) Articles of revocation of dissolution	\$5.00 <u>\$10.00</u>
(13) Application for reinstatement following administrative dissolution	\$25.00 <u>\$45.00</u>
(14) Application for certificate of authority for a foreign corporation	\$100.00 <u>\$175.00</u>
(15) Application for amended certificate of authority	\$25.00 <u>\$45.00</u>
(16) Application for certificate of withdrawal	\$5.00 <u>\$10.00</u>
(17) Biennial report	\$20.00 <u>\$35.00</u>

except that a corporation which ~~that~~ certifies to the Secretary of State, on a form approved by the Secretary, that it did not compensate its officers,

directors, or employees during the prior calendar year shall be exempt from the fee required by this subdivision.

(18) Articles of correction	\$15.00
	<u>\$30.00</u>
(19) Application for certificate of good standing	\$25.00
	<u>\$35.00</u>
(20) Certified copy of any filed document	\$25.00
(21) <u>Restatement of articles of organization</u>	<u>\$30.00</u>

Sec. 29. 12 V.S.A. § 852 is amended to read:

§ 852. FEES; MAILING OF COPY TO CORPORATION

When process is served on the Secretary of State under the provisions of section 851 of this title, there shall be paid to ~~him or her~~ the Secretary by the officer at the time of such service the sum of ~~\$5.00~~ \$35.00. The Secretary shall forthwith forward by mail prepaid one of the duplicate copies to the corporation at its home office or to a person whom it designates.

* * * Trademark * * *

Sec. 30. 9 V.S.A. § 2523 is amended to read:

§ 2523. CERTIFICATE OF REGISTRATION; FILING FEE

There shall be paid to the Secretary of State for the filing of such statement a fee of ~~\$20.00~~ \$35.00. The Secretary of State shall deliver to the person filing such statement or causing the same to be filed, a certificate of registration under ~~his or her~~ the Secretary's signature and State Seal, showing the name and address of the person claiming ownership of the trademark registered, the date of such filing, a general description of the trademark to be registered, and a receipt showing the payment of the filing fee therefore. The fee for renewal of any registration shall be ~~\$20.00~~ \$35.00.

Sec. 31. 9 V.S.A. § 2525 is amended to read:

§ 2525. ASSIGNMENTS

Title to any trademark and its registration hereunder may be transferred and assigned to any person together with the goodwill of the business to which such trademark pertains or with that part of the goodwill of the business connected with the use of and symbolized by the mark. Written assignments shall be recorded by the Secretary of State upon payment of the fee of ~~\$20.00~~ \$35.00. When such assignment is recorded, a new certificate of registration shall be issued in the name of the assignee.

* * * Uniform Commercial Code * * *

Sec. 32. 9A V.S.A. § 9-525 is amended to read:

§ 9—525. FEES

(a) The fee for filing and indexing a record under this article is ~~\$35.00~~ \$45.00.

(b) ~~The fee for filing and indexing an initial financing statement of the kind described in subsection 9—502(c) of this title is \$6.00 per page. In addition to the fee provided in subsection (a) of this section:~~

(1) the fee for filing and indexing an initial financing statement of the kind described in subsection 9-502(c) of this title is \$25.00;

(2) the fee for filing and indexing a record under this article for a manufactured home, transmitting utility, or public finance transaction is \$25.00.

(c) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor is ~~\$25.00~~ \$35.00.

~~(d) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 9—502(c) of this title. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply. [Repealed.]~~

* * * Effective Date * * *

Sec. 33. EFFECTIVE DATE

(a) Sec. 1 of this act shall take effect on January 1, 2024.

(b) The remaining sections shall take effect on passage.

(Committee Vote: 8-3-1)

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Health Care, and when further amended as recommended by the Committee on Ways and Means.

(Committee Vote: 8-3-1)

Amendment to be offered by Rep. Berbeco of Winooski to the report of the Committee on Health Care on H. 282

By striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Third Reading

H. 150

An act relating to approval of an amendment to the charter of the Village of Alburgh

S. 54

An act relating to individual and small group insurance markets

NOTICE CALENDAR

Favorable with Amendment

H. 81

An act relating to fair repair of agricultural equipment

Rep. Templeman of Brownington, for the Committee on Agriculture, Food Resiliency, and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SHORT TITLE

This act may be cited as the Fair Repair Act.

Sec. 2. 9 V.S.A. chapter 106 is added to read:

CHAPTER 106. AGRICULTURAL EQUIPMENT; FAIR REPAIR

§ 4051. DEFINITIONS

As used in this chapter:

(1) "Agricultural equipment" means a device, part of a device, or an attachment to a device designed to be used principally for an agricultural purpose, including a tractor, trailer, or combine; implements for tillage, planting, or cultivation; and other equipment associated with livestock or crop production, horticulture, or floriculture.

(2)(A) “Authorized repair provider” means an individual or business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.

(B) An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own equipment and that does not have an arrangement described in subdivision (2)(A) of this section with an unaffiliated individual or business shall be considered an authorized repair provider with respect to such equipment.

(3) “Documentation” means any manual, diagram, reporting output, service code description, schematic diagram, security code, password, or other guidance or information used in effecting the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(4) “Forestry equipment” means nondivisible equipment, implements, accessories, and contrivances used directly and principally in harvesting timber or for on-site processing of wood forest products, including equipment used to construct, maintain, or install infrastructure necessary to and associated with a logging operation.

(5) “Independent repair provider” means a person operating in this State that does not have an arrangement described in subdivision (2) of this section with an original equipment manufacturer and that is engaged in the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(6) “Original equipment manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new agricultural or forestry equipment manufactured by or on behalf of itself to any individual or business.

(7) “Owner” means an individual or business that owns or leases agricultural or forestry equipment purchased or used in this State.

(8) “Part” means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of agricultural or forestry equipment manufactured by or on behalf of, sold or otherwise supplied by, the original equipment manufacturer.

(9) “Tools” means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural or forestry

equipment, including software or other mechanisms that provision, program, or pair a new part, calibrate functionality, or perform any other function required to bring the product back to fully functional condition, including any updates.

(10)(A) “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(B) “Trade secret” does not include a part, tool, or documentation that:

(i) is necessary to perform diagnosis, maintenance, or repair of agricultural or forestry equipment; and

(ii) an original equipment manufacturer sells or otherwise makes available to an authorized repair provider in the ordinary course of business to perform diagnosis, maintenance, or repair of agricultural or forestry equipment.

§ 4052. AVAILABILITY OF PARTS, TOOLS, AND DOCUMENTATION

(a) Duty to make available parts, tools, and documentation.

(1) An original equipment manufacturer shall offer for sale or otherwise make available to an independent repair provider or owner the parts, tools, and documentation that the original equipment manufacturer offers for sale or otherwise makes available to an authorized repair provider:

(A) subject to subsection (b) of this section, on substantially the same terms; and

(B) subject to subsection (c) of this section, for substantially the same cost.

(2) If agricultural or forestry equipment includes an electronic security lock or other security-related function that must be unlocked or disabled to perform diagnosis, maintenance, or repair of the equipment, an original equipment manufacturer shall make available to an independent repair provider or owner any parts, tools, and documentation necessary to unlock or

disable the function and to reset the lock or function after the diagnosis, maintenance, or repair is complete.

(3) An original equipment manufacturer may make parts, tools, and documentation available to an independent repair provider or owner:

(A) directly; or

(B) through an authorized repair provider, if permitted by an agreement between the manufacturer and the dealer or provider.

(b) Terms; limitations. Under the terms governing the sale or provision of parts, tools, and documentation, an original equipment manufacturer shall not impose on an independent repair provider or owner:

(1) a substantial obligation to use, or a restriction on the use of, the parts, tools, or documentation necessary to diagnose, maintain, or repair agricultural or forestry equipment, including:

(i) a condition that the independent repair provider or owner become an authorized repair provider of the original equipment manufacturer; or

(ii) a requirement that a part, tool, or documentation be registered, paired with, or approved by the original equipment manufacturer or an authorized repair provider before the part, tool, or documentation is operational;

(2) an additional cost or burden that is not reasonably necessary or is designed to be an impediment on the independent repair provider or owner; or

(3) an additional burden or material change that adversely affects the timeliness or method of delivering parts, tools, or documentation.

(c) Costs; limitations.

(1) Subject to subdivision (2) of this subsection, an original equipment manufacturer shall offer for sale or otherwise make available parts, tools, and documentation to an independent repair provider or an owner at a cost:

(A) that is fair to both parties, considering the agreed-upon conditions, promised quality, and timeliness of delivery; and

(B) that includes any discount, rebate, or other financial incentive offered to an authorized repair provider in the original equipment manufacturer's normal course of business.

(2) An original equipment manufacturer may impose an additional charge for parts, tools, or documentation:

(A) if, and only to the extent to which, the manufacturer incurs additional costs to make parts, tools, and documentation available for sale, or otherwise available, to an independent repair provider or owner; or

(B) the parties agree to a material change in cost or terms concerning the sale or provision of the parts, tools, or documentation and agree to an additional charge that is reasonably related to the additional costs arising from the material change.

§ 4053. ENFORCEMENT

(a) A person who violates a provision of this chapter commits an unfair and deceptive act in trade and commerce in violation of section § 2453 of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided in chapter 63, subchapter 1 of this title.

§ 4054. APPLICATION; LIMITATIONS

(a) This chapter does not require an original equipment manufacturer to divulge a trade secret to an owner or an independent service provider.

(b) This chapter does not alter the terms of any arrangement described in subdivision 4051(2)(A) of this title in force between an authorized repair provider and an original equipment manufacturer, including the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision governing such an arrangement that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this chapter is void and unenforceable.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 9-2-0)

For Informational Purposes

NOTICE OF JFO GRANTS AND POSITIONS

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3143: \$514,694.00 to the Agency of Human Services, Department of Vermont Health Access from the DHHS/ONC via Passthrough from the Association of State and Territorial Health Officials. Funds will be used to support Vermont's participation in the COVID-19 Immunization Data Exchange, Advancement and Sharing learning community with the aim of advancing immunization information and health information exchange sharing. *[Received March 23, 2023]*

JFO #3142: \$15,000.00 to Agency of Natural Resources, Department of Environmental Conservation from the Maine Geological Society. Funds will be used to identify contradictions in mapped geological formations across state lines in New England. *[Received March 23, 2023]*

JFO #3140: \$241,208.00 to Building and General Services, Vermont State Curator's Office from the Institute of Museum and Library Services. The FY2020 Save America's Treasures grant will restore and conserve Sculpture on the Highway, an outdoor collection of sixteen monumental marble and concrete sculptures created at two international sculpture symposia held in Vermont during the summers of 1968 and 1971. *[Received March 23, 2023]*

JFO #3139: \$644,469.00 to the Vermont Judiciary, Court Administrator's Office from the U.S. Department of Justice. The grant will support the VT Judiciary Commission on Mental Health, established in July 2022. The Commission is focused on addressing the needs of court-involved individuals with behavioral health issues. Funds will help develop training activities and materials for VT Judiciary staff. *[Received March 22, 2023]*

JFO #3138: One (1) limited-service position, Statewide Grants Administrator, to the Agency of Administration, Department of Finance and Management to cover increased grant activity due to the Covid-19 pandemic. The position is funded through Act 185 of 2022. Sec G.801 of the Act appropriates ARPA funds for administrative costs related to the pandemic. This position is funded through 12/31/2026. The grant packet can be found at:
<https://ljfo.vermont.gov/assets/grants-documents/ec01b0bea7/JFO-3138-packet.pdf>
[Received February 9, 2023]

JFO #3137: One (1) limited-service position to the Vermont Department of Health, Senior Health Asbestos and Lead Engineer, to perform senior professional level work to educate, advise on and enforce Vermont asbestos and lead control regulations. The position is funded through 9/30/2024 through an existing Environmental Protection Agency grant. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/a44b7c8cac/JFO-3137-packet-v2.pdf>

[Received 1/23/2023]

JFO #3136: \$5,000,000.00 to the Agency of Administration, Public Service Department, VT Community Broadband Board (VCBB) from the National Telecommunications and Information Administration, Broadband Equity, Access and Deployment Program to deliver broadband to unserved and underserved areas in Vermont. This is a 5-year grant and will fill in the technical gaps existing in the VCBB's program of broadband deployment. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/3d7b96fcb1/JFO-3136-packet.pdf>

[Received 1/23/2023]