

Journal of the House

Thursday, April 12, 2012

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

Devotional Exercises

Devotional exercises were conducted by Rep. Thomas Koch of Barre Town, VT.

Message from the Senate No. 42

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 142. An act relating to pet merchants.

S. 180. An act relating to the universal service fund and establishment of a high-cost program.

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

The Senate has considered bills originating in the House of the following titles:

H. 565. An act relating to regulating licensed lenders and mortgage loan originators.

H. 613. An act relating to governance of the Community High School of Vermont.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 403. An act relating to foreclosure of mortgages.

H. 459. An act relating to approval of amendments to the charter of the town of Brattleboro.

H. 752. An act relating to permitting stormwater discharges in impaired watersheds.

H. 765. An act relating to the mental health needs of the corrections population.

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

House Bills Introduced

H. 792

By Reps. Aswad of Burlington, Bissonnette of Winooski, Donovan of Burlington, Krowinski of Burlington, Lorber of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Ram of Burlington, Wizowaty of Burlington and Wright of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the city of Burlington;

To the committee on Government Operations.

H. 793

By Reps. Atkins of Winooski and Bissonnette of Winooski,

House bill, entitled

An act relating to approval of amendments to the charter of the Winooski incorporated school district;

To the committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 142

Senate bill, entitled

An act relating to pet merchants;

To the committee on Rules.

S. 180

Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program;

To the committee on Rules.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 718

Rep. Marcotte of Coventry moved that the committee on Appropriations be relieved of House bill, entitled

An act relating to the department of public service and the public service board

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Proposal of Amendment Agreed to; Bill Read third Time and Passed in
Concurrence with Proposal of Amendment**

S. 116

Senate bill, entitled

An act relating to probate proceedings

Was taken up and pending third reading of the bill, **Rep. Wizowaty of Burlington**, moved that the House propose to the Senate to amend the bill as follows:

By inserting a new Sec. 5 to read as follows:

Sec. 5. MINOR GUARDIANSHIP STUDY COMMITTEE

The minor guardianship study committee created by Sec. 23 of No. 56 of the Acts of 2011 shall continue to meet during 2012 and shall report any additional findings and recommendations to the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare on or before December 15, 2012, whereupon it shall cease to exist.

and by renumbering the remaining section to be numerically correct.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Recess

At one o'clock and thirty minutes in the afternoon, the Speaker declared a recess until two o'clock in the afternoon.

At two o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.

Request to Withdraw Bill Denied**H. 757**

House bill, entitled

An act relating to a temporary moratorium on the enforcement of the sales tax on prewritten software that is accessed remotely;

Pending the question, Shall the bill be withdrawn as requested by Rep. Scheuermann of Stowe? **Rep. Degree of St. Albans City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be withdrawn as requested by Rep. Scheuermann of Stowe? was decided in the negative. Yeas, 45. Nays, 88.

Those who voted in the affirmative are:

Acinapura of Brandon	Hebert of Vernon *	Pearce of Richford
Batchelor of Derby	Helm of Fair Haven	Peaslee of Guildhall
Bouchard of Colchester	Higley of Lowell	Perley of Enosburgh
Burditt of West Rutland	Hubert of Milton	Reis of St. Johnsbury
Canfield of Fair Haven	Johnson of Canaan	Savage of Swanton
Clark of Vergennes	Kilmartin of Newport City	Scheuermann of Stowe *
Crawford of Burke	Koch of Barre Town	Shaw of Pittsford
Degree of St. Albans City *	Komline of Dorset	Smith of New Haven
Devereux of Mount Holly	Larocque of Barnet	Strong of Albany
Dickinson of St. Albans Town	Lawrence of Lyndon	Townsend of Randolph
Donaghy of Poultney	Lewis of Berlin	Turner of Milton
Donahue of Northfield	Lewis of Derby	Winters of Williamstown
Eckhardt of Chittenden	Marcotte of Coventry	Wright of Burlington
Fagan of Rutland City	McAllister of Highgate	Young of Glover
Greshin of Warren	McFaun of Barre Town	
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Courcelle of Rutland City	Head of South Burlington
Andrews of Rutland City	Dakin of Chester	Heath of Westford
Atkins of Winooski	Deen of Westminster	Hooper of Montpelier
Bartholomew of Hartland	Donovan of Burlington	Howrigan of Fairfield
Botzow of Pownal	Edwards of Brattleboro	Jerman of Essex
Branagan of Georgia	Ellis of Waterbury	Jewett of Ripton
Browning of Arlington	Emmons of Springfield	Johnson of South Hero
Buxton of Tunbridge	Evans of Essex	Keenan of St. Albans City
Campion of Bennington	Fisher of Lincoln	Kitzmiller of Montpelier
Cheney of Norwich	Frank of Underhill	Klein of East Montpelier
Christie of Hartford	French of Shrewsbury	Krowinski of Burlington
Clarkson of Woodstock	French of Randolph	Kupersmith of South Burlington
Conquest of Newbury	Gilbert of Fairfax	Lenes of Shelburne
Copeland-Hanzas of Bradford	Grad of Moretown	Lerliche of Hardwick
	Haas of Rochester	

Lippert of Hinesburg	Nuovo of Middlebury	Stevens of Waterbury
Lorber of Burlington	O'Sullivan of Burlington	Stevens of Shoreham
Macaig of Williston	Partridge of Windham	Stuart of Brattleboro
Malcolm of Pawlet	Pearson of Burlington	Sweaney of Windsor
Manwaring of Wilmington	Peltz of Woodbury	Taylor of Barre City
Marek of Newfane *	Poirier of Barre City	Till of Jericho
Martin of Springfield	Potter of Clarendon	Toll of Danville
Martin of Wolcott	Pugh of South Burlington	Trieber of Rockingham
Masland of Thetford	Ralston of Middlebury	Waite-Simpson of Essex
McCullough of Williston	Ram of Burlington	Webb of Shelburne
Miller of Shaftsbury	Russell of Rutland City	Wilson of Manchester
Mook of Bennington	Shand of Weathersfield	Wizowaty of Burlington
Moran of Wardsboro	Sharpe of Bristol	Woodward of Johnson
Mrowicki of Putney	South of St. Johnsbury	Yantachka of Charlotte
Munger of South Burlington	Spengler of Colchester	Zagar of Barnard

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Consejo of Sheldon	McNeil of Rutland Town
Bissonnette of Winooski	Corcoran of Bennington	Morrissey of Bennington
Bohi of Hartford	Davis of Washington	O'Brien of Richmond
Brennan of Colchester	Howard of Cambridge	Olsen of Jamaica
Burke of Brattleboro	Krebs of South Hero	
Condon of Colchester	Lanpher of Vergennes	

Rep. Degree of St. Albans City explained his vote as follows:

“Mr. Speaker:

Granting this request would have been fully allowed by Rule 85.”

Rep. Hebert of Vernon explained his vote as follows:

“Mr. Speaker:

I believe the majority has cast votes which may well discourage minority members from offering bills, by failing to honor the spirit of Rule 85.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

Granting this request to withdraw a bill after it has been fully considered in committee, amended, voted out and referred to another committee would totally disrupt the business of this House. A bill with 50 co-sponsors, all of whom but one still supported it, could see that single member suddenly move to withdraw it as it came to the floor. That is no way to do the people’s business and it was ample reason to deny this truly unfortunate request.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Mr. Speaker:

This was a simple request. That it became the partisan issue it became has flabbergasted me. To not allow a fellow member to withdraw her own bill when that bill has changed so significantly from its original intent is a slap in the face to this body in which we are so fortunate to serve.

Thank you, though, Mr. Speaker for your efforts to come to a fair resolution to this. I am sorry it was not supported by others.”

Proposal of Amendment Agreed to; Third Reading Ordered

S. 199

Rep. Fisher of Lincoln, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to immunization exemptions and the immunization pilot program

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1121(c) is added to read:

(c) Annually, on or before September 15th, schools and child care facilities shall make publicly available the aggregated immunization rates of the student body for each required vaccine to the extent permitted under the federal Health Insurance Portability and Accountability Act, Pub. L. 104-191.

Sec. 2. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) ~~A Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in the child care facility without a required immunization:~~

(1) If the person, or, in the case of a minor, the person's parent or guardian presents ~~a written statement,~~ an immunization exemption form from a licensed health care practitioner authorized to prescribe vaccines or a health clinic, or nurse that the person is in the process of being immunized. The person may continue to attend school or the child care facility as long as the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not

appropriate; provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; or

(3) If the person, or, in the case of a minor, the person's parent or guardian states in writing annually provides a signed statement to the school or child care facility on a form created by the Vermont department of health that the person, parent, or guardian:

(A) ~~has~~ holds religious beliefs or philosophical convictions opposed to immunization;

(B) has reviewed and understands evidence-based educational material provided by the department of health regarding immunizations; and

(C) understands that failure to complete the required vaccination schedule places the person and others at risk for contracting or carrying a vaccine-preventable infectious disease.

(b) The health department may provide by rule for further exemptions to immunization based upon sound medical practice.

Sec. 3. 18 V.S.A. § 1124 is amended as follows:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

(a) In addition to any data collected in accordance with the requirements of the Centers for Disease Control and Prevention, the Vermont department of health shall annually collect from schools the immunization rates for at least those students in the first and eighth grades for each required vaccine. The data collected by the department shall include the number of medical, philosophical, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

(b) Appropriate health personnel, including school nurses, shall have access to immunization records of anyone enrolled in Vermont schools or child care facilities, when access is required in the performance of official duties related to the immunizations required by this subchapter. Access to student immunization records shall only be provided with the prior written consent of parents and students as required by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted thereunder.

Sec. 4. 18 V.S.A. § 1130(b)(1) is amended to read:

(b)(1) The department of health shall establish an immunization pilot program with the ultimate goal of ensuring universal access to vaccines for all Vermonters at no charge to the individual and to reduce the cost at which the state may purchase vaccines. The pilot program shall be in effect from January 1, 2010, through December 31, ~~2012~~ 2014. During the term of the

pilot program, the department shall purchase, provide for the distribution of, and monitor the use of vaccines as provided for in this subsection and subsection (c) of this section. The cost of the vaccines and an administrative surcharge shall be reimbursed by health insurers as provided for in subsections (e) and (f) of this section.

Sec. 5. APPROPRIATION

For the 2013 fiscal year, \$40,395.00 shall be appropriated from the Global Commitment fund to the Vermont department of health for the purpose of improving the immunization rates of communities with low immunization rates or high provisional admittance rates. There shall be appropriated to the agency of human services \$17,600.00 in general funds and \$22,795.00 in federal funds.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the bill ought to pass in concurrence with proposal of amendment as recommended by the committee on Health Care.

Thereupon, the bill was read the second time and pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? **Rep. Keenan of St. Albans City** moved to amend the recommendation of proposal of amendment offered by the committee on Health Care, as follows:

By striking Sec. 5 in its entirety and renumbering the remaining section to be numerically correct. Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? **Rep. Donahue of Northfield** moved to amend the recommendation of proposal of amendment as follows:

By adding a new Sec. 5 to read as follows:

Sec. 5. REPORT

The Vermont department of health shall submit a report to the general assembly on or before January 15, 2014 containing data collected pursuant to 18 V.S.A. § 1124(a) for the purpose of informing future policy discussions regarding immunization exemptions.

and by renumbering the bill accordingly. Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? **Reps. Clark of**

Vergennes and Fisher of Lincoln moved to amend the recommendation of proposal of amendment as follows:

In Sec. 2, 18 V.S.A. § 1122, by striking subdivision (a)(3) and inserting in lieu thereof the following:

(3) If the person; or, in the case of a minor, the person's parent or guardian ~~states in writing~~ annually provides a signed statement to the school or child care facility on a form created by the Vermont department of health that the person, parent, or guardian:

(A) ~~has~~ holds religious beliefs or philosophical convictions opposed to immunization;

(B) has reviewed and understands evidence-based educational material provided by the department of health regarding immunizations, including information about the risks of adverse reactions to vaccination; and

(C) understands that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease.

Pending the question, Shall the report of the Committee on Health Care be further amended as recommended by Rep. Clark of Vergennes? **Rep. Clark of Vergennes** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Health Care be further amended as recommended by Rep. Clark of Vergennes? was decided in the affirmative. Yeas, 130. Nays, 3.

Those who voted in the affirmative are:

Acinapura of Brandon	Conquest of Newbury	Fagan of Rutland City
Ancel of Calais	Copeland-Hanzas of	Fisher of Lincoln
Andrews of Rutland City	Bradford	Frank of Underhill
Atkins of Winooski	Courcelle of Rutland City	French of Shrewsbury
Bartholomew of Hartland	Crawford of Burke	French of Randolph
Batchelor of Derby	Dakin of Chester	Gilbert of Fairfax
Botzow of Pownal	Deen of Westminster	Grad of Moretown
Bouchard of Colchester	Degree of St. Albans City	Greshin of Warren
Branagan of Georgia	Devereux of Mount Holly	Haas of Rochester
Browning of Arlington	Dickinson of St. Albans	Head of South Burlington
Burditt of West Rutland	Town	Heath of Westford
Buxton of Tunbridge	Donaghy of Poultney	Hebert of Vernon
Campion of Bennington	Donovan of Burlington	Helm of Fair Haven
Canfield of Fair Haven	Eckhardt of Chittenden	Higley of Lowell
Cheney of Norwich	Edwards of Brattleboro	Hooper of Montpelier
Christie of Hartford	Ellis of Waterbury	Howrigan of Fairfield
Clark of Vergennes	Emmons of Springfield	Hubert of Milton
Clarkson of Woodstock	Evans of Essex	Jerman of Essex

Jewett of Ripton	McAllister of Highgate	Sharpe of Bristol
Johnson of South Hero	McCullough of Williston	Shaw of Pittsford
Johnson of Canaan	McFaun of Barre Town	Smith of New Haven
Keenan of St. Albans City	Miller of Shaftsbury	South of St. Johnsbury
Kitzmiller of Montpelier	Mook of Bennington	Spengler of Colchester
Klein of East Montpelier	Moran of Wardsboro	Stevens of Waterbury
Koch of Barre Town	Mrowicki of Putney	Stevens of Shoreham
Komline of Dorset	Munger of South Burlington	Strong of Albany
Krowinski of Burlington	Myers of Essex	Stuart of Brattleboro
Kupersmith of South Burlington	Nuovo of Middlebury	Sweaney of Windsor
Larocque of Barnet	Olsen of Jamaica	Taylor of Barre City
Lawrence of Lyndon	O'Sullivan of Burlington	Till of Jericho
Lenes of Shelburne	Partridge of Windham	Toll of Danville
Leriche of Hardwick	Pearce of Richford	Trieber of Rockingham
Lewis of Berlin	Pearson of Burlington	Turner of Milton
Lewis of Derby	Peaslee of Guildhall	Waite-Simpson of Essex
Lippert of Hinesburg	Peltz of Woodbury	Webb of Shelburne
Lorber of Burlington	Perley of Enosburgh	Wilson of Manchester
Macaig of Williston	Poirier of Barre City	Winters of Williamstown
Macolm of Pawlet	Potter of Clarendon	Wizowaty of Burlington
Manwaring of Wilmington	Pugh of South Burlington	Woodward of Johnson
Marcotte of Coventry	Ralston of Middlebury	Wright of Burlington
Marek of Newfane	Ram of Burlington	Yantachka of Charlotte
Martin of Springfield	Reis of St. Johnsbury	Young of Glover
Martin of Wolcott	Russell of Rutland City	Zagar of Barnard
Masland of Thetford	Savage of Swanton	
	Scheuermann of Stowe	

Those who voted in the negative are:

Donahue of Northfield Kilmartin of Newport City * Shand of Weathersfield

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Consejo of Sheldon	McNeil of Rutland Town
Bissonnette of Winooski	Corcoran of Bennington	Morrissey of Bennington
Bohi of Hartford	Davis of Washington	O'Brien of Richmond
Brennan of Colchester	Howard of Cambridge	Townsend of Randolph
Burke of Brattleboro	Krebs of South Hero	
Condon of Colchester	Lanpher of Vergennes	

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

Clark-Fisher Amendment No. Parts (B) and (C) unconstitutionally coerce speech and affirm the truth of unverifiable facts, particularly in part (C). No disease is 100% preventable by vaccine. Part (C) represents a flat earth mentality. While well-intentioned, its wording is devilish when precisely applied.”

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? **Rep. Donahue of Northfield** moved to amend the recommendation of proposal of amendment as follows:

In Sec. 1, 18 V.S.A. § 1121, by adding subsection (d) to read as follows:

(d) If, after comparing school immunization rates made publicly available pursuant to subsection (c) of this section, a vaccinated person or, if the person is a minor, the person's parent or guardian has concerns about the risks to the person from unvaccinated students enrolled in the school maintained by the person's school district of residence, then the person may enroll in a public school maintained by an adjoining school district with a higher immunization rate. The school district of residence shall pay tuition for the person pursuant to 16 V.S.A. §§ 823 and 824.

Which was disagreed to in a Division vote. Yeas, 34. Nays, 88.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? **Reps. Poirier of Barre City and Koch of Barre Town** moved to amend the recommendation of proposal of amendment as follows:

First: By striking Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. 18 V.S.A. § 1122(a) is amended to read:

(a) A person may remain in school or in the child care facility without a required immunization:

* * *

(3) If the person, or, in the case of a minor, the person's parent or guardian states in writing that the person, parent, or guardian has religious beliefs ~~or philosophical convictions~~ opposed to immunization.

Second: In Sec. 3, 18 V.S.A. § 1124, subsection (a), in the second sentence, by striking "philosophical."

Pending the question, Shall the report of the Committee on Health Care be amended as recommended by Reps. Poirier of Barre City and Rep. Koch of Barre Town? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Health Care be amended as recommended by Reps. Poirier of Barre City and Rep. Koch of Barre Town? was decided in the negative. Yeas, 36. Nays, 93.

Those who voted in the affirmative are:

Buxton of Tunbridge	Gilbert of Fairfax	McFaun of Barre Town
Campion of Bennington	Heath of Westford	Miller of Shaftsbury
Christie of Hartford	Helm of Fair Haven	Myers of Essex
Clarkson of Woodstock	Howrigan of Fairfield	O'Sullivan of Burlington
Dakin of Chester	Hubert of Milton	Poirier of Barre City *
Degree of St. Albans City	Jerman of Essex	Potter of Clarendon
Dickinson of St. Albans Town	Keenan of St. Albans City	Savage of Swanton
Donaghy of Poultney	Koch of Barre Town	Shand of Weathersfield
Donahue of Northfield *	Komline of Dorset	Till of Jericho
Evans of Essex	Lewis of Derby	Toll of Danville
Fagan of Rutland City	Lorber of Burlington	Turner of Milton
French of Randolph	Macaig of Williston	
	Marek of Newfane	

Those who voted in the negative are:

Acinapura of Brandon	Higley of Lowell	Pearce of Richford
Ancel of Calais	Hooper of Montpelier	Pearson of Burlington
Andrews of Rutland City *	Jewett of Ripton	Peaslee of Guildhall
Atkins of Winooski *	Johnson of South Hero	Peltz of Woodbury
Bartholomew of Hartland	Johnson of Canaan	Perley of Enosburgh
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Botzow of Pownal	Kitzmiller of Montpelier	Ralston of Middlebury
Bouchard of Colchester	Klein of East Montpelier	Ram of Burlington
Branagan of Georgia	Krowinski of Burlington	Reis of St. Johnsbury
Browning of Arlington	Kupersmith of South Burlington	Russell of Rutland City
Burditt of West Rutland	Larocque of Barnet	Scheuermann of Stowe
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Clark of Vergennes	Leriche of Hardwick	Smith of New Haven
Conquest of Newbury	Lewis of Berlin	South of St. Johnsbury
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Spengler of Colchester
Courcelle of Rutland City	Malcolm of Pawlet	Stevens of Waterbury
Crawford of Burke	Manwaring of Wilmington	Stevens of Shoreham
Devereux of Mount Holly	Marcotte of Coventry	Stuart of Brattleboro
Donovan of Burlington	Martin of Springfield	Sweaney of Windsor
Eckhardt of Chittenden	Martin of Wolcott	Taylor of Barre City
Edwards of Brattleboro	Masland of Thetford	Trieber of Rockingham
Emmons of Springfield	McAllister of Highgate	Waite-Simpson of Essex *
Fisher of Lincoln	McCullough of Williston	Webb of Shelburne
Frank of Underhill	Mook of Bennington	Wilson of Manchester
French of Shrewsbury	Moran of Wardsboro	Wizowaty of Burlington *
Grad of Moretown	Mrowicki of Putney	Woodward of Johnson
Greshin of Warren	Munger of South Burlington	Wright of Burlington
Haas of Rochester	Nuovo of Middlebury	Yantachka of Charlotte
Head of South Burlington	Olsen of Jamaica	Young of Glover
Hebert of Vernon	Partridge of Windham	Zagar of Barnard

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Corcoran of Bennington	McNeil of Rutland Town
Bissonnette of Winooski	Davis of Washington	Morrissey of Bennington
Bohi of Hartford	Deen of Westminster	O'Brien of Richmond
Brennan of Colchester	Ellis of Waterbury	Strong of Albany
Burke of Brattleboro	Howard of Cambridge	Townsend of Randolph
Condon of Colchester	Krebs of South Hero	Winters of Williamstown
Consejo of Sheldon	Lanpher of Vergennes	

Rep. Andrews of Rutland City explained her vote as follows:

“Mr. Speaker:

I believe, at this time, education and information are the best way to increase vaccination rates. I remain deeply concerned about children with medical conditions who cannot be vaccinated.

With every right comes a responsibility. I hope that parents will educate themselves about how their choices for their own children will affect other, often very vulnerable children and consider their responsibilities toward all children high in their hearts and minds as they exercise their rights to make their decisions.”

Rep. Atkins of Winooski explained his vote as follows:

“Mr. Speaker:

I vote ‘no’ to remove the philosophical exemption. If the child is in school, the school can set up a program and encourage families to become current in their shots. Education is the key. If a child is not in school, we have no control and our kids will still play together thus increasing the risk of contamination.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

The fundamental issue before us is whether public health protection requires removal of an exemption that allows parents to make their own decision about the cost-benefit of vaccines. I am far from convinced that it does. However, the alternative is the underlying amendment that directly states that the failure to complete vaccinations does increase risk to others, yet says we will permit those decisions regardless. That I cannot support.”

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I am disappointed with the vote, but I appreciate the spirit of the debate.”

Rep. Waite-Simpson of Essex explained her vote as follows:

“Mr. Speaker:

If Vermont’s vaccination rates do not increase as a result of our additional outreach and education, I’ll be the first one to suggest removing the philosophical exemption. But we first need to try this less intrusive and less offensive option. Once we remove a civil liberty, it will likely never return.”

Rep. Wizowaty of Burlington explained her vote as follows:

“Mr. Speaker:

It seems clear most of us share the goal of increasing the number of people – children and adults – who are immunized against infectious diseases. I would honestly prefer we have no religious or philosophical exemption. But since we do, I’m afraid that the conversation has become so polarized that removing the philosophical exemption at this point may have the opposite effect, hardening parents’ positions and potentially driving them further away from the health care system. I will put my faith instead in greater education.”

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? **Rep. Fisher of Lincoln** moved to amend the recommendation of proposal of amendment as follows:

First: in Sec. 1, 18 V.S.A. § 1121(c), by adding a second sentence to read:

“Notwithstanding section 1120 of this title, for the purposes of this subsection only, the term “child care facility” shall exclude a family day care home licensed or registered under 33 V.S.A. chapter 35.”

Second: in Sec. 2, 18 V.S.A. § 1122, by adding a subsection (c) to read:

(c) A form signed pursuant to subdivision (a)(3) of this section and the fact that such a form was signed shall not be:

(1) construed to create or deny civil liability for any person; or

(2) admissible as evidence in any civil proceeding.

Which was agreed to.

Thereupon, the report of the committees on Health Care, as amended, and Appropriations agreed to and third reading was ordered.

Adjournment

At six o'clock and forty-five minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.