



STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Representative Ann Pugh, Chair, House Committee on Human Services
FROM: Ken Schatz, AHS General Counsel *KAS*
DATE: January 28, 2014
SUBJECT: H.373 Questions

I am writing to respond to the Committee's questions about H. 373.

Sec. 5 - 33 V.S.A. § 104 – was the merger into § 104 consistent with the repealed sections in Chapter 3 (§§ 305, 306(a) and 311) and was anything left out?

- Specifically, why was the subsection on “Community work and training” (33 VSA §104(b)(1)(C)) deleted in H. 373? Community work and training is a support service that is still provided by DCF through the Reach Up program described in subsection §104(b)(1)(B) and other public assistance programs described in subsection §104(b)(1)(G), but is no longer a separate program.
- In reviewing the sections to be repealed, I saw that §305(b)(1)B) “Services for alcohol and drug abusers” was not included in §104. That subsection was not included in §104 regarding functions and powers of DCF as those programs and services are now provided by the Division of Alcohol and Drug Abuse Programs of the Department of Health (See Sec. 118 of H. 373).
- The provisions of §306(a) are covered in already updated sections referring to DCF and the Office of Child Support provisions (33 V. S. A. Chapter 41).
- The language in §311 is moved word for word into §104 (c).
- The remainder includes updating of terms such as Reach Up, SNAP, TANF, etc.

Sec. 38 - 33 V.S.A. §1900 -where did the definitions added in Sec. 38 (33 V.S.A. §1900) come from?

The definitions came from current §1904 (to be repealed per Sec. 41 of H. 373). However, subsections (10) “Tobacco” and (11) “Tobacco manufacturer” are not included in the proposed §1900 definitions. **It is our recommendation that those subsections as indicated below should be added to Sec. 38 of H. 373:**

(10) "Tobacco" means all products listed in 7 V.S.A. § 1001(3).

(11) "Tobacco manufacturer" means any person engaged in the process of designing, fabricating, assembling, producing, constructing, or otherwise preparing a product containing tobacco, including packaging or labeling of these products, with the intended purpose of selling the product for gain or profit. "Tobacco manufacturer" does not include persons whose activity is limited to growing natural leaf tobacco or to selling tobacco products at wholesale or retail to customers. "Tobacco manufacturer" also does not include any person who manufactures or produces firearms, dairy products, products containing alcohol, or other nontobacco products, unless such person also manufactures or produces tobacco products.

Sec. 73 - 33 V. S.A. chapter 45 – why is the children’s dental health program deleted?

The Children’s Comprehensive Dental Health Program was established in 1973 and no longer exists. Dental services for children are now covered through Medicaid.

Sec.80 - 33 V. S.A. § 6504 -who prepares the statement related to whether a Medicare beneficiary may be balance billed if not DAIL?

Sec. 81 - 33 V. S.A. § 6506 who prepares the summary related to whether a Medicare beneficiary may be balance billed if not DAIL? -

We have not been able to determine whether anyone currently prepares the statement and summary referenced in 33 V.S. A. §§ 6504 and 6506.

Sec. 118 - 33 V.S.A. §4803(d) Old version states Council membership shall annually elect a member to serve as a chairperson; new version says AHS Secretary or designee shall serve as chairperson. What is the basis for this change?

Sec. 118 - 33 V.S.A. §4803(g) - per diem compensation is changed from “as provided in 32 V.S.A § 1010(b) to “\$30.00 for each day.” Was 32 VSA §1010 repealed? Or some other reason for inserting a \$30 per diem?

Last year, the Legislature amended 33 V. S. A. § 703, regarding the alcohol and drug abuse council, in Sec. 14c of Act No. 75 (2013) <http://www.leg.state.vt.us/DOCS/2014/ACTS/ACT075.PDF>. That amendment among other changes, provides that the Council membership shall annually elect a member to serve as chairperson and that the per diem compensation is as provided in 32 V.S.A § 1010(b). **In light of that recent change, we recommend that the amendment to 33 V.S. A. §4803 be deleted from H. 373.**

Sec. 118 - 33 V.S.A. § 4809 Incarceration for Inebriation prohibited – This language is taken from current § 708a, effective July 1, 2013. Was this date pushed back further because we don’t have the alternative facilities? Similarly, in § 4808, the “effective July 1, 2014” language alternatives are used.

There is language in the Governor’s proposed budget to change the effective date to 2016. **Legislative Council has suggested the possibility of creating two sections – one to**

reflect the current law, which will take effect on passage, and one to reflect the changes that are supposed to take effect on July 1, 2014, which will take effect on that day, unless the proposed budget passes with language changing the effective date to 2016. We support this approach as it is consistent with the intent of maintaining H. 373 as a housekeeping bill.

Sec. 118 - 33 V.S.A. Chapter 8 - Drug and Alcohol Abuse Counselors, where is that Chapter relocated and what should be the effective date of that change?

As indicated previously by Legislative Council, the roadmap document incorrectly indicates that 33 V.S.A. Chapter 8 is included in the new 18 V.S.A. Chapter 94. However, 33 V.S.A. Chapter 8 is moved to 26 V.S.A. Chapter 62 (See Sec. 129 of H. 373). **Consequently, we recommend that the reference to chapter 8 in Sec. 135(a) re Effective Dates, be deleted.**

We trust this information is helpful. Please feel free to contact me if you need any additional information.

CC: Jennifer Carbee, Esq., Legislative Council

