

# Journal of the House

Wednesday, April 17, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by former State Senator Scudder Parker, Middlesex.

## House Bill Introduced

### H. 886

By Reps. Nugent of South Burlington, Hyman of South Burlington, Krasnow of South Burlington, LaLonde of South Burlington, and Minier of South Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of South Burlington

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

## Bill Referred to Committee on Ways and Means

### S. 305

Senate bill, entitled

An act relating to miscellaneous changes related to the Public Utility Commission

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

## Joint Resolution Adopted in Concurrence

### J.R.S. 53

By Senator Baruth,

**J.R.S. 53.** Joint resolution relating to weekend adjournment on April 19, 2024.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 19, 2024, it be to meet again no later than Tuesday, April 23, 2024.

Was taken up, read, and adopted in concurrence.

**Ceremonial Reading****H.C.R. 174**

House concurrent resolution congratulating the 2023 Spirit of the ADA Award winners

Offered by: Representative Marcotte of Coventry

Whereas, the Americans with Disabilities Act, both in its federal and Vermont iterations, is intended to maximize the ability of persons with disabilities to participate in a wide range of societal activities, including employment, and

Whereas, the State of Vermont recognizes the value and capabilities of its workforce, and it has a strong commitment to ensuring equal opportunity for all regardless of disability, race, color, gender, age, sexual orientation, religion, or national origin, and

Whereas, both Vermonters and the State's economy benefit when residents of all abilities can contribute their skills, talents, and gifts as part of Vermont's workforce, and

Whereas, the Governor's Committee on the Employment of People with Disabilities annually recognizes businesses that reflect this spirit with the presentation of a Spirit of the ADA Award, and

Whereas, the criteria for the receipt of this award are creating an accessibility recruitment and hiring process, incorporation of on-the-job accommodations, the presence of accessible physical structures to ensure success for all employees, and an overall employment strategy that includes the hiring of individuals with disabilities, and

Whereas, the 2023 recipients of a Spirit of the ADA Award are Junction Arts Media, Ethan Allen, Lake Paran Recreation, Brophy and Garrett Williams Electric Service, the University of Vermont Medical Center, Southshire Inn, McGee Chrysler Dodge Jeep RAM of Springfield, Aqua ViTea, Robert & Sons Lawn Care, Mack Molding, and the Derby Price Chopper store, and Fourbital was recognized with the special honor of receiving the 2023 David Sagi Award, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 Spirit of the ADA Award winners, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor's Committee on the Employment of People with Disabilities and to each award recipient.

Having been adopted in concurrence on Friday, March 15, 2024 in accord with Joint Rule 16b, was read.

**Ceremonial Reading**

**H.C.R. 196**

House concurrent resolution honoring Robert Bick for his remarkable three decades of leadership at the Howard Center

Offered by: Representatives Rachelson of Burlington, Squirrell of Underhill, Austin of Colchester, Berbeco of Winooski, Bluemle of Burlington, Brumsted of Shelburne, Cina of Burlington, Dodge of Essex, Dolan of Essex Junction, Donahue of Northfield, Garofano of Essex, Graning of Jericho, Headrick of Burlington, Houghton of Essex Junction, Hyman of South Burlington, Krasnow of South Burlington, Krowinski of Burlington, Lalley of Shelburne, LaLonde of South Burlington, Logan of Burlington, Minier of South Burlington, Mulvaney-Stanak of Burlington, Nugent of South Burlington, Ode of Burlington, Stone of Burlington, Taylor of Colchester, and Waters Evans of Charlotte

Offered by: Senators Chittenden, Lyons, Ram Hinsdale, and Wrenner

Whereas, over the past three decades, the scope and quality of mental health and substance abuse services in Vermont has moved forward due, in large measure, to the visionary work of Bob Bick, and

Whereas, as a licensed alcohol and drug counselor, he has innovatively applied his professional training to the treatment of clients, but his role has extended far beyond a typical counselor's domain, and

Whereas, Bob Bick served as the former Executive Director of Champlain Drug and Alcohol Services prior to that agency's 1994 merger with the Howard Center for Human Services, which formed the current-day Howard Center, and, until 2015, he was the merged organization's Director of Mental Health and Substance Abuse Services, and

Whereas, he was responsible for starting Vermont's first methadone clinic, supporting the creation of the hub and spoke treatment model for opioid use

disorder, establishing harm reduction services as a bridge to recovery, and initiating the Street Outreach Program in downtown Burlington, and

Whereas, since 2015, Bob Bick has admirably served as the Chief Executive Officer of the Howard Center, transitioning the \$130 million organization with 50 programs, 1,600 employees, and 60 locations in order to improve the delivery of services to 19,000 persons through an improved organizational structure and new and revamped treatment programs, and

Whereas, Bob Bick is a pioneering national leader in mental health and substance abuse treatment and is concluding his tenure at the Howard Center, leaving a legacy of outstanding achievements, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Robert Bick for his remarkable three decades of leadership at the Howard Center, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Bob Bick and the Howard Center.

Having been adopted in concurrence on Friday, March 29, 2024 in accord with Joint Rule 16b, was read.

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 189**

**Rep. Peterson of Clarendon**, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to mental health response service guidelines and social service provider safety

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7260 is added to read:

§ 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES

(a) The Department shall develop guidelines for use by municipalities, including use by emergency medical technicians and public safety personnel, such as law enforcement officers as defined by 20 V.S.A. § 2351a and firefighters as defined in 20 V.S.A. § 3151, who are employed, volunteer, or are under contract with a municipality. The guidelines shall recommend best practices for de-escalation and for mental health response services, including

crisis response services. The Department shall make the guidelines available to municipalities and publish the guidelines on the Department's website.

(b) In developing the guidelines required pursuant to subsection (a) of this section, the Department shall consult with the following entities:

- (1) the Department of Health;
- (2) the Department of Disabilities, Aging, and Independent Living;
- (3) the Department of Public Safety;
- (4) the Vermont Care Partners;
- (5) the Vermont Psychiatric Survivors;
- (6) the Vermont chapter of the National Alliance on Mental Illness;
- (7) the Vermont Criminal Justice Council;
- (8) the Vermont League of Cities and Towns;
- (9) Disability Rights Vermont;
- (10) the Department's State Program Standing Committees; and
- (11) any other stakeholders the Department deems appropriate.

## Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY

(a) On or before November 15, 2024, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall convene one or more meetings related to social service provider safety with community-based social service organizations.

(1) The following community-based social service organizations, professions, and individuals may be included in the meeting or meetings described in this subsection:

- (A) the Vermont Network Against Domestic and Sexual Violence;
- (B) the Vermont Coalition to End Homelessness;
- (C) mental health and health care providers;
- (D) community action programs;
- (E) restorative justice service providers;
- (F) disability service providers and advocates;
- (G) individuals with lived experience of a mental health condition, substance use disorder, or any other condition or circumstance requiring social work services; and

(H) any other stakeholder deemed appropriate by the Agency.

(2) In advance of the meeting or meetings described in this subsection, the participating community-based social service organizations and individuals from a participating profession may review relevant studies related to social service provider safety and individual social service provider safety experiences.

(b) On or before January 31, 2025, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall present findings and recommendations to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare, including a list of the community-based social service organizations that participated in the meeting or meetings and the number of meetings convened.

Sec. 3. 33 V.S.A. § 6309 is added to read:

§ 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

(a) If an individual was previously discharged from service by a home health agency to protect the safety of staff in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter, and the behavior or conditions causing the discharge cannot be reasonably mitigated or eliminated, a home health agency may:

(1) deny a subsequent admission; or

(2) decline to send a home health agency employee to make a visit if the home health agency has reason to believe that the individual who exhibited the behavior that resulted in the discharge is present in the home.

(b) Nothing in this section shall be construed to require a home health agency to enter a home to determine if a risk can be mitigated or eliminated.

(c) A home health agency shall provide notice of any denial of admission made pursuant to this section. The notice shall include the reason for the denial of admission and information regarding how an individual may submit a complaint pursuant to section 6308 of this chapter in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter.

Sec. 4. REPORT; HOME HEALTH AGENCY SAFETY DISCHARGES

On or after February 15, 2025, in consultation with home health agencies, the Department of Disabilities, Aging, and Independent Living shall provide an update to the House Committee on Health Care and the Senate Committee

on Health and Welfare regarding the implementation of Sec. 3 (33 V.S.A. § 6309) of this act. Specifically, the update shall address:

(1) the number of safety discharges made by home health agencies during the previous calendar year;

(2) the nature of the risks posed that result in a safety discharge; and

(3) the number of individuals denied subsequent admission to or services from a home health agency due to a previous safety discharge.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to mental health response service guidelines and the safety of social service and home health providers”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Health Care agreed to, and third reading ordered.

### **Senate Proposal of Amendment Concurred in**

#### **H. 694**

The Senate proposed to the House to amend House bill, entitled

An act relating to sexual exploitation

By inserting a new section to be Sec. 3a to read as follows:

#### Sec. 3a. VERMONT SENTENCING COMMISSION; DEFINITIONS; SEXUALLY BASED OFFENSES

(a) The Vermont Sentencing Commission shall review definitions in 13 V.S.A. chapters 59 (lewdness and prostitution), 64 (sexual exploitation of children), and 72 (sexual assault) for the purpose of updating and harmonizing the definitions as they are used in those chapters. As part of the review, the Commission shall, in particular, consider the definitions of “sexual conduct” as defined in 13 V.S.A. § 2821 and “sexual act” as defined in 13 V.S.A. § 3251.

(b) The Commission shall report its recommendations for legislative consideration to the Senate and House Committees on Judiciary on or before December 1, 2024.

Which proposal of amendment was considered and concurred in.

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**Joint Resolution Adopted**

**J.R.H. 10**

Joint House resolution, entitled

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House facilities on June 27, 2024

Was taken up and adopted on the part of the House.

**Message from the Senate No. 48**

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 563.** An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered a bill originating in the House of the following titles were severally:

**H. 664.** An act relating to designating a State Mushroom.

And has passed the same in concurrence.

**Adjournment**

At one o'clock and forty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.