

# Senate Calendar

WEDNESDAY, MARCH 01, 2017

SENATE CONVENES AT: 1:00 P.M.

## TABLE OF CONTENTS

Page No.

### ACTION CALENDAR

#### UNFINISHED BUSINESS OF FEBRUARY 28, 2017

##### Resolution for Action

<b>J.R.S. 21</b> Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges.....	251
Sen. Ashe - Amendment .....	251

##### NEW BUSINESS

##### Third Reading

<b>S. 56</b> An act relating to life insurance policies and the Vermont Uniform Securities Act.....	251
<b>J.R.S. 19</b> Joint resolution relating to prescription drug pricing.....	251

##### Second Reading

##### Favorable

<b>S. 69</b> An act relating to an employer's compliance with an income withholding order from another state Judiciary Report - Sen. Nitka .....	251
<b>J.R.H. 4</b> Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in Brigham v. State Education Report - Sen. Ingram .....	252

##### Favorable with Recommendation of Amendment

<b>S. 9</b> An act relating to the preparation of poultry products Agriculture Report - Sen. Brooks .....	252
--	-----

**NOTICE CALENDAR**

**Committee Bills for Second Reading**

- S. 99** An act relating to authorizing additional tax increment financing districts.....257  
By the Committee on Economic Development, Housing and General Affairs (Sen. Sirotkin for the Committee)
- S. 100** An act relating to promoting affordable and sustainable housing.....257  
By the Committee on Economic Development, Housing and General Affairs (Sen. Clarkson for the Committee)

**Second Reading**

**Favorable with Recommendation of Amendment**

- S. 20** An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older  
Natural Resources and Energy Report - Sen. Rodgers .....257
- S. 31** An act relating to circulating nurses in hospital operating rooms  
Health and Welfare Report - Sen. McCormack ..... 258

---

---

**ORDERS OF THE DAY**

---

---

**ACTION CALENDAR**

**UNFINISHED BUSINESS OF TUESDAY, FEBRUARY 28, 2017**

**Resolution for Action**

**J.R.S. 21.**

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges.

**PENDING QUESTION:** Shall the resolution be adopted?

(For text of resolution, see Senate Journal of February 24, 2017, page 222.)

**Amendment to J.R.S. 21 to be offered by Senator Ashe**

Senator Ashe moves to amend the resolution by striking out in its entirety the first sentence in the Resolved clause and inserting in lieu thereof, the following: That the two Houses meet in Joint Assembly on Thursday, March 23, 2017, at five o'clock in the afternoon to vote on the retention of a Chief Justice and three Associate Justices of the Supreme Court and ten Superior Court Judges.

**NEW BUSINESS**

**Third Reading**

**S. 56.**

An act relating to life insurance policies and the Vermont Uniform Securities Act.

**J.R.S. 19.**

Joint resolution relating to prescription drug pricing.

**Second Reading**

**Favorable**

**S. 69.**

An act relating to an employer's compliance with an income withholding order from another state.

**Reported favorably by Senator Nitka for the Committee on Judiciary.**

(Committee vote: 5-0-0)

#### **J.R.H. 4.**

Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in Brigham v. State.

#### **Reported favorably by Senator Ingram for the Committee on Education.**

(Committee vote: 4-0-2)

(No House amendments)

(For text of resolution, see Senate Journal for February 9, 2017)

#### **Favorable with Recommendation of Amendment**

#### **S. 9.**

An act relating to the preparation of poultry products.

#### **Reported favorably with recommendation of amendment by Senator Brooks for the Committee on Agriculture.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) federal law allows a poultry producer to slaughter up to 20,000 birds annually and to sell those birds in the State without State inspection of each act of slaughter;

(2) State law currently does not allow a poultry producer to conduct slaughter under the federal 20,000 bird exception, instead requiring all producers that slaughter more than 1,000 birds a year to meet strict standards for slaughter facilities and conduct;

(3) small farmers in the State need to diversify revenue streams in order to compete, and many farmers slaughter poultry as one part of their revenue stream;

(4) the State should allow farmers to slaughter poultry under the federal 20,000 bird exception to inspection if certain sanitary standards are satisfied; and

(5) the Secretary of Agriculture, Food and Markets should develop education and outreach materials to inform farmers in the State of the requirements for slaughter under an exception to inspection and how a farmer can access technical and financial assistance from the State to meet the

required sanitary standards for slaughter under an exception to inspection.

Sec. 2. 6 V.S.A. § 3312 is amended to read:

§ 3312. INSPECTION; EXCEPTIONS

(a) Not intended for human food. Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but these products shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by rules of the ~~secretary~~ Secretary to deter their use for human food. These licensed establishments shall be subject to periodic review.

(b) 1,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own ~~farm~~ premises, whether or not they are intended for use as human food if:

(1) Fewer than 1,000 birds are slaughtered annually; ~~and~~

(2) No ~~birds~~ poultry products are offered for sale or transportation in interstate commerce; and

(3) The poultry products are only sold, as whole birds only, from the farm, at a farmers' market, or to a food restaurant licensed by the ~~commissioner of health~~ Commissioner of Health, or are for personal use.

(c) 5,000 bird exemption.

(1) Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food if all of the following conditions are satisfied:

(A) No more than 5,000 birds are slaughtered annually.

(B) No poultry products are offered for sale or transportation in interstate commerce.

(C) The poultry products are only sold, as whole birds, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use.

(D) The producer's facility is not used to slaughter or process poultry by any other person or business.

(E) The producer does not purchase birds for resale that have been processed under the exemption under this section.

(F) The poultry are healthy when slaughtered.

(G) The poultry are slaughtered and otherwise processed and handled under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by the producer.

(2) As used in this subsection “sanitary standards, practices, and procedures” means:

(A) the poultry are slaughtered in a building that is soundly constructed, kept in good repair, and of sufficient size;

(B) all food-contact surfaces and nonfood-contact surfaces in the building are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the products;

(C) the building and the grounds around it are constructed and maintained to prevent the entrance of vermin, including flies, rats, and mice;

(D)(i) sewage shall be disposed of in a sewage system separate from other drainage lines; or

(ii) sewage is disposed of through other means to prevent backup into the area where the product is processed, handled, or stored, including through on-farm composting under the Required Agricultural Practices;

(E) a supply of potable water of suitable temperature is provided in all areas where required for processing the product, cleaning rooms, cleaning equipment, cleaning utensils, and cleaning packaging materials;

(F) equipment and utensils used for processing or handling edible products or ingredients are of a material that is cleanable and sanitizable to ensure that their use will not cause adulteration of the product during processing, handling, or storage;

(G) receptacles used for storing inedible material are of such material and construction that their use will not result in adulteration of any edible product or create insanitary conditions; and

(H) a person working in contact with the product, food-contact surfaces, and product-packaging material shall maintain hygienic practices and while working shall wear clothing that is cleanable or disposable.

(d) 20,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer’s own raising on the producer’s own premises, whether or not they are intended for use as human food if:

(1) no more than 20,000 birds are slaughtered annually;

(2) no birds are offered for sale or transportation in interstate commerce;

(3) the poultry products are only sold, as whole birds, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use;

(4) the producer's facility is not used to slaughter or process poultry by any other person or business;

(5) the producer does not purchase birds for resale that have been processed under the exemption under this section;

(6) the poultry are healthy when slaughtered; and

(7) the poultry are slaughtered and otherwise processed and handled according to the sanitary performance standards of 9 C.F.R. §§ 416.1–416.17.

(e) Required label. All poultry sold from the farm, at a farmers' market, or to a food restaurant pursuant to the exemption in subsection (b), (c), or (d) of this section shall be labeled with the following information:

(1) Name of farm and name of producer;

(2) Address of farm, including zip code;

(3) "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED." This statement shall be prominently displayed with such conspicuousness (as compared with other words or statements, designs, or devices in the labeling) as to render it likely to be read and understood under customary conditions of purchase and use.

(4) Safe handling and cooking instructions as follows:

"SAFE HANDLING INSTRUCTIONS:

Keep refrigerated or frozen. Thaw in refrigerator or microwave.

Keep raw poultry separate from other foods.

Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry.

Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds.

Keep hot foods hot. Refrigerate leftovers immediately or discard."

~~(d)~~(f) Menu items; label. Any menu item that includes poultry that is exempt under this section shall clearly state the name of the farm from which the poultry was purchased and shall prominently display the words "poultry processed on the farm and not inspected" on the menu in proximity to the menu item. Poultry sold to food restaurants under the exemption in this

section shall include a label alerting the purchaser to these labeling requirements.

~~(e)~~(g) Food restaurant; signed statement. The poultry producer, upon first selling poultry to a food restaurant, must procure a signed statement from the food restaurant stating that the food restaurant is aware that the poultry is exempted from inspection under subsection (b), (c), or (d) of this section, and that the menu of the food restaurant must have the information required by subsection ~~(d)~~(e) of this section. The poultry producer must keep the signed statement on file as long as the producer is selling poultry to the food restaurant under this section. The poultry producer must have a signed statement on file from each food restaurant to which poultry is sold under this section and an exact copy of each statement, including the name of the producer and the name of the purchasing restaurant shall be forwarded to the ~~department of health~~ Department of Health.

Sec. 3. 6 V.S.A. § 3302(6) is amended to read:

(6) “Commercial slaughterhouse” means any person engaged in the business of slaughtering livestock or poultry other than as a custom slaughterer or a person conducting slaughter under subsections 3312(b), (c), and (d) of this title.

Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS;  
EDUCATION AND OUTREACH; TECHNICAL AND FINANCIAL  
ASSISTANCE; POULTRY PRODUCERS

The Secretary of Agriculture, Food and Markets shall conduct outreach and education for poultry producers seeking to slaughter poultry under an exception under 6 V.S.A. § 3312 to State inspection of slaughter. The education and outreach shall specify the requirements for operation under an exception to inspection, including the sanitary standards that must be satisfied for each exception. The education and outreach shall also provide information on how a poultry producer can access financial or technical assistance for complying with sanitary standards required under 6 V.S.A. § 3312. Any education or outreach material shall provide a contact or reference to provide additional information regarding slaughter under an exception to inspection. The Secretary of Agriculture, Food and Markets shall post to the Agency of Agriculture, Food and Markets website any education or outreach materials produced under this section.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

**NOTICE CALENDAR**  
**Committee Bills for Second Reading**

**S. 99.**

An act relating to authorizing additional tax increment financing districts.

**By the Committee on Economic Development, Housing and General Affairs. (Senator Sirotkin for the Committee.)**

**S. 100.**

An act relating to promoting affordable and sustainable housing.

**By the Committee on Economic Development, Housing and General Affairs. (Senator Clarkson for the Committee.)**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 20.**

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

**Reported favorably with recommendation of amendment by Senator Rodgers for the Committee on Natural Resources and Energy.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1 10 V.S.A. § 4255(c) is amended to read:

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

(1) A Vermont resident ~~70~~ 66 years of age or older may receive one or all of the following licenses ~~at no cost for \$60.00:~~

(A) a permanent fishing license;

(B) if the person qualifies for a hunting license, a permanent combination fishing and hunting license, which shall include all big game licenses, except for a moose license;

(C) if the person qualifies for a trapping license, a permanent trapping license; and

(D) if the person qualifies for an archery license, ~~an~~ a permanent archery license.

\* \* \*

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

And that after passage the title of the bill be amended to read:

“An act relating to permanent licenses for persons 66 years of age or older”

(Committee vote: 4-0-1)

**S. 31.**

An act relating to circulating nurses in hospital operating rooms.

**Reported favorably with recommendation of amendment by Senator McCormack for the Committee on Health and Welfare.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 222 is amended to read:

CHAPTER 222. ACCESS TO HEALTH CARE PROFESSIONALS

Subchapter 1. Health Care Workforce

\* \* \*

§ 9492. PERIOPERATIVE NURSES

A registered nurse who is licensed pursuant to 26 V.S.A. chapter 28 and educated and trained in perioperative nursing shall be present and serve as a circulating nurse for the duration of any invasive or surgical procedure that is conducted in a hospital operating room or ambulatory surgical center operating room. As used in this section, “circulating nurse” means a licensed registered nurse who is responsible for coordinating nursing care, responding to the safety needs of a patient in the operating room, and supporting the surgical team as appropriate during a procedure. A circulating nurse may leave the operating room for a short period of time during a procedure to perform an activity related to the procedure or, in accordance with specific hospital or ambulatory surgical center protocols, may be relieved by another circulating nurse.

Subchapter 2. Walk-In Centers

\* \* \*

Sec. 2. 18 V.S.A. § 9492 is redesignated to read:

~~§ 9492~~ § 9495. NON-EMERGENCY WALK-IN CENTERS;  
NONDISCRIMINATION

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee vote: 5-0-0)

### CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Anson Tebbetts of Marshfield – Secretary, Agency of Agriculture, Food and Markets (term 1/5/17 – 2/28/17) – By Sen. Pollina for the Committee on Agriculture. (2/24/17)

Anson Tebbetts of Marshfield – Secretary, Agency of Agriculture, Food and Markets (term 3/1/17 – 2/28/19) – By Sen. Pollina for the Committee on Agriculture. (2/24/17)

June Tierney of Randolph Center - Commissioner, Department of Public Service (term 1/5/17 - 2/28/17) - By Sen. Lyons for the Committee on Finance. (2/28/17)

June Tierney of Randolph Center - Commissioner, Department of Public Service (term 3/1/17 - 2/28/19) - By Sen. Lyons for the Committee on Finance. (2/28/17)

Christopher Cole of Richmond - Commissioner, Department of Buildings and General Services (term 1/5/17 - 2/28/17) - By Sen. Mazza for the Committee on Institutions. (3/2/17)

Christopher Cole of Richmond - Commissioner, Department of Buildings and General Services (term 3/1/17 - 2/28/19) - By Sen. Mazza for the Committee on Institutions. (3/2/17)