

S.27

Introduced by Senator Pollina

Referred to Committee on

Date:

Subject: Human services; individuals with disabilities; respectful language

Statement of purpose: This bill proposes to replace with respectful language
offensive terms used for individuals with a disability.

An act relating to respectful language in the Vermont Statutes Annotated

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. PURPOSE AND INTENT

(a) For the purpose of reversing demeaning stereotypes, changing negative
attitudes, and cultivating a culture of respect toward persons with disabilities,
the General Assembly seeks to replace offensive statutory terms with language
that recognizes persons as opposed to their disabilities.

(b) Notwithstanding Secs. 7, 10a, 222, and 223, nothing in this act shall be
construed to alter the substance or effect of existing law or judicial precedent.
Changes in terminology made in this act are merely meant to reflect evolving
attitudes toward persons with disabilities.

1 Sec. 2. 1 V.S.A. § 120 is amended to read:

2 § 120. INSANE PERSON

3 “Insane person” shall include ~~every idiot, non compos, lunatic and~~
4 ~~distracted~~ any person with a major psychiatric disability.

5 Sec. 3. 1 V.S.A. chapter 5, subchapter 5 is amended to read:

6 Subchapter 5. Interpreters for Judicial, Administrative, and
7 Legislative Proceedings

8 § 331. DEFINITIONS

9 As used in this subchapter:

10 (1) “~~Deaf~~ Person who is deaf or hard of hearing ~~person~~” means any
11 person who has such difficulty hearing, even with amplification, that he or she
12 cannot rely on hearing for communication.

13 * * *

14 (3) “Qualified interpreter” means an interpreter for a person who is deaf
15 or hard of hearing ~~person~~ who meets standards of competency established by
16 the national or Vermont Registry of Interpreters for the Deaf as amended, by
17 rule, by the Vermont ~~commission of the deaf and hearing impaired~~
18 Commission of the Deaf and Hearing Impaired.

1 § 332. RIGHT TO INTERPRETER; ASSISTIVE LISTENING EQUIPMENT

2 (a) Any person who is deaf or hard of hearing ~~person~~ who is a party or
3 witness in any proceeding shall be entitled to be provided with a qualified
4 interpreter for the duration of the person's participation in the proceeding.

5 (b) Any person who is deaf or hard of hearing ~~person~~ shall be entitled to be
6 provided with a qualified interpreter upon five working days' notice that the
7 person has reasonable need to do any of the following:

8 (1) Transact business with any state board or agency.

9 (2) Participate in any state-sponsored activity, including public hearings,
10 conferences, and public meetings.

11 (3) Participate in any official state legislative activities.

12 (c) If a person who is deaf or hard of hearing ~~person~~ is unable to use or
13 understand sign language, the presiding officer or state board or agency or state
14 legislative official shall, upon five working days' notice, make available
15 appropriate assistive listening equipment for use during the proceeding or
16 activity.

17 § 333. APPOINTMENT OF INTERPRETER

18 (a) The presiding officer in a proceeding shall appoint an interpreter after
19 making a preliminary determination that the interpreter is able to readily
20 communicate with the person who is deaf or hard of hearing ~~person~~, to
21 accurately interpret statements or communications from the person who is deaf

1 or hard of hearing ~~person~~, and to interpret the proceedings to the person who is
2 deaf or hard of hearing ~~person~~.

3 * * *

4 § 336. RULES; INFORMATION; LIST OF INTERPRETERS

5 (a) The Vermont ~~commission of the deaf and hearing impaired~~
6 Commission of the Deaf and Hearing Impaired shall, by rule, establish factors
7 to be considered by the presiding officer under section 333 of this title before
8 appointing an interpreter who is not a qualified interpreter. Such factors shall
9 encourage the widest availability of interpreters in Vermont while at the same
10 time ensuring that the interpreter:

11 (1) is able to communicate readily with the person who is deaf or hard
12 of hearing ~~person~~;

13 (2) is able to interpret accurately statements or communications by the
14 person who is deaf or hard of hearing ~~person~~;

15 (3) is able to interpret the proceedings to the person who is deaf or hard
16 of hearing ~~person~~;

17 (4) shall maintain confidentiality;

18 (5) shall be impartial with respect to the outcome of the proceeding;

19 (6) shall not exert any influence over the person who is deaf or hard of
20 hearing ~~person~~; and

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1 ~~limited to~~ the appointment of a qualified interpreter, to ensure that the
2 defendant understood his or her constitutional rights.

3 (b) The provisions of subsection (a) of this section supplement the
4 constitutional rights of the person who is deaf or hard of hearing ~~person~~.

5 § 339. COMMUNICATIONS MADE TO INTERPRETERS; PROHIBITION
6 ON DISCLOSURE

7 (a) An interpreter, whether or not the interpreter is a qualified interpreter,
8 shall not disclose or testify to:

9 (1) a communication made by a person to an interpreter acting in his or
10 her capacity as an interpreter for a person who is deaf or hard of hearing ~~person~~
11 or a person with limited English proficiency; or

12 (2) any information obtained by the interpreter while acting in his or her
13 capacity as an interpreter for a person who is deaf or hard of hearing ~~person~~ or
14 a person with limited English proficiency.

15 (b) There is no prohibition on disclosure under this section if the services
16 of the interpreter were sought or obtained to enable or aid anyone to commit or
17 plan to commit what the person who is deaf or hard of hearing ~~person~~ or the
18 person with limited English proficiency knew or reasonably should have
19 known to be a crime or fraud.

20 * * *

1 Sec. 4. 1 V.S.A. chapter 21, subchapter 2 is amended to read:

2 Subchapter 2. Interchange of State Employees

3 * * *

4 § 824. STATUS OF EMPLOYEES OF THIS STATE

5 * * *

6 (c) Any employee who participates in an exchange under the terms of this
7 section who ~~suffers~~ has a disability or ~~death~~ dies as a result of personal injury
8 arising out of and in the course of an exchange, or sustained in performance of
9 duties in connection therewith, shall be treated, for the purposes of the sending
10 agency's employee compensation program, as an employee, as defined in the
11 law creating that program, who has sustained the injury in the performance of
12 his or her duty, but shall not receive benefits under that law for any period for
13 which he or she is entitled to and elects to receive similar benefits under the
14 receiving agency's employee compensation program.

15 * * *

16 § 826. STATUS OF EMPLOYEES OF OTHER GOVERNMENTS

17 * * *

18 (d) Any employee of a sending agency assigned in this state who ~~suffers~~
19 has a disability or ~~death~~ dies as a result of personal injury arising out of and in
20 the course of that assignment, or sustained in the performance of duties in
21 connection therewith, shall be treated for the purpose of receiving agency's

1 employee compensation program, as an employee, as defined in its law, who
2 has sustained the injury in the performance of that duty, but shall not receive
3 benefits under that law for any period for which he or she elects to receive
4 similar benefits as an employee under the sending agency's employee
5 compensation program.

6 * * *

7 Sec. 5. 3 V.S.A. § 128(a) is amended to read:

8 (a) Any hospital, clinic, community mental health center, or other health
9 care institution in which a licensee performs professional services shall report
10 to the appropriate board, along with supporting information and evidence, any
11 disciplinary action taken by it or its staff, after an initial investigation or
12 hearing in which the licensee has been afforded the opportunity to participate,
13 which limits or conditions the licensee's privilege to practice or leads to
14 suspension or expulsion from the institution. The report shall be made within
15 ten days of the date ~~such~~ the disciplinary action was taken, regardless of
16 whether the action is the subject of a pending appeal, and in the case of a
17 licensee who is employed by, or under contract with, a community mental
18 health center, a copy of the report shall also be sent to the ~~commissioner of~~
19 ~~mental health and mental retardation~~ Commissioner of Mental Health. This
20 section shall not apply to cases of resignation, separation from service, or
21 changes in privileges which are unrelated to:

* * *

Sec. 6. 3 V.S.A. § 309a is amended to read:

§ 309a. EMPLOYMENT OF ~~THE HANDICAPPED~~ PERSONS WITH
DISABILITIES

(a) The ~~commissioner~~ Commissioner shall adopt rules under chapter 25 of this title in consultation with appropriate vocational rehabilitation agencies, interested private associations and organizations, and interested individuals to establish procedures on the employment of ~~the handicapped persons with~~ disabilities.

(b) Rules adopted by the ~~commissioner~~ Commissioner shall allow flexibility with respect to hiring ~~handicapped persons~~ with a disability. The ~~commissioner~~ Commissioner may require certification by the ~~commissioner of the department of disabilities, aging, and independent living~~ Commissioner of Disabilities, Aging, and Independent Living to accompany the usual application for employment. The ~~commissioner of the department of disabilities, aging, and independent living~~ Commissioner of Disabilities, Aging, and Independent Living shall indicate in its certification that:

(1) the applicant is physically qualified to do the work without hazard to himself or herself or others; and

(2) the applicant is competent to maintain himself or herself in a work environment.

1 (c) The ~~commissioner~~ Commissioner, in the ~~commissioner's~~ his or her
2 discretion, may waive qualifications which exclude a ~~handicapped~~ person with
3 a disability who is otherwise qualified. A waiver may apply to competitive
4 entrance examinations, provisions relating to previous experience, or any other
5 requirement for qualification. A waiver is to be used for equal access to
6 employment, not for an advantage.

7 Sec. 7. 3 V.S.A. § 833 is amended to read:

8 § 833. STYLE OF RULES

9 (a) Rules and procedures shall be written in a clear and coherent manner
10 using words with common and everyday meanings, consistent with the text of
11 the rule or procedure.

12 (b)(1) Agencies may revise existing rules to use respectful language
13 consistent with the Vermont Statutes Annotated and the respectful language
14 study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1
15 without engaging in the administrative rulemaking procedures described in this
16 chapter. Such authority pertains only to nonsubstantive revisions that replace
17 potentially disrespectful language with respectful language and does not confer
18 authority to make other changes.

19 (2) When an agency proposes to amend an existing rule, it shall replace
20 terms identified as potentially disrespectful by the study produced in
21 accordance with 2012 Acts and Resolves No. 24, Sec. 1 with respectful

1 language recommended therein or used in the Vermont Statutes Annotated,
2 where appropriate.

3 (3) All new rules adopted by agencies shall use respectful language
4 consistent with the Vermont Statutes Annotated and the respectful language
5 study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1,
6 where appropriate.

7 Sec. 7a. 3 V.S.A. § 2002 is amended to read:

8 § 2002. EXECUTIVE ORDERS

9 (a) The ~~governor~~ Governor may propose by executive order changes in the
10 organization of the ~~executive branch~~ Executive Branch of government which
11 are not consistent with or will supersede existing organization provided for by
12 law. The executive order shall be submitted to both houses of the ~~general~~
13 ~~assembly~~ General Assembly.

14 (b) An executive order issued under this chapter shall be presented to the
15 ~~general assembly~~ General Assembly not later than January 15th of the year in
16 which the ~~general assembly~~ General Assembly sits. The executive order shall
17 become effective unless disapproved by resolution of either house of the
18 ~~general assembly~~ General Assembly within 90 days, or before final
19 adjournment of that annual session, whichever comes first.

1 (c) Executive orders which become effective under this chapter shall be
2 printed with the session laws and published as an appendix to the Vermont
3 Statutes Annotated.

4 (d)(1) Notwithstanding subsections (a) and (b) of this section, the Governor
5 may revise existing executive orders to use respectful language consistent with
6 Vermont Statutes Annotated and the respectful language study produced in
7 accordance with 2012 Acts and Resolves No. 24, Sec. 1. The authority
8 pertains only to nonsubstantive revisions using respectful language and does
9 not confer authority to make other changes.

10 (2) All new executive orders proposed by the Governor shall use
11 respectful language consistent with the Vermont Statutes Annotated and the
12 respectful language study produced in accordance with 2012 Acts and
13 Resolves No. 24, Sec. 1, where appropriate.

14 Sec. 8. 3 V.S.A. § 3002(b) is amended to read:

15 (b) The following units are attached to the agency for administrative
16 support:

17 (1) Vermont ~~veterans' home~~ Veterans' Home.

18 (2) Governor's ~~committee on children and youth~~ Committee on Children
19 and Youth.

20 (3) Interdepartmental ~~council on aging~~ Council on Aging.

21 (4)–(17) [Repealed.]

4 (20) [Repealed.]

13 * * *

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2 (3) Review or participate in the development of laws, rules, and other
3 governmental initiatives which may affect individuals with Alzheimer's
4 disease and other dementia-related disorders, and their families. This may
5 include participation in the development of rules and procedures related to
6 ~~No. 160 of the Acts of the 1995 Adj. Sess. (1996)~~ 1996 Acts and Resolves
7 No. 160, Medicare and Medicaid, nursing and residential care facilities, adult
8 day centers, special care units, and all community-based services to ~~elders~~
9 persons who are elderly.

10 * * *

11 Sec. 11. 4 V.S.A. § 33 is amended to read:

12 § 33. JURISDICTION; FAMILY DIVISION

13 Notwithstanding any other provision of law to the contrary, the family
14 division shall have exclusive jurisdiction to hear and dispose of the following
15 proceedings filed or pending on or after October 1, 1990:

16 * * *

17 (10) All ~~protective~~ guardianship services proceedings for
18 ~~developmentally disabled~~ persons proceedings with developmental disabilities
19 filed pursuant to 18 V.S.A. chapter 215 ~~of Title 18~~.

20 * * *

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* * *

(iv) All involuntary sterilization proceedings filed pursuant to
18 V.S.A. chapter 204 of Title 18.

(v) All care for ~~mentally retarded~~ persons with developmental
disabilities proceedings filed pursuant to 18 V.S.A. chapter 206 of Title 18.

(vi) All proceedings specifically within the jurisdiction of the
office of magistrate.

* * *

Sec. 13. 4 V.S.A. § 311a is amended to read:

§ 311a. VENUE GENERALLY

For proceedings authorized to the probate division of superior court, venue
shall lie as provided in Title 14A for the administration of trusts, and otherwise
in a probate district as follows:

* * *

(7) Appointment of a guardian of a person resident in this state:

~~(A)~~ in the district where the ~~ward~~ person under guardianship resides
at the time of appointment; ₂ except

~~(B)~~ when the guardian is appointed for a minor who is interested in a
decedent's estate as an heir, devisee, ₂ or legatee or representative of either, in
the district where the decedent's estate is being probated.

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(B) in the district where the ~~ward~~ person under guardianship resides.

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(B) in the district where the ~~ward~~ person under guardianship resides.

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1 Department for Children and Families or a licensed child placing agency, in
2 the district where the department or agency is located or has its principal
3 office.

4 * * *

5 (25) Petition for license to convey homestead interest of ~~an insane~~ a
6 spouse who has a major psychiatric disability: in the district where the
7 homestead is situated.

8 (26) Declaratory judgments (unless otherwise provided in Title 14A for
9 proceedings relating to the administration of trusts):

10 (A) if any related proceeding is then pending in any probate division
11 of the superior court, in that district;

12 (B) if no proceeding is pending:

13 (i) in the district where the petitioner resides; or

14 (ii) if a decedent's estate, a guardian or ~~ward~~ person under
15 guardianship, or trust governed by Title 14 is the subject of the proceeding, in
16 any district where venue lies for a proceeding thereon.

17 * * *

18 Sec. 14. 5 V.S.A. § 3529 is amended to read:

19 § 3529. WHEN OWNER IS AN INFANT, ~~MENTAL DEFECTIVE OR~~
20 INSANE OR HAS AN INTELLECTUAL OR PSYCHIATRIC
21 DISABILITY

1 * * *

2 (4) Customer inspection and notification.

3 * * *

4 (B) A sign with the words “Unpasteurized (Raw) Milk. Not
5 pasteurized. Keep Refrigerated.” and “This product has not been pasteurized
6 and therefore may contain harmful bacteria that can cause illness particularly
7 in children, ~~the persons who are~~ elderly, and persons with weakened immune
8 systems and in pregnant women can cause illness, miscarriage, or fetal death,
9 or death of a newborn.” shall be displayed prominently on the farm in a place
10 where it can be easily seen by customers. The lettering shall be at least one
11 inch in height and shall be clearly readable.

12 Sec. 16. 8 V.S.A. § 3835(3) is amended to read:

13 (3) “Chronically ill” means:

14 (A) being unable to perform at least two activities of daily living,
15 including eating, toileting, transferring, bathing, dressing, or continence;

16 (B) requiring substantial supervision to protect the individual from
17 threats to health and safety due to ~~severe cognitive impairment~~ intellectual
18 disability; or

19 (C) having a level of disability similar to that described in
20 subdivision (A) of this subdivision (3) as determined by the appropriate

1 administrator of a state or federal public disability insurance or benefit
2 program.

3 Sec. 17. 8 V.S.A. § 4080f(a) is amended to read:

4 (a) As used in this section:

5 * * *

6 (3) “Chronic care” means health services provided by a health care
7 professional for an established clinical condition that is expected to last a year
8 or more and that requires ongoing clinical management attempting to restore
9 the individual to highest function, minimize the negative effects of the
10 condition, and prevent complications related to chronic conditions. Examples
11 of chronic conditions include diabetes, hypertension, cardiovascular disease,
12 cancer, asthma, pulmonary disease, substance abuse, ~~mental illness~~ psychiatric
13 disability, spinal cord injury, and hyperlipidemia.

14 * * *

15 (8) “Primary care” means health services provided by health care
16 professionals, including naturopathic physicians licensed pursuant to 26 V.S.A.
17 chapter 81, who are specifically trained for and skilled in first-contact and
18 continuing care for individuals with signs, symptoms, or health concerns, not
19 limited by problem origin, organ system, or diagnosis, and shall include
20 prenatal care and the treatment of ~~mental illness~~ psychiatric disability.

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1 (B) The rules adopted by the ~~commissioner~~ Commissioner shall
2 ~~assure~~ ensure that:

3 * * *

4 (vi) the health insurance plan is consistent with the Blueprint for
5 Health with respect to mental ~~health~~ conditions, as determined by the
6 ~~commissioner~~ Commissioner under 18 V.S.A. § 9414(b)(2);

7 (vii) a quality improvement project is completed annually as a
8 joint project between the health insurance plan and its mental health managed
9 care organization to implement policies and incentives to increase
10 collaboration among providers that will facilitate clinical integration of
11 services for medical and mental ~~health~~ conditions, including:

12 (I) evidence of how data collected from the quality
13 improvement project are being used to inform the practices, policies, and
14 future direction of care management programs for mental ~~health~~
15 conditions; and

16 (II) demonstration of how the quality improvement project is
17 supporting the incorporation of best practices and evidence-based guidelines
18 into the utilization review of mental ~~health~~ conditions;

19 * * *

20 (C) Prior to the adoption of rules pursuant to this subdivision, the
21 ~~commissioner~~ Commissioner shall consult with the ~~commissioner of mental~~

1 ~~health~~ Commissioner of Mental Health and the task force established pursuant
2 to subsection (h) of this section concerning:

3 (i) developing incentives and other measures addressing the
4 availability of providers of care and treatment for mental ~~health~~ conditions,
5 especially in medically underserved areas;

6 (ii) incorporating nationally recognized best practices and
7 evidence-based guidelines into the utilization review of mental ~~health~~
8 conditions; and

9 (iii) establishing benefit design, infrastructure support, and
10 payment methodology standards for evaluating the health insurance plan's
11 consistency with the Blueprint for Health with respect to the care and treatment
12 of mental ~~health~~ conditions.

13 (2) A managed care organization providing or administering coverage
14 for treatment of mental ~~health~~ conditions on behalf of a health insurance plan
15 shall comply with this section, sections 4089a and 4724 of this title, and
16 18 V.S.A. § 9414, with rules adopted pursuant to those provisions of law, and
17 with all other obligations, under Title 18 and under this title, of the health
18 insurance plan and the health insurer on behalf of which the review agent is
19 providing or administering coverage. A violation of any provision of this
20 section shall constitute an unfair act or practice in the business of insurance in
21 violation of section 4723 of this title.

* * *

(1) For treatment of ~~mental illness~~ psychiatric disabilities:

(B) in a mental health facility qualified pursuant to rules adopted by

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1 comprises at least five percent of the ~~commercially-insured~~ commercially
2 insured Vermont market, shall file with the ~~commissioner~~ Commissioner, in
3 accordance with standards, procedures, and forms approved by the
4 ~~commissioner~~ Commissioner:

5 (1) A report card on the health insurance plan's performance in relation
6 to quality measures for the care, treatment, and treatment options of mental
7 ~~health~~ and substance abuse conditions covered under the plan, pursuant to
8 standards and procedures adopted by the ~~commissioner~~ Commissioner by rule,
9 and without duplicating any reporting required of such companies pursuant to
10 Rule H-2009-03 of the ~~division of health care administration~~ Division of
11 Health Care Administration and regulation 95-2, "Mental Health Review
12 Agents," of the ~~division of insurance~~ Division of Insurance, as amended,
13 including:

14 * * *

15 (F) the rates of readmission to inpatient mental health and substance
16 abuse care and treatment for insureds with a mental ~~health~~ condition;

17 * * *

18 (2) The health insurance plan's revenue loss and expense ratio relating
19 to the care and treatment of mental ~~health~~ conditions covered under the health
20 insurance plan. The expense ratio report shall list amounts paid in claims for
21 services and administrative costs separately. A managed care organization

1 providing or administering coverage for treatment of mental ~~health~~ conditions
2 on behalf of a health insurance plan shall comply with the minimum loss ratio
3 requirements pursuant to the Patient Protection and Affordable Care Act of
4 2010, Public Law 111-148, as amended by the Health Care and Education
5 Reconciliation Act of 2010, Public Law 111-152, applicable to the underlying
6 health insurance plan with which the managed care organization has contracted
7 to provide or administer such services. The health insurance plan shall also
8 bear responsibility for ensuring the managed care organization's compliance
9 with the minimum loss ratio requirement pursuant to this subdivision.

10 (h) [Repealed.]

11 Sec. 19a. 8 V.S.A. § 4089b(c) is amended to read:

12 (c) A health insurance plan shall provide coverage for treatment of a mental
13 health condition and shall:

14 (1) not establish any rate, term, or condition that places a greater burden
15 on an insured for access to treatment for a mental condition than for access to
16 treatment for other health conditions, including no greater co-payment for
17 primary mental health care or services than the co-payment applicable to care
18 or services provided by a primary care provider under an insured's policy and
19 no greater co-payment for specialty mental health care or services than the
20 co-payment applicable to care or services provided by a specialist provider
21 under an insured's policy;

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1 (5) “Licensed mental health professional” means a licensed physician,
2 psychologist, social worker, mental health counselor, or nurse with
3 professional training, experience, and demonstrated competence in the
4 treatment of ~~mental illness~~ a psychiatric disability.

5 Sec. 21. 8 V.S.A. § 5101(4) is amended to read:

6 (4) “Health care services” means physician, hospitalization, laboratory,
7 x-ray service, and medical equipment and supplies, which may include ~~but are~~
8 ~~not limited to:~~ medical, surgical, and dental care; psychological, obstetrical,
9 osteopathic, optometric, optic, podiatric, chiropractic, nursing, physical therapy
10 services, and pharmaceutical services; health education; preventive medical,
11 rehabilitative, and home health services; inpatient and outpatient hospital
12 services, extended care, nursing home care, convalescent institutional care,
13 laboratory and ambulance services, appliances, drugs, medicines, and supplies;
14 and any other care, service, or treatment of disease or conditions, ~~correction of~~
15 ~~defects~~, or the maintenance of the physical and mental well-being of members;

16 Sec. 22. 8 V.S.A. § 8082(5) is amended to read:

17 (5) “Long-term care insurance” means any insurance policy or rider
18 advertised, marketed, offered or designed to provide coverage for not less than
19 12 consecutive months for each covered person on an expense incurred,
20 indemnity, prepaid, or other basis, for one or more necessary or medically
21 necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or

1 personal care services provided in a setting other than an acute care unit of a
2 hospital. The term includes group and individual annuities and life insurance
3 policies or riders that provide directly or supplement long-term care insurance.
4 The term also includes a policy or rider that provides for payment of benefits
5 based upon ~~cognitive impairment~~ intellectual disability or the loss of functional
6 capacity. The term also includes qualified long-term care insurance contracts.
7 Long-term care insurance may be issued by insurers, fraternal benefit societies,
8 nonprofit health, hospital, and medical service corporations, prepaid health
9 plans, health maintenance organizations, or any similar organization to the
10 extent it is otherwise authorized to issue life or health insurance. Long-term
11 care insurance shall not include any insurance policy that is offered primarily
12 to provide basic Medicare supplement coverage, basic hospital expense
13 coverage, basic medical-surgical expense coverage, hospital confinement
14 indemnity coverage, major medical expense coverage, disability income or
15 related asset-protection coverage, accident only coverage, specified disease or
16 specified accident coverage, or limited benefit health coverage. With regard to
17 life insurance, this term does not include life insurance policies that accelerate
18 the death benefit specifically for one or more of the qualifying events of
19 terminal illness, medical conditions requiring extraordinary medical
20 intervention or permanent institutional confinement, and that provide the
21 option of a lump-sum payment for those benefits where neither the benefits nor

1 the eligibility for the benefits is conditioned upon the receipt of long-term care.

2 Notwithstanding any other provision of this chapter, any product advertised,
3 marketed, or offered as long-term care insurance shall be subject to the
4 provisions of this chapter.

5 Sec. 23. 8 V.S.A. § 8085(b) is amended to read:

6 (b) No long-term care insurance policy may:

7 * * *

8 (4) deny benefits or coverage on the basis that the need for services
9 arises from a mental ~~health~~ condition or Alzheimer's disease and related
10 disorders;

11 * * *

12 Sec. 24. 8 V.S.A. § 10403 is amended to read:

13 § 10403. PROHIBITION ON DISCRIMINATION BASED ON SEX,
14 MARITAL STATUS, RACE, COLOR, RELIGION, NATIONAL
15 ORIGIN, AGE, SEXUAL ORIENTATION, GENDER IDENTITY,
16 OR ~~HANDICAPPING CONDITION~~ DISABILITY

17 (a) No financial institution shall discriminate against any applicant for
18 credit services on the basis of the sex, marital status, race, color, religion,
19 national origin, age, sexual orientation, gender identity, or ~~handicapping~~
20 ~~condition~~ disability of the applicant, provided the applicant has the legal
21 capacity to contract.

1 * * *

2 (c) Definitions. As used in this section:

3 * * *

4 (6) "~~Handicapping condition~~ Disability" applied to an applicant means a
5 ~~handicapped individual~~ person with a disability as defined in 21 V.S.A.

6 § 495d(5). ~~For the purposes of~~ As used in this section, an applicant with a
7 ~~handicapping condition~~ disability does not include an alcoholic or drug abuser
8 who, by reason of current alcohol or drug use, constitutes an unacceptable
9 credit risk.

10 * * *

11 Sec. 25. 8 V.S.A. § 10501 is amended to read:

12 § 10501. BASIC BANKING

13 It is the public policy of this ~~state~~ State to promote the economic viability
14 and prosperity of its residents and to promote, attract and encourage savings.
15 The ~~legislature~~ General Assembly finds and declares that access to basic
16 banking services for basic depository transactions is necessary for the payment
17 of monthly expenses and for the encouragement of thrift by Vermont
18 consumers. The ~~legislature~~ General Assembly further finds and declares that
19 reasonable cost basic banking services promote savings on the part of
20 consumers who are young, elderly and , or have low income consumers, and
21 ~~provides~~ provide, through means of payment by check, draft, negotiable order

1 of withdrawal, or similar instrument, a viable alternative for cash transactions
2 which is essential to all Vermont consumers. Therefore, it is the purpose of
3 this chapter to ensure that basic banking services remain available to all
4 Vermont consumers.

5 Sec. 26. 9 V.S.A. § 41c(a) is amended to read:

6 (a) As used in this section:

7 (1) "Assistive device" means any item, piece of equipment, or product
8 system, whether acquired commercially off-the-shelf, modified, or customized,
9 that is used or designed to be used to increase, maintain, or improve any
10 functional capability of an individual with disabilities. An assistive device
11 system, that as a whole is within the definition of this term, is itself an assistive
12 device, and, in such cases, this term also applies to each component product of
13 the assistive device system that is itself ordinarily an assistive device. This
14 term includes, ~~but is not limited to:~~

15 * * *

16 (D) hearing aids, telephone communication devices for ~~the deaf~~
17 people who are deaf, and other assistive listening devices;

18 * * *

1 Sec. 27. 9 V.S.A. § 2362 is amended to read:

2 § 2362. PROHIBITION ON DISCRIMINATION BASED ON SEX,
3 SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL
4 STATUS, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE,
5 OR ~~HANDICAPPING CONDITION~~ DISABILITY

6 No seller shall discriminate against any buyer or prospective buyer who
7 desires to establish a retail installment contract because of the sex, sexual
8 orientation, gender identity, marital status, race, color, religion, national origin,
9 age, or ~~handicapping condition~~ disability of the buyer.

10 Sec. 28. 9 V.S.A. § 2388 is amended to read:

11 § 2388. PROHIBITION ON DISCRIMINATION BASED ON SEX,
12 SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL
13 STATUS, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE,
14 OR ~~HANDICAPPING CONDITION~~ DISABILITY

15 No person shall discriminate against any lessee or prospective lessee who
16 has entered into an agricultural finance lease, or who desires to enter into an
17 agricultural finance lease, because of the sex, sexual orientation, gender
18 identity, marital status, race, color, religion, national origin, age, or
19 ~~handicapping condition~~ disability of the lessee.

1 Sec. 29. 9 V.S.A. § 2410 is amended to read:

2 § 2410. PROHIBITION ON DISCRIMINATION BASED ON SEX,
3 SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL
4 STATUS, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE,
5 OR ~~HANDICAPPING CONDITION~~ DISABILITY

6 No seller shall discriminate against any buyer or prospective buyer who
7 desires to establish a retail installment contract or retail charge agreement
8 because of the sex, sexual orientation, gender identity, marital status, race,
9 color, religion, national origin, age, or ~~handicapping condition~~ disability of the
10 buyer.

11 Sec. 30. 9 V.S.A. § 4110a is amended to read:

12 § 4110a. GASOLINE SERVICE TO ~~DISABLED~~ PERSONS WITH A
13 DISABILITY

14 (a) Every full-service gasoline station offering self-service pumping at a
15 lesser cost and every self-service gasoline station, when requested by a motor
16 vehicle operator with a disability who has been issued a ~~handicapped~~
17 registration plate or parking card for persons with disabilities under the
18 provisions of 23 V.S.A. § 304a or under the laws of any other state, shall
19 require an attendant employed by the station to dispense gasoline at the
20 self-service cost to the operator with a disability. Gasoline stations shall

1 prominently display the international symbol of disability access to notify
2 patrons of the availability of this service.

3 (b) Self-service gas stations or convenience stores which are operated by a
4 single employee shall be exempt from the provisions of subsection (a) of this
5 section.

6 (c) The ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles
7 shall provide notice of the provisions of this section to each person who is
8 issued a ~~handicapped parking card or~~ registration plate or parking card for
9 persons with disabilities and to each person who operates a gasoline station or
10 other facility which offers gasoline or other motor vehicle fuel for sale to the
11 public.

12 (d) Failure to comply with the provisions of this subsection, related to
13 providing gas pumping services, is a violation of 9 V.S.A. § 4502.

14 Sec. 31. 9 V.S.A. § 4501 is amended to read:

15 § 4501. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (2) "~~Handicap~~" or "~~disability~~ Disability," with respect to an individual,
19 means:

20 (A) a physical or mental ~~impairment~~ condition which limits one or
21 more major life activities;

1 (B) a history or record of such ~~an impairment~~ a condition; or

2 (C) being regarded as having such ~~an impairment~~ a condition.

3 (3) "Physical or mental ~~impairment~~ condition" means:

4 (A) any physiological disorder or condition, cosmetic disfigurement,
5 or anatomical loss affecting one or more of the following body systems:

6 neurological; musculoskeletal; special sense organs; respiratory, including
7 speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic
8 and lymphatic; skin; or endocrine;

9 (B) any mental or psychological disorder, such as ~~mental retardation~~
10 intellectual disability, organic brain syndrome, emotional or ~~mental illness~~
11 psychiatric disability, and specific learning disabilities;

12 (C) The term "physical or mental ~~impairment~~ condition" includes ~~but~~
13 ~~is not limited to such~~ diseases and ~~conditions~~ states such as orthopedic, visual,
14 speech, and hearing ~~impairments~~ impediments, cerebral palsy, epilepsy,
15 muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, ~~mental~~
16 ~~retardation~~ intellectual disability, emotional ~~illness~~ disability, and drug
17 addiction and alcoholism. ~~A handicapped~~ An individual with a disability does
18 not include any individual who is an alcoholic or drug abuser who, by reason
19 of current alcohol or drug use, constitutes a direct threat to property or safety
20 of others.

21 * * *

1 (7) "Auxiliary aids and services" mean the following:

2 (A) Qualified interpreters, notetakers, computer-aided transcription
3 services, written materials, telephone handset amplifiers, assistive listening
4 devices and systems, hearing aid compatible telephones, closed caption
5 decoders, open and closed captioning telecommunications devices for ~~deaf~~
6 persons who are deaf, videotext displays or other effective methods of making
7 aurally delivered materials available to individuals with hearing impairments.

8 (B) Qualified readers, taped texts, audio recordings, Braille materials,
9 large print materials, or other effective methods of making visually delivered
10 materials available to individuals with visual impairments.

11 (C) Modification of equipment or devices.

12 (D) Other similar services and actions.

13 * * *

14 Sec. 32. 9 V.S.A. § 4503 is amended to read:

15 § 4503. UNFAIR HOUSING PRACTICES

16 (a) It shall be unlawful for any person:

17 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
18 of, or otherwise make unavailable or deny, a dwelling or other real estate to
19 any person because of the race, sex, sexual orientation, gender identity, age,
20 marital status, religious creed, color, national origin, or ~~handicap~~ disability of a

1 person, or because a person intends to occupy a dwelling with one or more
2 minor children, or because a person is a recipient of public assistance.

3 (2) To discriminate against, or to harass any person in the terms,
4 conditions, or privileges of the sale or rental of a dwelling or other real estate,
5 or in the provision of services or facilities in connection therewith, because of
6 the race, sex, sexual orientation, gender identity, age, marital status, religious
7 creed, color, national origin, or ~~handicap~~ disability of a person, or because a
8 person intends to occupy a dwelling with one or more minor children, or
9 because a person is a recipient of public assistance.

10 (3) To make, print, or publish, or cause to be made, printed, or published
11 any notice, statement, or advertisement, with respect to the sale or rental of a
12 dwelling or other real estate that indicates any preference, limitation, or
13 discrimination based on race, sex, sexual orientation, gender identity, age,
14 marital status, religious creed, color, national origin, or ~~handicap~~ disability of a
15 person, or because a person intends to occupy a dwelling with one or more
16 minor children, or because a person is a recipient of public assistance.

17 (4) To represent to any person because of the race, sex, sexual
18 orientation, gender identity, age, marital status, religious creed, color, national
19 origin, or ~~handicap~~ disability of a person, or because a person intends to
20 occupy a dwelling with one or more minor children, or because a person is a
21 recipient of public assistance, that any dwelling or other real estate is not

1 available for inspection, sale, or rental when the dwelling or real estate is in
2 fact so available.

3 * * *

4 (6) To discriminate against any person in the making or purchasing of
5 loans or providing other financial assistance for ~~real-estate-related~~
6 real-estate-related transactions or in the selling, brokering, or appraising of
7 residential real property, because of the race, sex, sexual orientation, gender
8 identity, age, marital status, religious creed, color, national origin, or ~~handicap~~
9 disability of a person, or because a person intends to occupy a dwelling with
10 one or more minor children, or because a person is a recipient of public
11 assistance.

12 (7) To engage in blockbusting practices, for profit, which may include
13 inducing or attempting to induce a person to sell or rent a dwelling by
14 representations regarding the entry into the neighborhood of a person or
15 persons of a particular race, sex, sexual orientation, gender identity, age,
16 marital status, religious creed, color, national origin, or ~~handicap~~ disability of a
17 person, or because a person intends to occupy a dwelling with one or more
18 minor children, or because a person is a recipient of public assistance.

19 (8) To deny any person access to or membership or participation in any
20 multiple listing service, real estate brokers' organization, or other service,
21 organization or facility relating to the business of selling or renting dwellings,

1 or to discriminate against any person in the terms or conditions of such access,
2 membership, or participation, on account of race, sex, sexual orientation,
3 gender identity, age, marital status, religious creed, color, national origin, or
4 ~~handicap~~ disability of a person, or because a person is a recipient of public
5 assistance.

6 (9) To discriminate in the sale or rental of a dwelling because a person
7 relies upon aids such as attendants, specially trained animals, wheelchairs, or
8 similar appliances or devices but the owner shall not be required to modify or
9 alter the building in any way in order to comply with this chapter. An owner
10 shall permit, at the expense of the ~~handicapped~~ person with a disability,
11 reasonable modifications of existing premises occupied or to be occupied by
12 the ~~handicapped~~ person with a disability if the modifications are necessary to
13 afford the person full enjoyment of the premises. The owner may, if
14 reasonable, require the person to agree to restore the premises to the condition
15 that existed before the modification, reasonable wear and tear excepted, but the
16 owner may not require an additional security deposit for this purpose.

17 (10) To refuse to make reasonable accommodations in rules, policies,
18 practices, or services when such accommodations may be necessary to afford a
19 ~~handicapped~~ person with a disability equal opportunity to use and enjoy a
20 dwelling unit, including public and common areas.

21 * * *

1 (b) The provisions of subsection (a) of this section with respect to
2 discrimination in sales and rentals of dwellings on the basis of age or on the
3 basis of a person's intention to occupy with one or more minor children shall
4 not apply to the sale or rental of a dwelling in a housing complex:

5 * * *

6 (3) established under any federal or state program specifically designed
7 and operated to assist ~~elderly~~ persons who are elderly, as defined in the federal
8 or state program.

9 * * *

10 Sec. 33. 10 V.S.A. § 490(c) is amended to read:

11 (c) When the signs at one location are too numerous, or when highway
12 safety requires for other reasons, as determined by the ~~travel information~~
13 ~~council~~ Travel Information Council, the signs may be removed and the
14 applicant business given the option to purchase advertising plaques on
15 information plazas, located and designed so that drivers of motor vehicles may
16 leave the main traffic lanes and inspect them. Information plazas may contain
17 maps and other information, depending on space availability, and may have
18 telephone and other information facilities attached to them. Sign plazas shall
19 include the international symbol to indicate that ~~handicapped~~ gasoline service
20 is available to people with disabilities. The ~~agency of commerce and~~
21 ~~community development~~ Agency of Commerce and Community Development

1 shall be responsible for the costs of installing new information plazas and for
2 the installation of advertising plaques on state-owned information plazas,
3 provided that the ~~secretary of commerce and community development,~~
4 Secretary of Commerce and Community Development or his or her designee,
5 gives prior approval for such costs and installation. If it is not practical to
6 install information plazas or individual official business directional signs at
7 any given location, because of the number of signs or because of traffic
8 conditions, the ~~travel information council~~ Travel Information Council may in
9 its discretion adopt some alternative method for providing information
10 conveniently for travelers, including directions to zones or other geographic
11 areas, and locally operated information booths and offices; or multi-facility
12 official business directional signs, or both.

13 Sec. 34. 10 V.S.A. § 601(14) is amended to read:

14 (14) "Residential housing" means residential housing units designed
15 primarily to provide principal dwelling accommodations whether on a
16 permanent or temporary basis for persons or families, which may include the
17 land and improvements thereon and such nonhousing facilities or services
18 considered necessary or convenient or part of a community development plan
19 by the ~~agency~~ Agency in connection with the residential housing, including
20 commercial enterprises and government functions within the same building.
21 "Residential housing" includes, ~~but is not limited to,~~ single or multi-family

1 dwellings, congregate homes, residential care homes as defined in 33 V.S.A.
2 § 7102, nursing homes, transitional housing, emergency shelters for the
3 homeless or displaced, mobile homes, single room occupancy dwellings, and
4 group homes for ~~the mentally ill or developmentally disabled persons with~~
5 psychiatric or developmental disabilities. “Residential housing” also means
6 cooperative interests, and mobile home parks as defined in section 6201 of this
7 title.

8 Sec. 35. 10 V.S.A. § 622(7) is amended to read:

9 (7) To purchase, make, or otherwise participate in the making, to enter
10 into commitments, for the purchase, making, or participation in the making, of
11 eligible loans for rehabilitation to persons and families of low and moderate
12 income, and to owners of existing residential housing for occupancy by those
13 persons and families, for the rehabilitation of existing residential housing
14 owned by them. The loans may be insured or uninsured and shall be made
15 with such security as the agency considers advisable. They may be made in
16 amounts sufficient to refinance existing indebtedness secured by the property,
17 if the refinancing is determined by the agency to be necessary to permit the
18 owner to meet his or her housing costs without expending an unreasonable
19 portion of his or her income on it. A loan for rehabilitation shall not be made
20 unless the agency determines that the loan is to be used primarily to make the
21 housing more desirable to live in, to increase the market value of the housing,

1 to comply with building, housing maintenance, fire, health, or similar codes
2 and standards applicable to housing, to accomplish energy conservation related
3 improvements, or to ~~insure~~ ensure independent living for persons who are
4 ~~handicapped or elderly or have a disability~~.

5 Sec. 36. 10 V.S.A. § 4001(30) is amended to read:

6 (30) ~~Paraplegic~~ Person with paraplegia: a person who ~~suffers from~~ has
7 permanent paralysis of the lower half of the body with involvement of both
8 legs, or a person who ~~suffers from the loss of~~ is missing both lower
9 extremities.

10 Sec. 37. 10 V.S.A. § 4255(c) is amended to read:

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

13 * * *

14 (2) A person who is legally blind ~~person~~ who is a Vermont resident may
15 receive a free permanent fishing license upon submittal of proper proof of
16 blindness as the ~~commissioner~~ Commissioner shall require. A person who is
17 legally blind ~~person~~ who is a resident in a state which provides a reciprocal
18 privilege for Vermont residents may receive a free one-year fishing license.

19 (3) A ~~paraplegic~~ person with paraplegia as defined in subdivision
20 4001(30) of this title who is a Vermont resident may receive a free permanent
21 fishing license or, if the person qualifies for a hunting license, a free

1 combination hunting and fishing license. A ~~paraplegic~~ person with paraplegia
2 who is a resident of a state which provides a reciprocal privilege for Vermont
3 residents may receive a free one-year fishing license, or if the person qualifies
4 for a hunting license, a free one-year combination fishing and hunting license.

5 * * *

6 (5) A ~~special olympian~~ person participating in a fishing tournament for
7 ~~special olympics~~ Special Olympics may receive a free fishing license valid for
8 that event.

9 Sec. 38. 10 V.S.A. § 4705(e) is amended to read:

10 (e) Subsection (a) of this section shall not apply to a licensed hunter ~~who is~~
11 ~~a paraplegic~~ with paraplegia or who is certified by a physician to be unable to
12 pursue game because of permanent severe physical disability, if he or she
13 obtains a permit as provided in this subsection. The ~~commissioner~~
14 Commissioner on receipt of satisfactory proof of the disability of an applicant
15 may issue a permit under this subsection. This permit shall be attached to the
16 license, and shall remain in effect until the death of the holder, unless the
17 ~~commissioner~~ Commissioner has reason to believe the permit is misused. The
18 holder of the permit shall carry it at all times while hunting, and shall produce
19 it on demand for inspection by any game warden or other law enforcement
20 officer authorized to make arrests. The holder of the permit may take game
21 from a vehicle or boat but only if it is stationary and off of a public highway.

1 In no event shall the holder of a permit shoot across the traveled portion of a
2 public highway.

3 Sec. 39. 10 V.S.A. § 4715(e) is amended to read:

4 (e) A person who is physically ~~impaired~~ disabled to the degree that he or
5 she cannot operate a device allowed for taking of game under Vermont law
6 may obtain a permit to take game in Vermont with a device which is in the
7 immediate vicinity of the permittee and which the permittee operates using
8 remote-control technology other than the Internet. A person applying for this
9 permit shall personally appear before the ~~commissioner~~ Commissioner or the
10 ~~commissioner's~~ Commissioner's designee and submit certification from a
11 licensed physician describing the person's limitations. The ~~commissioner~~
12 Commissioner may obtain a second medical opinion to verify the disability.
13 Upon satisfactory proof of the disability, the ~~commissioner~~ Commissioner may
14 issue a permit describing the device and method the person may use to take
15 game. The ~~commissioner~~ Commissioner shall require that the permittee be
16 accompanied while hunting by a person who is licensed to hunt in Vermont
17 unless the permittee can demonstrate that he or she is able to track injured
18 game and to retrieve and care for a carcass. If the permit is not intended to be
19 a permanent permit, it shall state the date on which the permit expires. The
20 permit shall be attached to the hunting license, and the holder shall carry it at

1 all times while hunting and produce it on demand for inspection by any fish
2 and wildlife warden or other law enforcement officer.

3 Sec. 40. 11 V.S.A. § 3075 is amended to read:

4 § 3075. POWER OF ESTATE OF DECEASED OR ~~INCOMPETENT~~
5 MEMBER WHO IS INCOMPETENT

6 * * *

7 Sec. 41. 11 V.S.A. § 3465 is amended to read:

8 § 3465. POWER OF ESTATE OF DECEASED OR ~~INCOMPETENT~~
9 PARTNER WHO IS INCOMPETENT

10 * * *

11 Sec. 42. 11A V.S.A. § 1.40(12) is amended to read:

12 (12) "Individual" includes the estate of an individual who is
13 incompetent or deceased ~~individual~~.

14 Sec. 43. 11B V.S.A. § 1.40(19) is amended to read:

15 (19) "Individual" includes the estate of an ~~incompetent~~ individual who
16 is incompetent.

17 Sec. 44. [Deleted.]

18 Sec. 45. 12 V.S.A. § 551 is amended to read:

19 § 551. MINORITY, ~~INSANITY~~ PSYCHIATRIC DISABILITY, OR
20 IMPRISONMENT

1 (a) When a person entitled to bring an action specified in this chapter is a
2 minor, ~~insane~~ person with a major psychiatric disability, or imprisoned at the
3 time the cause of action accrues, such person may bring such action within the
4 times in this chapter respectively limited, after the disability is removed.

5 (b) If a person entitled to bring an action specified in this chapter ~~becomes~~
6 ~~insane~~ develops a major psychiatric disability after the cause of action accrues
7 but before the statute has run, the time during which the person is ~~insane~~
8 experiences a major psychiatric disability shall not be taken as a part of the
9 time limited for the commencement of the action.

10 Sec. 46. 12 V.S.A. § 1602 is amended to read:

11 § 1602. WHEN ONE PARTY IS DEAD OR ~~INSANE~~ HAS A
12 MAJOR PSYCHIATRIC DISABILITY

13 A party shall not be allowed to testify in his or her own favor where the
14 other party to the contract or cause of action in issue and on trial is dead or
15 shown to the court to ~~be insane~~ have a major psychiatric disability, except as
16 follows:

17 (1) To meet or explain the testimony of living witnesses produced
18 against him or her;

19 (2) To meet the testimony of such deceased or ~~insane~~ party with a major
20 psychiatric disability upon a question upon which his or her testimony has

* * *

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1 Sec. 48. 12 V.S.A. § 4714 is amended to read:

2 § 4714. FIDUCIARIES; EXECUTORS

3 A person interested as or through an executor, administrator, trustee,
4 guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or
5 cestui que trust, in the administration of a trust, or of the estate of a decedent,
6 an infant, ~~lunatic, or insolvent~~ a person incapable of acting on his or her own
7 behalf because of an intellectual disability, or a person without financial
8 resources, may have a declaration of rights or legal relations in respect thereto;

9 (1) To ascertain any class of creditors, devisees, legatees, heirs, next of
10 kin, or others; or

11 (2) To direct the executors, administrators, or trustees to do or abstain
12 from doing any particular act in their fiduciary capacity; or

13 (3) To determine any question arising in the administration of the estate
14 or trust, including questions of construction of wills and other writings.

15 Sec. 49. 12 V.S.A. § 5187 is amended to read:

16 § 5187. COMMISSIONER DISQUALIFIED, OTHERS MAY ACT

17 When a commissioner appointed under this chapter dies, becomes ~~insane~~
18 incompetent due to a major psychiatric disability, removes from the state, or
19 becomes otherwise disqualified to act, the survivors may exercise the powers
20 granted to the whole number.

1 Sec. 50. 13 V.S.A. § 1024(d) is amended to read:

2 (d) Subdivision (a)(5) of this section shall not apply if the person
3 threatened to use the deadly weapon:

4 (1) In the just and necessary defense of his or her own life or the life of
5 his or her husband, wife, civil union partner, parent, child, brother, sister,
6 guardian, or ~~ward~~ person under guardianship;

7 (2) In the suppression of a person attempting to commit murder, sexual
8 assault, aggravated sexual assault, burglary, or robbery; or

9 (3) In the case of a civil or military officer lawfully called out to
10 suppress a riot or rebellion, prevent or suppress an invasion, or assist in serving
11 legal process, in suppressing opposition against him or her in the just and
12 necessary discharge of his or her duty.

13 Sec. 51. 13 V.S.A. chapter 25 is amended to read:

14 CHAPTER 25. CHILDREN AND ~~INCOMPETENT~~ PERSONS

15 WHO ARE INCOMPETENT

16 * * *

17 § 1306. MISTREATMENT OF PERSONS WITH IMPAIRED COGNITIVE
18 FUNCTION ~~OF UNSOUND MIND~~

19 A person who ~~wilfully~~ willfully and maliciously teases, plagues, annoys,
20 angers, irritates, maltreats, worries, or excites ~~another of unsound or feeble~~

1 ~~mind~~ a person with impaired cognitive function shall be imprisoned not more
2 than one year or fined not more than \$100.00 nor less than \$5.00, or both.

3 * * *

4 Sec. 52. 13 V.S.A. § 1375(8) is amended to read:

5 (8) "Vulnerable adult" means any person 18 years of age or older who:

6 (A) is a resident of a facility required to be licensed under 33 V.S.A.
7 chapter 71 of Title 33;

8 (B) is a resident of a psychiatric hospital or a psychiatric unit of a
9 hospital;

10 (C) has been receiving personal care and services from an agency
11 certified by the Vermont ~~department of aging and independent living~~
12 Department of Disabilities, Aging, and Independent Living or from a person or
13 organization that offers, provides, or arranges for personal care; or

14 (D) regardless of residence or whether any type of service is
15 received, ~~is impaired due~~ has a disability related to brain damage, infirmities of
16 aging, or a physical, ~~mental~~ intellectual, or developmental disability that results
17 in some impairment of the individual's ability to:

18 (i) provide for his or her own care without assistance, including
19 the provision of food, shelter, clothing, health care, supervision, or
20 management of finances; or

21 (ii) protect himself or herself from abuse, neglect, or exploitation.

1 Sec. 53. 13 V.S.A. § 1455 is amended to read:

2 § 1455. HATE-MOTIVATED CRIMES

3 A person who commits, causes to be committed, or attempts to commit any
4 crime and whose conduct is maliciously motivated by the victim's actual or
5 perceived race, color, religion, national origin, sex, ancestry, age, service in the
6 ~~armed forces of the United States~~ U.S. Armed Forces, ~~handicap~~ disability as
7 defined by 21 V.S.A. § 495d(5), sexual orientation or gender identity shall be
8 subject to the following penalties:

9 * * *

10 Sec. 54. 13 V.S.A. § 1458(6) is amended to read:

11 (6) "Protected category" includes race, color, religion, national origin,
12 sex, ancestry, age, service in the ~~armed forces of the United States~~ U.S. Armed
13 Forces, ~~handicap~~ disability as defined by 21 V.S.A. § 495d(5), sexual
14 orientation, and gender identity, and perceived membership in any such group.

15 Sec. 55. [Deleted.]

16 Sec. 56. 13 V.S.A. § 2406(a) is amended to read:

17 (a) A person commits the crime of unlawful restraint in the second degree
18 if the person:

19 (1) not being a relative of a person under the age of 18, knowingly takes,
20 entices, or harbors that person, without the consent of the person's custodian,
21 knowing that he or she has no right to do so; or

1 (2) knowingly takes or entices from lawful custody or harbors any
2 ~~mentally incompetent~~ person who is mentally incompetent, or other person
3 entrusted by authority of law to the custody of another person or an institution,
4 without the consent of the person or institution, knowing that he or she has no
5 right to do so; or

6 (3) knowingly restrains another person.

7 Sec. 57. 13 V.S.A. § 3254(2) is amended to read:

8 (2) A person shall be deemed to have acted without the consent of the
9 other person where the actor:

10 (A) Knows that the other person is mentally incapable of
11 understanding the nature of the sexual act or lewd and lascivious conduct; or

12 (B) Knows that the other person is not physically capable of resisting,
13 or declining consent to, the sexual act or lewd and lascivious conduct; or

14 (C) Knows that the other person is unaware that a sexual act or lewd
15 and lascivious conduct is being committed; or

16 (D) Knows that the other person is mentally incapable of resisting, or
17 declining consent to, the sexual act or lewd and lascivious conduct, due to
18 ~~mental illness or mental retardation~~ a psychiatric or developmental disability as
19 defined in ~~section 14 V.S.A. § 3061 of Title 14.~~

1 Sec. 58. 13 V.S.A. chapter 157 is amended to read:

2 CHAPTER 157. INSANITY AS A DEFENSE

3 * * *

4 § 4821. NOTICE OF HEARING; PROCEDURES

5 The person who is the subject of the proceedings, his or her attorney, the
6 legal guardian, if any, the ~~commissioner of mental health~~ Commissioner of
7 Mental Health or the ~~commissioner of disabilities, aging, and independent~~
8 ~~living~~ Commissioner of Disabilities, Aging, and Independent Living, and the
9 state's attorney or other prosecuting officer representing the ~~state~~ State in the
10 case, shall be given notice of the time and place of a hearing under the
11 preceding section. Procedures for hearings for persons ~~who are mentally ill~~
12 with a psychiatric disability shall be as provided in 18 V.S.A. chapter 181 of
13 Title 18. Procedures for hearings for persons ~~who are mentally retarded~~ with
14 an intellectual disability shall be as provided in 18 V.S.A. chapter 206,
15 subchapter 3 ~~of chapter 206 of Title 18~~.

16 § 4822. FINDINGS AND ORDER; ~~MENTALLY ILL PERSONS~~ WITH A
17 PSYCHIATRIC DISABILITY

18 (a) If the court finds that such person is a person in need of treatment or a
19 patient in need of further treatment as defined in 18 V.S.A. § 7101, the court
20 shall issue an order of commitment directed to the ~~commissioner of~~
21 ~~developmental and mental health services~~ Commissioner of Mental Health,

1 which shall admit the person to the care and custody of the ~~department of~~
2 ~~developmental and mental health services~~ Department of Mental Health for an
3 indeterminate period. In any case involving personal injury or threat of
4 personal injury, the committing court may issue an order requiring a court
5 hearing before a person committed under this section may be discharged from
6 custody.

7 (b) Such order of commitment shall have the same force and effect as an
8 order issued under 18 V.S.A. §§ 7611-7622, and persons committed under
9 such an order shall have the same status, and the same rights, including the
10 right to receive care and treatment, to be examined and discharged, and to
11 apply for and obtain judicial review of their cases, as persons ordered
12 committed under 18 V.S.A. §§ 7611-7622.

13 (c) Notwithstanding the provisions of subsection (b) of this section, at least
14 10 days prior to the proposed discharge of any person committed under this
15 section, the ~~commissioner of mental health~~ Commissioner of Mental Health
16 shall give notice ~~thereof~~ of the discharge to the committing court and state's
17 attorney of the county where the prosecution originated. In all cases requiring
18 a hearing prior to discharge of a person found incompetent to stand trial under
19 section 4817 of this title, the hearing shall be conducted by the committing
20 court issuing the order under that section. In all other cases, when the
21 committing court orders a hearing under subsection (a) of this section or when,

1 in the discretion of the ~~commissioner of mental health~~ Commissioner of
2 Mental Health, a hearing should be held prior to the discharge, the hearing
3 shall be held in the family division of the superior court to determine if the
4 committed person is no longer a person in need of treatment or a patient in
5 need of further treatment as set forth in subsection (a) of this section. Notice
6 of the hearing shall be given to the ~~commissioner~~ Commissioner, the state's
7 attorney of the county where the prosecution originated, the committed person,
8 and the person's attorney. Prior to the hearing, the state's attorney may enter
9 an appearance in the proceedings and may request examination of the patient
10 by an independent psychiatrist, who may testify at the hearing.

11 (d) The court may continue the hearing provided in subsection (c) of this
12 section for a period of 15 additional days upon a showing of good cause.

13 (e) If the court determines that commitment shall no longer be necessary, it
14 shall issue an order discharging the patient from the custody of the ~~department~~
15 ~~of developmental and mental health services~~ Department of Mental Health.

16 (f) The court shall issue its findings and order not later than 15 days from
17 the date of hearing.

18 § 4823. FINDINGS AND ORDER; PERSONS WITH ~~MENTAL~~
19 ~~RETARDATION~~ AN INTELLECTUAL DISABILITY

20 * * *

1 Sec. 59. 13 V.S.A. § 5301(4) is amended to read:

2 (4) “Victim” means a person who sustains physical, emotional, or
3 financial injury or death as a direct result of the commission or attempted
4 commission of a crime or act of delinquency and shall also include the family
5 members of a minor, a person who has been found to be incompetent, or a
6 homicide victim.

7 Sec. 60. [Deleted.]

8 Sec. 61. [Deleted.]

9 Sec. 62. 14 V.S.A. § 204 is amended to read:

10 § 204. DEFINITIONS

11 ~~Whenever~~ As used in this title:

12 (1) “Interested person” includes heirs, devisees, legatees, children,
13 spouses, creditors, beneficiaries, and any others having a property right in or
14 claim against a trust estate or the estate of a decedent, or ~~ward~~ person under
15 guardianship which may be affected by the proceeding. It also includes
16 persons having priority for appointment as executor or administrator, and other
17 fiduciaries representing interested persons. The parties at commencement of a
18 probate proceeding shall include all interested persons. The meaning as it
19 relates to particular persons may vary from time to time and shall be
20 determined by the rules of probate procedure.

* * *

§ 2305. TRUSTEES OF ABSENT PERSONS-DEFINITION

§ 3003. PARENT MAY MOVE FOR GUARDIAN'S REMOVAL; NOTICE

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1 been appointed guardian of the minor, the parent may, at any time, file a
2 motion for the removal of the guardian. The court shall schedule a hearing and
3 notice shall be given as provided by the ~~rules of probate procedure~~ Rules of
4 Probate Procedure.

5 Sec. 65. 14 V.S.A. § 3096(a) is amended to read:

6 (a) The ~~office of public guardian~~ Office of Public Guardian may provide
7 assistance to private guardians:

8 (1) To help them understand ~~their ward's~~ the disabilities of the person
9 under guardianship.

10 (2) To help them foster increased independence on the part of their ~~ward~~
11 person under guardianship.

12 (3) With the preparation and revision of guardianship plans and reports.

13 (4) On ways to secure rights, benefits, and services to which their ~~wards~~
14 persons under guardianship are entitled.

15 Sec. 66. 15 V.S.A. § 291(a) is amended to read:

16 (a) When a married person without just cause fails to furnish suitable
17 support for that person's spouse, or has deserted such spouse, or when a
18 married person, for a justifiable cause, is actually living apart from such
19 spouse, on the complaint of either married person, or, if the deserted spouse is
20 ~~insane~~ has a major psychiatric disability, on the complaint of a guardian or
21 next friend, the superior court, by its order, may prohibit either spouse from

1 imposing restraint on the other's personal liberty for such time as the court in
2 such order directs, or until further order.

3 Sec. 67. 15 V.S.A. § 512 is amended to read:

4 § 512. VOIDABLE CIVIL MARRIAGES-GROUNDS FOR ANNULMENT
5 GENERALLY

6 The civil marriage contract may be annulled when, at the time of marriage,
7 either party had not attained the age of 16 years or was ~~an idiot or lunatic or~~
8 physically or mentally incapable of entering into the civil marriage state or
9 when the consent of either party was obtained by force or fraud.

10 Sec. 68. 15 V.S.A. § 514 is amended to read:

11 § 514. ~~PARTY AN IDIOT OR LUNATIC~~ IS MENTALLY INCAPABLE OF
12 ENTERING INTO CIVIL MARRIAGE

13 (a) When a civil marriage is sought to be annulled on the ground of ~~the~~
14 ~~idiocy of one of the parties~~ parties' mental incapability to enter into the civil
15 marriage, it may be declared void on the complaint of a relative of such ~~idiot~~
16 person at any time during the life of either of the parties.

17 (b) When a civil marriage is sought to be annulled on the ground of ~~the~~
18 ~~lunacy of one of the parties~~ parties' mental incapability to enter into the civil
19 marriage, on the complaint of a relative of the ~~lunatic~~ person, such marriage
20 may be declared void during the continuance of such ~~lunacy~~ mental incapacity.

1 or after the death of the ~~lunatic~~ person who is mentally incapacitated in that
2 condition and during the lifetime of the other party to the marriage.

3 (c) The civil marriage of a ~~lunatic~~ person who is mentally incapacitated
4 may be declared void upon the complaint of a ~~lunatic~~ the person after
5 restoration to ~~reason~~ health, but a decree of nullity shall not be pronounced if
6 the parties freely cohabited as ~~husband and wife after the lunatic was restored~~
7 ~~to sound mind~~ spouses while both had capacity.

8 (d) If an action is not prosecuted by a relative, the civil marriage of ~~an idiot~~
9 ~~or a lunatic~~ a person who is mentally incapacitated may be annulled during the
10 lifetime of both the parties to the marriage, on the complaint of a person
11 admitted by the court to prosecute as the next friend of such ~~idiot or lunatic~~
12 mentally incapacitated person.

13 (e) The ~~word "lunatic"~~ phrases "mentally incapacitated," "incapacitated,"
14 "mental incapacity," "mentally incapable," "mental incapability," and other
15 similar phrases as used in sections 511-514 of this title shall extend to persons
16 ~~of unsound mind other than idiots~~ who have a psychiatric or cognitive
17 disability.

18 Sec. 69. 15 V.S.A. § 551 is amended to read:

19 § 551. GROUNDS FOR DIVORCE FROM BOND OF MATRIMONY

20 A divorce from the bond of matrimony may be decreed:

21 * * *

* * *

* * *

§ 632. JURISDICTION; GUARDIAN AD LITEM FOR ~~INSANE~~ LIBELEE
WITH A MAJOR PSYCHIATRIC DISABILITY

The superior courts of the several counties of this ~~state~~ State shall have jurisdiction of such an action. Upon the filing by the plaintiff of a complaint, duly verified, showing that such cause of action exists, a superior judge shall appoint some person to act as guardian ad litem of such ~~insane~~ person with a major psychiatric disability in such action. The complaint and summons in such action shall be served upon the defendant by delivering a copy thereof to such guardian and another to the state's attorney of the county in which such action is brought.

* * *

§ 634. ALIMONY; DISTRIBUTION OF PROPERTY; CARE AND
CUSTODY OF CHILDREN

(a) In actions brought for the cause of ~~insanity~~ major psychiatric disability, the courts and the judges thereof shall possess all the powers relative to the payment of alimony, the distribution of property, and the care and custody of the children of the parties, that such courts now have, or may hereafter have, in other actions for divorce.

* * *

(c) No order shall be made providing for continued support of a ~~sane~~ spouse without a psychiatric disability from the estate of ~~an insane~~ a spouse

1 with a psychiatric disability after the remarriage of the ~~sane~~ spouse who does
2 not have a psychiatric disability.

3 § 635. SUPPORT OF DEFENDANT

4 (a) At the time of granting a divorce on the grounds of an incurable ~~insanity~~
5 major psychiatric disability or any time thereafter, on motion of either party, or
6 of the guardian of the ~~insane~~ spouse with a major psychiatric disability, or of
7 any other person, town, or municipality charged with the support of the ~~insane~~
8 spouse with a major psychiatric disability, the court may make such orders
9 requiring support of the defendant or security for such support as may be
10 proper.

11 (b) An order for the support of the ~~insane~~ party with a major psychiatric
12 disability shall be enforceable in the same manner as orders relating to
13 alimony.

14 (c) On motion of either party or of the guardian of the ~~insane~~ spouse with a
15 major psychiatric disability, or of any person, town, or municipality charged
16 with the support of such defendant, an order relating to such support may be
17 reviewed and altered at any time thereafter in such manner as to the court may
18 seem just and proper.

1 § 636. FILING CERTIFIED COPIES OF ORDERS WITH COURT WHICH
2 COMMITTED ~~INSANE~~ PARTY WITH A MAJOR PSYCHIATRIC
3 DISABILITY

4 If the ~~insane~~ party with a major psychiatric disability was committed by a
5 court of competent jurisdiction, ~~then~~ the clerk of the court shall file ~~with such~~
6 ~~court which committed such insane party~~ a certified copy of all orders entered
7 in proceedings brought under these provisions.

8 * * *

9 Sec. 71. 15 V.S.A. § 1173(a) is amended to read:

10 (a) The council shall consist of the following members to be appointed as
11 follows:

12 (1) To be appointed by the ~~governor~~ Governor:

13 (A) one member of the public who shall be a survivor of domestic
14 violence;

15 (B) a representative from the same-sex domestic violence service
16 provider community;

17 (C) a representative from the service provider community for people
18 who are deaf and disability service provider community or have disabilities;

19 (D) a representative from the ~~department of state's attorneys~~
20 Department of State's Attorneys and Sheriffs' Association;

21 (E) a prosecutor from one of the STOP Domestic Violence units;

1 (F) a member of the Vermont clergy;

2 (G) one member of the public representing the interests of children
3 exposed to domestic violence.

4 * * *

5 Sec. 72. 15A V.S.A. § 1-101 is amended to read:

6 § 1-101. DEFINITIONS

7 ~~In~~ As used in this title:

8 * * *

9 (5) "Child with special needs" means a child with a special factor or
10 condition, including ethnic background, age, membership in a minority or
11 sibling group, medical condition, or physical, mental, or emotional ~~handicap~~
12 disability, because of which it is reasonable to conclude that the child cannot
13 be placed with adoptive parents without providing adoption or medical
14 assistance.

15 * * *

16 (7) "Department" means the ~~department of social and rehabilitation~~
17 ~~services~~ Department for Children and Families.

18 * * *

19 Sec. 73. 15A V.S.A. § 2-105(a) is amended to read:

20 (a) Before placing a minor for adoption, a parent or agency placing the
21 minor shall provide in writing to the prospective adoptive parent all of the

1 following nonidentifying information that is reasonably available from the
2 parents, relatives or guardian of the minor, the agency, any person who has had
3 physical custody of the minor for 30 days or more, or any person who has
4 provided health, psychological, educational or similar services to the minor:

5 (1) a social and health history of the minor, including:

6 * * *

7 (E) any physical, sexual, or emotional abuse known to have been
8 ~~suffered~~ experienced by the minor;

9 * * *

10 Sec. 74. 15A V.S.A. § 3-201(a) is amended to read:

11 (a) In a proceeding under this title which may result in the termination of a
12 relationship of parent and child, the court shall appoint an attorney for any
13 person who is indigent, a minor, or incompetent ~~person~~ who appears in the
14 proceeding and whose parental relationship to a child may be terminated,
15 unless the court finds that the minor or ~~incompetent~~ person who is incompetent
16 has sufficient financial means to hire an attorney, or the ~~indigent~~ person who is
17 indigent declines to be represented by an attorney.

1 Sec. 75. 15A V.S.A. § 4-107 is amended to read:

2 § 4-107. PETITION TO ADOPT

3 A petition by a stepparent to adopt a minor stepchild shall be signed and
4 verified by the petitioner and contain the following information or state why
5 any of the information is not contained in the petition:

6 * * *

7 (2) the current marital status of the petitioner, including the date and
8 place of marriage, the name and date and place of birth of the petitioner's
9 spouse, and, if the spouse is deceased, the date, place, and cause of death and,
10 if the spouse is found to be incompetent, the date on which a court declared the
11 spouse incompetent;

12 * * *

13 Sec. 76. 15A V.S.A. § 5-109 is amended to read:

14 § 5-109. ADOPTION OF AN ~~INCOMPETENT~~ ADULT WHO IS
15 INCOMPETENT

16 * * *

17 Sec. 77. 16 V.S.A. § 1166(b) is amended to read:

18 (b) Each school board shall adopt and implement policies regarding a
19 student who brings a firearm to or possesses a firearm at school which at a
20 minimum shall include:

21 * * *

1 (2) A provision that the superintendent or principal, with the approval of
2 the school board following opportunity for a hearing, shall expel from the
3 school for not less than one calendar year any student who brings a firearm to
4 or possesses a firearm at school. However, the school board may modify the
5 expulsion on a ~~case-by-case~~ case-by-case basis. Modifications may be granted
6 in circumstances such as ~~but not limited to~~:

7 (A) The pupil is unaware that he or she has brought a firearm to or
8 possessed a firearm at school.

9 (B) The pupil did not intend to use the firearm to threaten or
10 endanger others.

11 (C) The pupil ~~is disabled~~ has a disability and the misconduct is
12 related to the pupil's disability.

13 (D) The pupil does not present an ongoing threat to others and a
14 lengthy expulsion would not serve the best interests of the pupil.

15 Sec. 78. 16 V.S.A. § 2942(4) is amended to read:

16 (4) "Federal law" means the ~~Education of the Handicapped Act, codified~~
17 ~~at~~ Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1485, and its
18 implementing regulations, as amended from time to time.

19 Sec. 79. 16 V.S.A. § 2967(b) is amended to read:

20 (b) The total expenditures made by the ~~state~~ State in any fiscal year
21 pursuant to this chapter shall be 60 percent of the statewide total special

1 education expenditures of funds that are not derived from federal sources.

2 Special education expenditures shall include:

3 (1) costs eligible for grants and reimbursements under sections 2961
4 through 2963a of this title;

5 (2) costs for services for ~~the~~ persons who are visually impaired and
6 hearing-impaired persons who are deaf or hard of hearing;

7 (3) costs for the interdisciplinary team program;

8 (4) costs for regional specialists in multiple disabilities;

9 (5) funds expended for training and programs to meet the needs of
10 students with emotional behavioral problems under subsection 2969(c) of this
11 title; and

12 (6) funds expended for training under subsection 2969(d) of this title.

13 Sec. 80. 16 V.S.A. § 3851(c) is amended to read:

14 (c) "Eligible institution" means any:

15 * * *

16 (5) any:

17 (A) nonprofit hospital as defined in 18 V.S.A. § 1902;

18 (B) nonprofit institution whose purpose is devoted primarily to the
19 maintenance and operation of diagnostic and therapeutic facilities for medical,
20 surgical, or psychiatric care of ambulatory patients;

21 (C) nonprofit licensed nursing home; or

1 (D) nonprofit assisted living facility, nonprofit continuing care
2 retirement facility, nonprofit residential care facility, or similar nonprofit
3 facility for the continuing care of ~~the persons who are~~ elderly or ~~the infirm~~
4 infirm, provided that such facility is owned by or under common ownership
5 with an otherwise eligible institution, and in the case of facilities to be financed
6 for an eligible institution provided by this subdivision (5) of this subsection,
7 for which the ~~department of financial regulation~~ Department of Financial
8 Regulation, if required, has issued a certificate of need.

9 Sec. 81. 16 V.S.A. § 4014(d) is amended to read:

10 (d) The ~~commissioner~~ Secretary shall evaluate proposals based on the
11 following criteria:

12 (1) The program will serve additional children with special needs, such
13 as those who are economically disadvantaged, those who have limited English
14 language skills, those ~~with disabling conditions~~ who have a disability, or those
15 who have ~~suffered from~~ experienced or are at risk of, abuse or neglect.

16 (2) The program will rely on early screening of children's development
17 to determine need.

18 (3) The program will provide experiential learning activities which are
19 developmentally appropriate for ~~three- and four-year-olds~~ three- and
20 four-year-old children. Such activities may be provided in home or group
21 settings or a combination of the two.

1 (4) The program will include active parental involvement in program
2 design and in making decisions about services.

3 (5) The program has been cooperatively developed by community and
4 school organizations that serve young children in a town or group of towns.

5 (6) There is a demonstrated need for the program.

6 (7) The program considers the transportation needs of children and
7 parents.

8 (8) The program enables children with ~~disabling conditions~~ disabilities
9 to be served in settings with typical peers ~~who do not have a disability~~.

10 (9) The program includes voluntary training for parents.

11 Sec. 82. 17 V.S.A. § 2502 is amended to read:

12 § 2502. LOCATION OF POLLING PLACES

13 (a) Each polling place shall be located in a public place within the town.

14 (b) The board of civil authority shall take such measures as are necessary to
15 assure that ~~elderly and handicapped~~ voters who are elderly or have a disability
16 may conveniently and secretly cast their votes. Measures which may be taken
17 shall include, ~~but are not limited to~~: location of polling places on the ground
18 floor of a building; providing ramps, elevators, or other facilities for access to
19 the polling place; providing a stencil overlay for ballots; providing a separate
20 polling place with direct communication to the main polling place; and
21 permitting election officials to carry a ballot to a ~~handicapped or elderly~~ person

1 who is elderly or has a disability in order to permit that person to mark the
2 ballot while in a motor vehicle adjacent to the polling place. For purposes of
3 this subsection, the board of civil authority shall have full jurisdiction on the
4 day of an election over the premises at which a polling place is located.

5 Sec. 83. 17 V.S.A. § 2538(b) is amended to read:

6 (b) The town clerk shall divide the list of ~~ill or physically disabled~~
7 applicants who have an illness or physical disability into approximately as
8 many equal parts as there are pairs of justices so designated, having regard to
9 the several parts of the town in which the applicants may be found. During the
10 eight days immediately preceding election day and on election day, the clerk
11 shall deliver to each pair of justices one part of the list, together with early or
12 absentee voter ballots and envelopes for each applicant. When justices receive
13 ballots and envelopes prior to election day, they shall receive only the ballots
14 and envelopes they are assigned to deliver on that day.

15 Sec. 84. 17 V.S.A. § 2567(b) is amended to read:

16 (b) All polling places, regardless of whether the municipality has voted to
17 use a voting machine pursuant to section 2492 of this title, shall possess at
18 least one voting system approved by the secretary of state equipped for
19 individuals with disabilities, including accessibility for ~~the people who are~~
20 ~~blind and visually impaired~~ and people who have a visual impairment, to vote
21 independently and privately.

1 Sec. 85. 17 V.S.A. § 2667 is amended to read:

2 § 2667. ACCESS TO ANNUAL MEETING

3 The legislative body of the municipality shall take reasonable measures to
4 assure that ~~elderly or handicapped~~ voters who are elderly or have a disability
5 may conveniently attend annual or special meetings; provided, however, that
6 such measures need not be taken if doing so would impose undue hardship on
7 the town. Measures may include, ~~but are not limited to,~~ location of meetings
8 on the ground floor of buildings or providing ramps or other devices for access
9 to meetings. In municipal elections using the Australian ballot system of
10 voting, subsection 2502(b) of this title shall apply. For the purposes of this
11 section, the legislative body shall have full jurisdiction on the day of the
12 municipal meeting over the premises at which the town meeting is to be held.

13 Sec. 86. 18 V.S.A. § 115 is amended to read:

14 § 115. CHRONIC DISEASES; STUDY; PROGRAM

15 (a) The ~~department of health~~ Department of Health may, in the discretion
16 of the ~~commissioner~~ Commissioner, accept for treatment children ~~suffering~~
17 ~~from~~ who have chronic diseases such as cystic fibrosis and severe hemophilia.

18 (b) The state ~~board of health~~ Board of Health is authorized to:

19 (1) Study the prevalence of chronic disease;₁

20 (2) Make such morbidity studies as may be necessary to evaluate the
21 over-all problem of chronic disease;₁

1 (3) Develop an early case-finding program, in cooperation with the
2 medical profession;

3 (4) Develop and carry on an educational program as to the causes,
4 prevention and alleviation of chronic disease;

5 (5) Integrate this program with that of the state rehabilitation center
6 where possible, by seeking the early referral of persons with chronic disease,
7 who ~~are capable of being rehabilitated~~ could benefit from the state
8 rehabilitation program.

9 * * *

10 Sec. 87. 18 V.S.A. § 115a is amended to read:

11 § 115a. CHRONIC DISEASES OF CHILDREN; TREATMENT

12 The ~~department of health~~ Department of Health may, in the discretion of the
13 ~~commissioner~~ Commissioner, accept for treatment children ~~suffering from~~ who
14 have chronic diseases such as cystic fibrosis.

15 Sec. 88. 18 V.S.A. § 116(a) is amended to read:

16 (a) The ~~board~~ Board shall continue the existing health service for mothers
17 and children established in a manner harmonious with parts one and two of
18 ~~title~~ Title V of the ~~act~~ Act of Congress approved August 14, 1935 and entitled
19 ~~social security act~~ Social Security Act and shall continue its existing health
20 service for ~~crippled~~ children with physical disabilities.

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1 ~~afflicted~~ person who has tuberculosis or other chronic respiratory disease.

2 Such person's physician shall thereupon prescribe the time of treatment and
3 designate the facility at which treatment shall be given; provided, however,
4 that in a case of tuberculosis suspected of being infectious, the ~~commissioner~~
5 Commissioner may apply all the laws and regulations of communicable
6 disease control.

7 * * *

8 § 1057. MEDICAL MANAGEMENT

9 (a) When the ~~commissioner of health~~ Commissioner of Health determines,
10 as a result of an examination as provided by sections 1055 and 1056 of this
11 title, that any person ~~is afflicted with~~ who has tuberculosis in an active stage
12 and in communicable form to an extent that the person may expose other
13 persons or the public generally to danger of infection, he or she shall
14 investigate the circumstances thereof and if he or she finds that the person does
15 constitute a health hazard to the public, he or she may request the court to
16 order the person to a hospital or other suitable place and require appropriate
17 medical management of the person therein until he or she determines that the
18 management is no longer necessary. Such medical care and treatment as the
19 ~~commissioner of health~~ Commissioner of Health considers necessary and
20 proper may be furnished to the sick person at the expense of the state.
21 Treatment shall not be imposed on any person against his or her will unless the

1 ~~commissioner~~ Commissioner determines that the person constitutes a public
2 health hazard without such treatment.

3 * * *

4 § 1097. EDUCATIONAL CAMPAIGN

5 The ~~board~~ Board shall conduct an educational campaign of methods for the
6 prevention and treatment and care of persons ~~suffering from~~ who have venereal
7 diseases.

8 * * *

9 § 1099. REPORTS AND RECORDS CONFIDENTIAL

10 All information and reports in connection with persons ~~suffering from~~ who
11 have venereal diseases shall be regarded as absolutely confidential and for the
12 sole use of the ~~board~~ Board in the performance of its duties hereunder, and
13 such records shall not be accessible to the public nor shall such records be
14 deemed public records; and ~~such board~~ the Board shall not disclose the names
15 or addresses of persons so reported or treated except to a prosecuting officer or
16 in court in connection with a prosecution under ~~sections~~ section 1105 or 1106
17 of this title. The foregoing shall not constitute a restriction on the ~~board~~ Board
18 in the performance of its duties in controlling ~~the above~~ these communicable
19 diseases.

20 * * *

§ 1101. REPORTS BY PUBLIC INSTITUTIONS

The superintendent or other officer in charge of public institutions such as hospitals, dispensaries, clinics, homes, ~~asylums~~, psychiatric hospitals, and charitable and correctional institutions shall report promptly to the ~~board~~ Board the name, sex, age, nationality, race, marital state, and address of every patient under observation ~~suffering from~~ who has venereal diseases in any form, stating the name, character, stage, and duration of the infection, and, if obtainable, the date and source of contracting the same.

* * *

Sec. 93. 18 V.S.A. § 1751(b)(26) is amended to read:

(26) “Target housing” means any dwelling constructed prior to 1978, except any 0-bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of ~~the~~ persons who are elderly or persons with disabilities, unless a child six years of age or younger resides in or is expected to reside in that dwelling. “Target housing” does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for 30 days or less.

Sec. 94. 18 V.S.A. § 1852(a) is amended to read:

(a) The ~~general assembly~~ General Assembly hereby adopts the “Bill of Rights for Hospital Patients” as follows:

* * *

* * *

§ 1871. PATIENT'S BILL OF RIGHTS FOR PALLIATIVE CARE AND PAIN MANAGEMENT

* * *

(e) A pediatric patient ~~suffering from~~ with a serious or life-limiting illness or condition has the right to receive palliative care while seeking and undergoing potentially curative treatment.

1 Sec. 96. 18 V.S.A. § 1902 is amended to read:

2 § 1902. DEFINITIONS

3 The following words and phrases, as used in this chapter, shall have the
4 following meanings unless otherwise provided:

5 (1) “Hospital” means a place devoted primarily to the maintenance and
6 operation of diagnostic and therapeutic facilities for in-patient medical or
7 surgical care of individuals ~~suffering from~~ who have an illness, disease, injury,
8 or ~~deformity~~ physical disability, or for obstetrics.

9 (A) “General hospital” is a hospital of which not more than 50
10 percent of the total patient days during the year are customarily assignable to
11 the following categories of cases: chronic, convalescent and rest, drug and
12 alcoholic, ~~epileptic, mentally deficient, mental, nervous and mental~~ epilepsy,
13 developmental and psychiatric disabilities, and tuberculosis, and which
14 provides adequate and separate facilities and equipment for the performance of
15 surgery and obstetrics, or either, and for diagnostic X-ray and laboratory
16 services.

17 (B) “~~Mental~~ Psychiatric hospital” means a hospital for the diagnosis
18 and treatment of ~~mental illness~~ psychiatric disabilities.

19 (C) “Tuberculosis facility” means a hospital (excluding preventoria),
20 or the separate tuberculosis unit of a general, ~~mental~~ psychiatric, or chronic
21 disease hospital for the diagnosis and treatment of tuberculosis.

* * *

* * *

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1 prescribe such drugs. No nursing home shall be granted a certificate of
2 approval for the possession and use of such drugs unless such nursing home
3 has a registered nurse or a licensed practical nurse on duty or on call 24 hours
4 daily who will have sole responsibility for those drugs. Nothing in this chapter
5 shall be construed as conferring on any nursing home, convalescent home, or
6 home for the aged any authority, right, or privilege beyond that granted to it by
7 the law under which it is licensed or otherwise authorized to function.

8 Sec. 98. 18 V.S.A. § 5142 is amended to read:

9 § 5142. RESTRICTIONS AS TO ~~MINORS AND INCOMPETENT~~

10 PERSONS WHO ARE MINORS OR IMCOMPETENT

11 A clerk shall not issue a civil marriage license when either party to the
12 intended marriage is:

13 (1) A person who has not attained majority without the consent in
14 writing of one of the parents if there is one competent to act; or the guardian of
15 such minor;

16 (2) Nor with such consent when either party is under 16 years of age;

17 (3) Nor when either of the parties to the intended marriage is ~~non~~
18 ~~compos mentis~~ not mentally capable of entering into marriage;

19 (4) Nor to a person under guardianship without the written consent of
20 such guardian.

21 (5) [Deleted.]

1 Sec. 99. 18 V.S.A. § 5205(a) is amended to read:

2 (a) When a person dies from violence, or suddenly when in apparent good
3 health or when unattended by a physician or a recognized practitioner of a
4 well-established church, or by casualty, or by suicide or as a result of injury or
5 when in jail or prison, or any ~~mental institution~~ psychiatric hospital, or in any
6 unusual, unnatural, or suspicious manner, or in circumstances involving a
7 hazard to public health, welfare, or safety, the head of the household, the jailer
8 or the superintendent of a ~~mental institution~~ psychiatric hospital where such
9 death occurred, or the next of kin, or the person discovering the body or any
10 doctor notified of the death, shall immediately notify the medical examiner
11 who resides nearest the town where the death occurred and immediately upon
12 being notified, such medical examiner shall notify the state's attorney of the
13 county in which the death occurred. The state's attorney shall thereafter be in
14 charge of the body and shall issue such instructions covering the care or
15 removal of the body as he or she shall deem appropriate until he or she releases
16 same.

17 Sec. 100. 18 V.S.A. chapter 171 is amended to read:

18 CHAPTER 171. GENERAL PROVISIONS

19 § 7101. DEFINITIONS

20 As used in this part of this title, the following words, unless the context
21 otherwise requires, shall have the following meanings:

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1 (1) the hospitalization of an individual knowing that the individual is ~~not~~
2 ~~mentally ill~~ does not have a psychiatric disability or ~~in~~ need of hospitalization
3 or treatment as a ~~mentally ill or mentally retarded~~ an individual with a
4 psychiatric or intellectual disability; or

5 (2) the denial to any individual of any rights granted to him or her under
6 this part of this title; or

7 (3) the voluntary admission to a hospital of an individual knowing that
8 he is ~~not mentally ill~~ or she does not have a psychiatric disability or is not
9 eligible for treatment thereby attempting to defraud the ~~state~~ State; or

10 (4) the elopement of any patient ~~or student~~ from a hospital ~~or training~~
11 ~~school~~ or who knowingly harbors any ~~sick person~~ patient who has eloped, or
12 who aids in abducting a patient ~~or student~~ who has been conditionally
13 discharged from the person or persons in whose care and service that patient ~~or~~
14 ~~student~~ has been legally placed; ~~shall be fined not more than \$500.00 or~~
15 ~~imprisoned not more than one year, or both.~~

16 * * *

17 § 7110. CERTIFICATION OF ~~MENTAL ILLNESS~~ PSYCHIATRIC
18 DISABILITY

19 A certification of ~~mental illness~~ psychiatric disability by a licensed
20 physician required by section 7504 of this title shall be made by a ~~board~~
21 ~~eligible~~ board-eligible psychiatrist, a ~~board-certified~~ board-certified

1 psychiatrist, or a resident in psychiatry, under penalty of perjury. In areas of
2 the ~~state~~ State where ~~board-eligible~~ board-eligible psychiatrists, ~~board-certified~~
3 board-certified psychiatrists, or residents in psychiatry are not available to
4 complete admission certifications to the Vermont State Hospital or its
5 successor in interest, the ~~commissioner~~ Commissioner may designate other
6 licensed physicians as appropriate to complete certification for purposes of
7 section 7504 of this title.

8 * * *

9 § 7113. INDEPENDENT EXAMINATION: PAYMENT

10 Whenever a court orders an independent examination by a mental health
11 professional or a qualified ~~mental retardation~~ developmental disabilities
12 professional pursuant to this title or 13 V.S.A. § 4822, the cost of the
13 examination shall be paid by the ~~department of disabilities, aging, and~~
14 ~~independent living or of health~~ Department of Disabilities, Aging, and
15 Independent Living or of Health. The mental health professional or qualified
16 ~~mental retardation~~ developmental disabilities professional may be selected by
17 the court but the ~~commissioner of disabilities, aging, and independent living or~~
18 ~~the commissioner of mental health~~ Commissioner of Disabilities, Aging, and
19 Independent Living or of Mental Health may adopt a reasonable fee schedule
20 for examination, reports, and testimony.

1 Sec. 101. 18 V.S.A. chapter 174 is amended to read:

2 CHAPTER 174. MENTAL HEALTH SYSTEM OF CARE

3 § 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

4 The ~~general assembly~~ General Assembly adopts the following principles as
5 a framework for reforming the mental health care system in Vermont:

6 (1) The ~~state~~ State of Vermont shall meet the needs of individuals with
7 ~~mental health conditions~~ psychiatric disabilities, including the needs of
8 individuals in the custody of the ~~commissioner of corrections~~ Commissioner of
9 Corrections, and the ~~state's~~ State's mental health system shall reflect
10 excellence, best practices, and the highest standards of care.

11 (2) Long-term planning shall look beyond the foreseeable future and
12 present needs of the mental health community. Programs shall be designed to
13 be responsive to changes over time in levels and types of needs, service
14 delivery practices, and sources of funding.

15 (3) Vermont's mental health system shall provide a coordinated
16 continuum of care by the ~~departments of mental health and of corrections~~
17 Departments of Mental Health and of Corrections, designated hospitals,
18 designated agencies, and community and peer partners to ensure that
19 individuals with ~~mental health conditions~~ psychiatric disabilities receive care
20 in the most integrated and least restrictive settings available. Individuals'
21 treatment choices shall be honored to the extent possible.

1 (4) The mental health system shall be integrated into the overall health
2 care system.

3 (5) Vermont's mental health system shall be geographically and
4 financially accessible. Resources shall be distributed based on demographics
5 and geography to increase the likelihood of treatment as close to the patient's
6 home as possible. All ranges of services shall be available to individuals who
7 need them, regardless of individuals' ability to pay.

8 (6) The state's mental health system shall ensure that the legal rights of
9 individuals with ~~mental health conditions~~ psychiatric disabilities are protected.

10 (7) Oversight and accountability shall be built into all aspects of the
11 mental health system.

12 (8) Vermont's mental health system shall be adequately funded and
13 financially sustainable to the same degree as other health services.

14 (9) Individuals with a ~~mental health condition~~ psychiatric disability who
15 are in the custody of the ~~commissioner of mental health~~ Commissioner of
16 Mental Health and who receive treatment in an acute inpatient hospital,
17 intensive residential recovery facility, or a secure residential facility shall be
18 afforded at least the same rights and protections as those individuals cared for
19 at the former Vermont State Hospital.

§ 7252. DEFINITIONS

As used in this chapter:

(1) “Adult outpatient services” means flexible services responsive to individuals’ preferences, needs, and values that are necessary to stabilize, restore, or improve the level of social functioning and well-being of individuals with ~~mental health conditions~~ psychiatric disabilities, including individual and group treatment, medication management, psychosocial rehabilitation, and case management services.

* * *

(5) “Intensive residential recovery facility” means a licensed program under contract with the ~~department of mental health~~ Department of Mental Health that provides a safe, therapeutic, recovery-oriented residential environment to care for individuals with one or more ~~mental health conditions~~ psychiatric disabilities who need intensive clinical interventions to facilitate recovery in anticipation of returning to the community. This facility shall be for individuals not in need of acute inpatient care and for whom the facility is the least restrictive and most integrated setting.

* * *

(10) “Peer” means an individual who has a personal experience of living with a ~~mental health condition or~~ psychiatric disability.

(12) “Psychosocial rehabilitation” means a range of social, educational, occupational, behavioral, and cognitive interventions for increasing the role performance and enhancing the recovery of individuals with a serious mental illness psychiatric disability, including services that foster long-term recovery and self-sufficiency.

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

(1) For the purpose of coordinating the movement of individuals across the continuum of care to the most appropriate services, the clinical resource management system shall:

1 (A) ensure that all individuals in the care and custody of the
2 commissioner receive the highest quality and least restrictive care necessary;

3 (B) develop a process for receiving direct ~~patient~~ input from persons
4 receiving services on treatment opportunities and the location of services;

5 (C) use state-employed clinical resource management coordinators to
6 work collaboratively with community partners, including designated agencies,
7 hospitals, individuals with ~~mental health conditions~~ psychiatric disabilities, and
8 peer groups, to ensure access to services for individuals in need. Clinical
9 resource management coordinators or their designees shall be available 24
10 hours a day, seven days a week to assist emergency service clinicians in the
11 field to access necessary services;

12 * * *

13 (J) ensure that individuals under the custody of the ~~commissioner~~
14 Commissioner being served in designated hospitals, intensive residential
15 recovery facilities, and the secure residential recovery facility shall have access
16 to a mental health patient representative. The patient representative shall
17 advocate for ~~patients~~ persons receiving services and shall also foster
18 communication between ~~patients~~ persons receiving services and health care
19 providers. The ~~department of mental health~~ Department of Mental Health shall
20 contract with an independent, peer-run organization to staff the full-time
21 equivalent of a patient representative.

* * *

§ 7255. SYSTEM OF CARE

The ~~commissioner of mental health~~ Commissioner of Mental Health shall coordinate a geographically diverse system and continuum of mental health care throughout the state that shall include at least the following:

(1) comprehensive and coordinated community services, including prevention, to serve children, families, and adults at all stages of ~~mental illness~~ psychiatric disability;

(2) peer services, which may include:

(A) a warm line;

(B) peer-provided transportation services;

(C) peer-supported crisis services; and

(D) peer-supported hospital diversion services;

(3) alternative treatment options for individuals seeking to avoid or reduce reliance on medications;

(4) recovery-oriented housing programs;

(5) intensive residential recovery facilities;

(6) appropriate and adequate psychiatric inpatient capacity for voluntary patients;

1 (7) appropriate and adequate psychiatric inpatient capacity for
2 involuntary inpatient treatment services, including ~~patients~~ persons receiving
3 treatment through court order from a civil or criminal court; and

4 (8) a secure residential recovery facility.

5 § 7256. REPORTING REQUIREMENTS

6 Notwithstanding 2 V.S.A. § 20(d), the ~~department of mental health~~
7 Department of Mental Health shall report annually on or before January 15 to
8 the ~~senate committee on health and welfare~~ Senate Committee on Health and
9 Welfare and the ~~house committee on human services~~ House Committee on
10 Human Services regarding the extent to which individuals with ~~mental health~~
11 ~~conditions~~ psychiatric disabilities receive care in the most integrated and least
12 restrictive setting available. The report shall address:

13 (1) Utilization of services across the continuum of mental health
14 services;

15 (2) Adequacy of the capacity at each level of care across the continuum
16 of mental health services;

17 (3) Individual experience of care and satisfaction;

18 (4) Individual recovery in terms of clinical, social, and legal
19 outcomes; and

20 (5) Performance of the state's mental health system of care as compared
21 to nationally recognized standards of excellence.

§ 7257. REPORTABLE ADVERSE EVENTS

An acute inpatient hospital, an intensive residential recovery facility, a designated agency, or a secure residential facility shall report to the ~~department of mental health~~ Department of Mental Health instances of death or serious bodily injury to individuals with a ~~mental health condition~~ psychiatric disability in the custody of the ~~commissioner~~ Commissioner.

* * *

Sec. 102. 18 V.S.A. § 7304 is amended to read:

§ 7304. PERSONS NOT HOSPITALIZED

The ~~board~~ Board shall have general jurisdiction of ~~the mentally retarded and the mentally ill~~ persons with an intellectual or psychiatric disability who have been discharged from a hospital or training school by authority of the ~~board~~ Board. It shall also have jurisdiction of ~~the mentally ill and mentally retarded~~ persons with an intellectual or psychiatric disability of the state not hospitalized, so far as concerns their physical and mental condition and their care, management, and medical treatment and shall make such orders therein as each case duly brought to its attention requires.

Sec. 103. 18 V.S.A. § 7314 is amended to read:

§ 7314. RECIPROCAL AGREEMENTS

The ~~board~~ Board may enter into reciprocal agreements with corresponding state agencies of other states regarding the interstate transportation or transfer

1 of persons with ~~mental illness or retardation~~ a psychiatric or intellectual
2 disability and arrange with the proper officials in this ~~state~~ State for the
3 acceptance, transfer, and support of residents of this ~~state~~ State who are
4 temporarily detained or receiving ~~mental~~ care in public institutions of other
5 states in accordance with the terms of such agreements.

6 Sec. 104. 18 V.S.A. chapter 177 is amended to read:

7 CHAPTER 177. THE COMMISSIONER OF MENTAL HEALTH

8 § 7401. POWERS AND DUTIES

9 Except insofar as this part of this title specifically confers certain powers,
10 duties, and functions upon others, the ~~commissioner~~ Commissioner shall be
11 charged with its administration. The ~~commissioner~~ Commissioner may:

12 * * *

13 (3) designate, control, and supervise the property, affairs, and operation
14 of hospitals and institutions equipped and otherwise qualified to provide
15 inpatient care and treatment for individuals ~~who are mentally ill~~ with a
16 psychiatric disability;

17 * * *

18 (6) provide for the hospitalization of ~~mentally ill~~ patients with a
19 psychiatric disability in designated hospitals or institutions of Vermont or
20 negotiate and enter into contracts which shall incorporate safeguards consistent

1 with this part of this title, with any hospital or institution for the care and
2 treatment of patients in any other state;

3 * * *

4 (14) plan and coordinate the development of community services which
5 are needed to assist children and adolescents with or at risk for a severe
6 emotional disturbance and individuals with ~~mental illness~~ a psychiatric
7 disability to become as financially and socially independent as possible. These
8 services shall consist of residential, vocational, rehabilitative, day treatment,
9 inpatient, outpatient, and emergency services, as well as client assessment,
10 prevention, family, and individual support services, and such other services as
11 may be required by federal law or regulations;

12 (15) contract with community mental health centers to assure that
13 children and adolescents with or at risk for a severe emotional disturbance or
14 individuals with ~~mental illness~~ a psychiatric disability can receive information,
15 referral, and assistance in obtaining those community services which they need
16 and to which they are lawfully entitled;

17 * * *

18 § 7402. RECORDS AND REPORTS

19 The ~~commissioner~~ Commissioner shall keep records of all commitments
20 and admissions to a hospital and shall secure compliance with the laws relating
21 thereto. The ~~commissioner~~ Commissioner shall report biennially to the

1 ~~governor~~ Governor and the ~~general assembly~~ General Assembly on the
2 condition of hospitals, on the physical and medical treatment of patients
3 therein, on the need for community services to former patients and ~~those~~
4 ~~mentally ill~~ persons with a psychiatric disability not hospitalized and on any
5 other matters the ~~commissioner~~ Commissioner deems advisable.

6 * * *

7 § 7405. PROPERTY IN TRUST

8 The ~~commissioner~~ Commissioner may take and hold in trust for the state
9 any grant or devise of land or donation or bequest of money, or other personal
10 property, to be applied to the maintenance of ~~mentally ill~~ persons with a
11 psychiatric disability.

12 § 7406. CONTRACTS

13 The ~~commissioner~~ Commissioner, with the approval of the ~~governor~~
14 Governor, may enter into contracts with the federal government or its agencies
15 for the care, treatment, or observation of ~~those mentally ill~~ persons with a
16 psychiatric disability entitled to support by the federal government or agency
17 as the ~~commissioner~~ Commissioner may deem desirable. The receipts from
18 those contracts shall be paid by the ~~superintendent~~ Superintendent to the ~~state~~
19 ~~treasurer~~ State Treasurer to be applied to the ~~general fund~~ General Fund.

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1 order, shall be notified immediately of the transfer by the ~~commissioner~~
2 Commissioner. No person may be transferred to an agency of the United
3 States if he or she is confined pursuant to conviction of any felony or
4 misdemeanor, or if he or she has been acquitted of a criminal charge solely on
5 the ground of ~~mental illness~~ having a psychiatric disability, unless prior to
6 transfer the judge who originally ordered hospitalization of such person enters
7 an order for the transfer after appropriate motion and hearing. Any person so
8 transferred shall be deemed to be hospitalized by that agency pursuant to the
9 original order of hospitalization.

10 Sec. 108. 18 V.S.A. § 8108 is amended to read:

11 § 8108. CLAIM ALLOWED AGAINST ESTATE

12 Claim for the care and treatment of a ~~mentally ill~~ person with a psychiatric
13 disability against his or her estate shall be presented and prosecuted by the
14 ~~commissioner~~ Commissioner and shall be allowed by the ~~commissioner~~
15 Commissioner upon the estate, and paid by his or her administrator or
16 executor. ~~Such~~ The claims shall not exceed the amount which the
17 ~~commissioner~~ Commissioner has found to be within the ability and legal
18 obligation of the person to pay and full credit shall be allowed for any amounts
19 paid prior to the death of the person.

1 Sec. 109. 18 V.S.A. chapter 193 is amended to read:

2 CHAPTER 193. PRIVATE HOSPITALS

3 § 8201. COMMISSIONER MAY LICENSE PRIVATE HOSPITAL

4 After due investigation, the ~~commissioner~~ Commissioner may license for
5 not less than two nor more than six years, any suitable person to keep a private
6 hospital for ~~the mentally ill~~ persons with psychiatric disabilities, which shall be
7 subject to visitations from the ~~commissioner~~ Commissioner. A license granted
8 hereunder shall exempt the licensee from the licensing requirements of section
9 1901 et seq. of this title.

10 * * *

11 § 8204. WHAT DEEMED PRIVATE HOSPITAL

12 A person who keeps or domiciles upon premises owned or occupied by him
13 or her two or more ~~mentally ill~~ persons with a psychiatric disability for care
14 and treatment shall be deemed the keeper of a private hospital for ~~the mentally~~
15 ~~ill~~ persons with a psychiatric disability.

16 § 8205. PENALTY

17 A person who keeps a private hospital for ~~the mentally ill~~ persons with
18 psychiatric disabilities, except as provided in this chapter, shall be fined not
19 more than \$500.00.

1 Sec. 110. 18 V.S.A. chapter 197 is amended to read:

2 CHAPTER 197. ~~MENTALLY ILL USERS OF~~ PERSONS WITH
3 PYSCHIATRIC DISABILITY WHO USE ALCOHOL OR DRUGS

4 § 8401. DEFINITIONS

5 As used in this chapter, “drug addict” means a person who shows signs of
6 ~~mental illness~~ having a psychiatric disability because of his or her use of drugs,
7 hallucinogens, stimulants, or sedatives or who has an uncontrollable desire for
8 their use or consumption.

9 § 8402. HOSPITALIZATION

10 Except as otherwise provided in this chapter, a drug addict may be admitted
11 to a designated hospital and provided with care and treatment in the same
12 manner and under the same conditions as a ~~mentally ill~~ person with a
13 psychiatric disability.

14 * * *

15 Sec. 111. 18 V.S.A. chapter 204 is amended to read:

16 CHAPTER 204. STERILIZATION

17 § 8705. STERILIZATION; POLICY

18 (a) It is the policy of the ~~state~~ State of Vermont to allow voluntary and
19 involuntary sterilizations of ~~mentally retarded~~ adults with an intellectual
20 disability under circumstances which will ensure that the best interests and
21 rights of such persons are fully protected. In accordance with this policy, ~~no~~

1 ~~mentally retarded~~ a person with an intellectual disability, as defined by section
2 subdivision 7101(12) of this title, may not be sterilized without his or her
3 consent unless there is a prior hearing in the superior court as provided in this
4 chapter. ~~No mentally retarded~~ A person with an intellectual disability under
5 the age of ~~eighteen~~ 18 may not be sterilized.

6 (b) Sterilization is defined to mean a surgical procedure, the purpose of
7 which is to render an individual incapable of procreating.

8 § 8706. VOLUNTARY STERILIZATION

9 Any ~~mentally retarded~~ person with an intellectual disability over the age of
10 ~~eighteen~~ 18, who does not have ~~either a guardian or protective services worker~~
11 with the power to consent to nonemergency surgery, may obtain a voluntary
12 sterilization subject to all of the following preconditions:

13 (1) the ~~mentally retarded~~ person with an intellectual disability has freely,
14 voluntarily, and without coercion, personally requested a physician to perform
15 a sterilization; and

16 (2) the ~~mentally retarded~~ person with an intellectual disability has given
17 informed consent to the sterilization in that:

18 (A) the physician has provided a complete explanation concerning:

19 (i) the nature and irreversible consequences of a sterilization
20 procedure; and

21 (ii) the availability of alternative contraceptive measures;

1 (B) the physician is satisfied that the consent is based upon an
2 understanding of that information and that before the operation is undertaken
3 the physician personally obtains evidence of the person's retention of that
4 understanding, not less than 10 days following the original explanation;

5 (C) the consent is in writing and signed by the ~~mentally retarded~~
6 person with an intellectual disability;

7 (3) the ~~mentally retarded~~ person with an intellectual disability has been
8 informed and is aware that his or her consent may be withdrawn at any time
9 prior to the operation;

10 (4) the physician has reviewed medical records and psychological
11 assessments of the ~~mentally retarded~~ person with an intellectual disability.

12 § 8707. COMPETENCY TO CONSENT; PROCEDURE

13 (a)(1) If the physician from whom the sterilization has been sought refuses
14 to perform the sterilization because he or she is not satisfied that the ~~mentally~~
15 ~~retarded~~ person with an intellectual disability has the ability to give the
16 informed consent required by section 8706 of this title, the ~~mentally retarded~~
17 person with an intellectual disability may file a petition in superior court for a
18 determination of the person's competency to consent to the sterilization.

19 (2) The petition shall set forth the information required by ~~section~~
20 subdivisions 8709(b)(1)–(5) of this title.

1 (3) Upon filing of the petition, the court shall appoint a qualified ~~mental~~
2 ~~retardation~~ developmental disabilities professional as defined in ~~section~~
3 subdivision 8821(8) of this title to examine the ~~mentally-retarded~~ person with
4 an intellectual disability and present evidence to the court as to that person's
5 ability to give informed consent.

6 (4) The hearing shall be limited to a determination of the ~~mentally~~
7 ~~retarded person's~~ person with an intellectual disability's competency to
8 consent to a sterilization, and shall be conducted in accordance with sections
9 8709(c), 8710, and 8711(a) and (b) of this title.

10 (b)(1) If, after the hearing, the court determines on the basis of clear and
11 convincing proof that the ~~mentally-retarded~~ person with an intellectual
12 disability is competent to consent and has given the required consent, it shall
13 order that a voluntary sterilization may be performed.

14 (2) If the court determines that the ~~mentally-retarded~~ person with an
15 intellectual disability is not competent to give consent it shall inform the
16 person that he or she has the right to petition the court for an involuntary
17 sterilization pursuant to the requirements of section 8708 of this title.

18 § 8708. INVOLUNTARY STERILIZATION

19 (a) Any sterilization sought on behalf of a ~~mentally-retarded~~ person with an
20 intellectual disability or requested by any person denied a voluntary

1 sterilization by section 8707 of this title shall be considered an involuntary
2 sterilization.

3 (b) Involuntary sterilizations may be performed only after a hearing in the
4 superior court pursuant to sections 8709-8712 of this title. For the purposes of
5 involuntary sterilization proceedings under this chapter, the ~~mentally-retarded~~
6 person with an intellectual disability subject to a petition for sterilization shall
7 be defined as the respondent.

8 § 8709. PETITION AND NOTICE OF HEARING

9 (a) Any ~~mentally-retarded~~ adult with an intellectual disability, his or her
10 parent, private guardian, near relative, as defined in section 8821 of this title,
11 or physician, may file a petition in the superior court alleging that the person ~~is~~
12 ~~mentally-retarded~~ has an intellectual disability and in need of sterilization.

13 * * *

14 § 8711. CONDUCT OF HEARING

15 * * *

16 (c) The court shall determine the following:

17 (1) whether the respondent ~~is mentally-retarded~~ has an intellectual
18 disability;

19 (2) whether the respondent is competent to give informed consent as
20 defined in section 8706 of this title; and

1 (3) if the court determines that the respondent is not competent to give
2 informed consent, whether a sterilization is in the best interests of the
3 respondent by considering the following factors:

4 * * *

5 (d) The court shall order the ~~commissioner of disabilities, aging, and~~
6 ~~independent living~~ Commissioner of Disabilities, Aging, and Independent
7 Living to arrange for the preparation of a comprehensive medical,
8 psychological, and social evaluation of the person through developmental
9 disability agencies affiliated with the ~~department~~ Department. The
10 comprehensive evaluation shall be completed within 30 days of the receipt of
11 the petition. The medical report shall be prepared by a physician and shall
12 describe the physical condition of the respondent and the availability of the
13 effective alternative contraceptive measures to meet the needs of the person.
14 The psychological report shall include a diagnosis of the person's intellectual
15 ability and social functioning. The social report shall be prepared by a
16 qualified ~~mental retardation~~ developmental disabilities professional, and shall
17 describe the respondent's developmental and social functioning.

18 * * *

19 § 8712. FINDINGS; ORDER

20 (a) The court shall prepare written findings of fact and state separately its
21 conclusions of law in all cases.

1 (b) If upon completion of the hearing and consideration of the record the
2 court finds that the ~~mentally retarded~~ person with an intellectual disability is
3 competent to give informed consent and no such consent has been given, no
4 sterilization may be ordered.

5 (c) If upon completion of the hearing and consideration of the record the
6 court finds that the person is incompetent to consent and that the sterilization is
7 in the best interests of the person, it shall order that an involuntary sterilization
8 may be performed.

9 * * *

10 § 8716. JURISDICTION

11 The superior court shall have exclusive original jurisdiction over all
12 proceedings brought under this chapter. Proceedings under this chapter shall
13 be commenced in the superior court of the county in which the ~~mentally~~
14 ~~retarded~~ person with an intellectual disability resides.

15 Sec. 112. 18 V.S.A. § 8722(2) is amended to read:

16 (2) “Developmental disability” means a severe, chronic disability of a
17 person that is manifested before the person reaches the age of 18 and results in:

18 (A) ~~mental retardation~~, intellectual disability previously known as
19 “mental retardation,” autism, or pervasive developmental disorder; and

20 (B) deficits in adaptive behavior at least two standard deviations
21 below the mean for a normative comparison group.

1 Sec. 113. 18 V.S.A. § 8731(d) is amended to read:

2 (d) All staff and all family-directed respite workers shall be trained in the
3 requirements of 33 V.S.A. chapter 69, relating to reports of abuse, neglect, and
4 exploitation of adults who are elderly and disabled adults or have a disability,
5 and the requirements of 33 V.S.A. chapter 49, subchapter 2, relating to reports
6 of suspected abuse or neglect of children.

7 Sec. 114. 18 V.S.A. chapter 206 is amended to read:

8 CHAPTER 206. CARE FOR ~~MENTALLY RETARDED~~ PERSONS
9 WITH INTELLECTUAL DISABILITIES

10 § 8820. PURPOSE

11 The purpose of this chapter is to establish procedures for determining
12 appropriate care for ~~mentally retarded~~ persons with an intellectual disability in
13 Vermont. “Intellectual disability” replaces what was previously known as
14 “mental retardation.”

15 * * *

16 Subchapter 3. Judicial Proceeding; Persons with ~~Mental Retardation~~
17 Intellectual Disability Who Present a Danger of Harm to Others

18 § 8839. DEFINITIONS

19 As used in this subchapter:

20 (1) “Danger of harm to others” means the person has inflicted or
21 attempted to inflict serious bodily injury to another or has committed an act

1 that would constitute a sexual assault or lewd or lascivious conduct with a
2 child.

3 (2) "Designated program" means a program designated by the
4 ~~commissioner~~ Commissioner as adequate to provide in an individual manner
5 appropriate custody, care, and habilitation to persons with ~~mental retardation~~
6 intellectual disabilities receiving services under this subchapter. Placement in
7 the Brandon Training School may only be accomplished through the
8 procedures set forth in subchapter 1 of chapter 206 of this title.

9 (3) "Person in need of custody, care, and habilitation" means:

10 (A) a ~~mentally retarded~~ person with an intellectual disability;

11 (B) who presents a danger of harm to others; and

12 (C) for whom appropriate custody, care, and habilitation can be
13 provided by the commissioner in a designated program.

14 * * *

15 Sec. 115. 18 V.S.A. chapter 207 is amended to read:

16 CHAPTER 207. COMMUNITY MENTAL HEALTH AND
17 DEVELOPMENTAL SERVICES

18 § 8901. PURPOSE

19 The purpose of this chapter is to expand community mental health and
20 developmental disability services; to encourage participation in such a program
21 by persons in local communities; to obtain better understanding of the need for

1 community mental health and developmental services; to authorize funding for
2 the program by state aid, local financial support, and direct payment by ~~clients~~
3 people who receive services who have the ability to pay and to provide
4 services to ~~mentally ill persons, developmentally disabled persons~~ with a
5 psychiatric disability, persons with a developmental disability, and children or
6 adolescents with a severe emotional disturbance.

7 * * *

8 § 8907. DESIGNATION OF AGENCIES TO PROVIDE MENTAL
9 HEALTH AND DEVELOPMENTAL DISABILITY SERVICES

10 (a) Except as otherwise provided in this chapter, the ~~commissioner of~~
11 ~~mental health and the commissioner of disabilities, aging, and independent~~
12 ~~living~~ Commissioners of Mental Health and of Disabilities, Aging, and
13 Independent Living shall, within the limits of funds designated by the
14 legislature for this purpose, ensure that community services to ~~mentally ill and~~
15 ~~developmentally disabled persons~~ with psychiatric disabilities and
16 developmentally disabilities throughout the ~~state~~ State are provided through
17 designated community mental health agencies. The ~~commissioners~~
18 Commissioners shall designate public or private nonprofit agencies to provide
19 or arrange for the provision of these services.

20 (b) Within the limits of available resources, each designated community
21 mental health or developmental disability agency shall plan, develop, and

1 provide or otherwise arrange for those community mental health or
2 developmental disability services that are not assigned by law to the exclusive
3 jurisdiction of another agency and which are needed by and not otherwise
4 available to persons with ~~mental illness~~ psychiatric disabilities or
5 developmental disabilities or children and adolescents with a severe emotional
6 disturbance in accordance with the provisions of 33 V.S.A. chapter 43 of Title
7 ~~33~~ who reside within the geographic area served by the agency.

8 * * *

9 § 8909. BOARDS OF DIRECTORS OF NONPROFIT CORPORATIONS
10 DESIGNATED AS COMMUNITY MENTAL HEALTH AND
11 DEVELOPMENTAL DISABILITY AGENCIES

12 * * *

13 (b) The ~~board~~ Board shall direct the development of the local community
14 services plan and shall consult with the ~~commissioners~~ Commissioners, with
15 consumers, with other organizations representing ~~mentally ill~~ persons with
16 psychiatric disabilities, persons with developmental disabilities, and children
17 and adolescents with a severe emotional disturbance, and with other
18 governmental or private agencies that provide community services to the
19 ~~clients~~ people served by the agency to determine the needs of the community
20 for mental health and developmental disability services, and the priority need
21 for service. The plan shall encourage utilization of existing agencies,

1 professional personnel, and public funds at both state and local levels in order
2 to improve the effectiveness of mental health and developmental disability
3 services and to prevent unnecessary duplication of expenditures.

4 * * *

5 § 8911. POWERS OF THE COMMISSIONERS

6 (a) If the ~~commissioner~~ Commissioner after discussion with the board of a
7 community mental health and developmental disability agency determine that
8 the local community services plan required by section 8908 of this chapter is
9 inadequate to meet the needs of persons with ~~mental illness~~ psychiatric
10 disabilities or with developmental disabilities or children and adolescents with
11 a severe emotional disturbance in accordance with the provisions of 33 V.S.A.
12 chapter 43 of Title 33 in the area served by a mental health and developmental
13 disability agency or that an agency has, for reasons other than lack of
14 resources, failed or refused to implement an otherwise adequate plan, the
15 ~~commissioners~~ Commissioners shall take one or more of the following steps:

16 * * *

17 § 8912. CONTRACTS WITH NONDESIGNATED AGENCIES

18 The ~~commissioners~~ Commissioners may enter into agreements with local
19 community mental health and developmental disability agencies or with any
20 public or private agency for the purpose of establishing specialized services
21 which are needed by persons with ~~mental illness~~ psychiatric disabilities or with

1 developmental disabilities or children and adolescents with a severe emotional
2 disturbance and are not available from designated community mental health
3 agencies.

4 * * *

5 Sec. 116. 18 V.S.A. § 9302(1) is amended to read:

6 (1) “Person with developmental disabilities” means:

7 (A) a person with a severe, chronic disability that must arise before
8 the person reaches the age of 18, and results in:

9 (i) ~~mental retardation~~, intellectual disability previously known as
10 “mental retardation,” autism, or pervasive developmental disorder; and

11 (ii) deficits in adaptive behavior at least two standard deviations
12 below the mean for a normative comparative comparison group; or

13 (B) a person with a developmental disability who was receiving
14 services on July 1, 1996.

15 Sec. 117. 18 V.S.A. § 9373(9) is amended to read:

16 (9) “Health service” means any treatment or procedure delivered by a
17 health care professional to maintain an individual’s physical or mental health
18 or to diagnose or treat an individual’s physical or mental ~~health~~ condition,
19 including services ordered by a health care professional, chronic care
20 management, preventive care, wellness services, and medically necessary
21 services to assist in activities of daily living.

1 Sec. 118. 19 V.S.A. § 905a is amended to read:

2 § 905a. CURB CUTS AND RAMPS

3 All newly constructed intersections or curbs in the state used by pedestrians
4 shall be constructed with curb cuts or ramps which enable persons with
5 ambulatory ~~handicaps~~ disabilities to have access to the sidewalk.

6 Specifications for design of curb cuts or ramps shall be in accordance with the
7 American National Standards Institute. All curb cuts or ramps in the state shall
8 be of a uniform design where practical.

9 Sec. 119. 19 V.S.A. § 922a is amended to read:

10 § 922a. WARNING SIGNS DESIGNATING ~~HANDICAPPED~~ PERSONS
11 WITH A DISABILITY

12 Signs designating the presence of a ~~disabled individual~~ person with a
13 disability shall be erected only with the consent of the individual or guardian.

14 Sec. 120. 20 V.S.A. § 46 is amended to read:

15 § 46. DISASTER RELIEF WORKERS FUND; HEALTH CARE
16 PROVIDERS; REIMBURSEMENT

17 (a) The ~~disaster relief workers fund~~ Disaster Relief Workers Fund is
18 established in the ~~state treasury~~ State Treasury, and shall be managed in
19 accordance with the provisions of 32 V.S.A. chapter 7, subchapter 5 ~~of chapter~~
20 ~~7 of Title 32~~. The ~~fund~~ Fund is established for the purpose of providing pay

1 reimbursement to employers of certain public or private health care providers
2 who perform ~~behavioral~~ mental health disaster relief services.

3 * * *

4 (e) For ~~behavioral~~ mental health care relief services, the ~~commissioner of~~
5 ~~developmental and mental health services~~ Commissioner of Mental Health or a
6 director of a regional mental health center may make timely applications to any
7 and all appropriate federal or other grant programs that provide money for
8 disaster relief or homeland security services, including the Crisis Counseling
9 Training and Assistance Program. Any monies awarded from these sources for
10 the purposes authorized in subsection (b) of this section shall be deposited into
11 the ~~disaster relief workers fund~~ Disaster Relief Workers Fund. The
12 ~~commissioner of developmental and mental health services~~ Commissioner of
13 Mental Health shall supervise the administration of ~~behavioral~~ mental health
14 care reimbursements under this act.

15 * * *

16 Sec. 121. 20 V.S.A. § 2063(b)(1) is amended to read:

17 (1) Requests made by any individual, organization, or governmental
18 body doing business in Vermont which has one or more individuals
19 performing services for it within this state and which is a qualified entity that
20 provides care or services to children, ~~the persons who are~~ elderly, or persons
21 with disabilities as defined in 42 U.S.C. § 5119c.

1 Sec. 122. 20 V.S.A. § 2730(a)(1)(A) is amended to read:

2 (1)(A) a building owned or occupied by a public utility; hospital; school;
3 house of worship; convalescent center or home for ~~the aged, infirm, or disabled~~
4 persons who are elderly, have an infirmity, or a disability; nursery;
5 kindergarten; or child care;

6 Sec. 123. 20 V.S.A. § 2900(2) is amended to read:

7 (2) “Ambulatory disability” means an impairment which prevents or
8 impedes walking. A person shall be considered to have an ambulatory
9 disability if the person:

10 * * *

11 (F) is severely limited in ability to walk due to ~~an arthritic~~, having
12 arthritis, or a neurological, or orthopedic condition.

13 Sec. 124. 20 V.S.A. § 2904 is amended to read:

14 § 2904. PARKING SPACES

15 Any parking facility on the premises of a public building shall contain at
16 least the number of parking spaces required by ADAAG standards, and in any
17 event at least one parking space, as designated parking for individuals with
18 ambulatory disabilities or ~~blind~~ individuals who are blind patronizing the
19 building. The space or spaces shall be accessibly and proximately located to
20 the building, and, subject to 23 V.S.A. § 304a(d), shall be provided free of
21 charge. Consideration shall be given to the distribution of spaces in

1 accordance with the frequency and persistence of parking needs. Such spaces
2 shall be designated by a clearly visible sign that cannot be obscured by a
3 vehicle parked in the space, by the international symbol of access and, where
4 appropriate, by the words “van accessible”; shall otherwise conform to
5 ADAAG standards; and shall be in accordance with the standards established
6 under section 2902 of this title.

7 Sec. 125. 20 V.S.A. § 3072(b) is amended to read:

8 (b) An applicant for a license shall be entitled to the issuance thereof upon
9 the submission of evidence, under oath, which satisfies the ~~commissioner of~~
10 ~~public safety~~ Commissioner of Public Safety that the applicant:

11 (1) Has a reasonable and lawful purpose for possessing, purchasing,
12 storing, using, transporting, giving, transferring, or selling explosives; and

13 (2) Has not been convicted of an offense the maximum term of
14 imprisonment of which exceeds one year with the seven years preceding the
15 application; and

16 (3) Has not been adjudged ~~insane or~~ as a person with a major psychiatric
17 disability or mentally incompetent by a court of competent jurisdiction in this
18 or any other jurisdiction; and

19 (4) Demonstrates that he or she is competent to possess, purchase, store,
20 use, transport, give, transfer, or sell the explosives as the case may be.

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(a) It is the policy of the ~~state~~ State of Vermont that in their employment all persons shall be provided by their employers with safe and healthful working conditions at their work place, and that insofar as practicable ~~no~~ an employee shall ~~suffer~~ not experience diminished health, functional capacity, or life expectancy as a result of his or her work experience.

7

8

9 A child under 14 years of age shall not be employed, or permitted ~~or~~
10 ~~suffered~~ to work in any gainful occupation unless the occupation has been
11 approved by the ~~commissioner~~ Commissioner, by rule, to be appropriate for a
12 child under the age of 14, and the employment occurs during vacation and
13 before and after school. The provisions of this section shall not apply to:

14

15

16

17

(a) Except as provided in section 438 of this title, a child shall not be employed, ~~or permitted or suffered~~ to work at or on any occupations, employment, operations, or machines determined to be hazardous, by rule, by the U.S. Secretary of Labor or the ~~commissioner~~ Commissioner.

1 (b) A child under 16 years of age shall not be employed more than eight
2 hours in any one day or more than 40 hours in any one week.

3 Sec. 129. 21 V.S.A. § 495(a) is amended to read:

4 (a) It shall be unlawful employment practice, except where a bona fide
5 occupational qualification requires persons of a particular race, color, religion,
6 national origin, sex, sexual orientation, gender identity, ancestry, place of birth,
7 age, or physical or mental condition:

8 (1) For any employer, employment agency, or labor organization to
9 discriminate against any individual because of race, color, religion, ancestry,
10 national origin, sex, sexual orientation, gender identity, place of birth, or age or
11 against a qualified ~~disabled~~ individual with a disability;

12 * * *

13 (3) For any employment agency to fail or refuse to classify properly or
14 refer for employment or to otherwise discriminate against any individual
15 because of race, color, religion, ancestry, national origin, sex, sexual
16 orientation, gender identity, place of birth, or age or against a qualified
17 ~~disabled~~ individual with a disability;

18 (4) For any labor organization, because of race, color, religion ancestry,
19 national origin, sex, sexual orientation, gender identity, place of birth, or age to
20 discriminate against any individual or against a qualified ~~disabled~~ individual
21 with a disability or to limit, segregate, or qualify its membership;

1 * * *

2 Sec. 130. 21 V.S.A. § 495d is amended to read:

3 § 495d. DEFINITIONS

4 ~~For the purposes of~~ As used in this subchapter:

5 * * *

6 (5) "Individual with a disability" means any natural person who:

7 (A) has a physical or mental ~~impairment~~ condition which
8 substantially limits one or more major life activities;

9 (B) has a history or record of such ~~an impairment~~ a condition; or

10 (C) is regarded as having such ~~an impairment~~ a condition.

11 * * *

12 (7) "Physical or mental ~~impairment~~ condition" means:

13 (A) any physiological disorder or condition, cosmetic disfigurement,
14 or anatomical loss affecting one or more of the following body systems:
15 neurological; musculoskeletal; special sense organs; respiratory, including
16 speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic
17 and lymphatic; skin; or endocrine;

18 (B) any mental or psychological disorder, such as ~~mental retardation~~
19 intellectual disability, organic brain syndrome, emotional or ~~mental illness~~
20 psychiatric disability, and specific learning disabilities;

1 (C) the term “physical or mental ~~impairment~~ condition” includes ~~but~~
2 ~~is not limited to such~~ diseases and conditions such as orthopedic, visual,
3 speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy,
4 multiple sclerosis, cancer, heart disease, diabetes, mental retardation,
5 emotional illness, and drug addiction and alcoholism.

6 (8) “Substantially limits” means the degree that the ~~impairment~~
7 condition affects an individual’s employability. An individual with a disability
8 who is likely to experience difficulty in securing, retaining, or advancing in
9 employment would be considered substantially limited.

10 * * *

11 (10) “Has a history or record of such ~~an impairment~~ a condition” means
12 that the individual has a history of, or has been misclassified as having, a
13 mental or physical ~~impairment~~ condition that substantially limits one or more
14 life activity.

15 (11) “Is regarded as having such ~~an impairment~~ a condition” means that
16 the individual:

17 (A) has a physical or mental ~~impairment~~ condition that does not
18 substantially limit major life activities but that is treated by an employer as
19 constituting such a limitation;

1 (B) has a physical or mental ~~impairment~~ condition that substantially
2 limits major life activities only as a result of the attitudes of others toward such
3 ~~impairment~~ condition; or

4 (C) has none of the ~~impairments~~ conditions defined in subdivision
5 (7)(A) of this section but is treated by an employer as having such ~~an~~
6 ~~impairment~~ a condition.

7 * * *

8 Sec. 131. 21 V.S.A. § 497e(b) is amended to read:

9 (b) The ~~chair~~ Chair or his or her designated representative may authorize
10 the sale of products which relate to ~~handicapped~~ Vermonters with disabilities
11 and the revenue therefrom shall be placed in the account of the ~~governor's~~
12 ~~committee on employment of people with disabilities~~ Governor's Committee
13 on Employment of People with Disabilities.

14 Sec. 132. 21 V.S.A. § 501(1) is amended to read:

15 (1) "~~Blind~~ Person who is blind or visually impaired person" means a
16 person whose visual acuity with correction is no better than 20/60, or whose
17 field of vision subtends an angle of no greater than 20 degrees.

18 Sec. 133. 21 V.S.A. § 502 is amended to read:

19 § 502. DUTIES

20 The ~~division~~ Division shall have the authority to:

21 * * *

* * *

§ 504. INCOME FROM VENDING FACILITIES AND MACHINES

(2) provide benefit programs, including, ~~but not limited to,~~ health insurance or pension plans for licensed persons who are blind or visually impaired ~~persons~~ who operate vending facilities;

Sec. 135. 21 V.S.A. § 505 is amended to read:

Where vending facilities on state property are operated by those other than persons who are blind or visually impaired ~~persons~~ on July 1, 1984, the contracts of these vending facilities may be renewed or extended. A person who does not intend to renew or extend such a contract shall so notify the ~~director of the division~~ Director of the Division in a timely manner. Within 30 days of such notice, the ~~director~~ Director shall determine whether the vending facility is suited for operation by a person who is blind and visually impaired ~~person~~. If the ~~director~~ Director determines that the facility is suited for operation by such person, preference in operation of the facility shall be given to a person who is blind or visually impaired ~~person~~.

Sec. 136. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

VT LEG #282990 v.1

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VT LEG #282990 v.1

1 Sec. 138. 21 V.S.A. § 661 is amended to read:

2 § 661. LIMITATION OF TIME AS REGARDS MINORS AND ~~INSANE~~

3 PERSONS WITH A MAJOR PSYCHIATRIC DISABILITY

4 Limitation of time provided by this chapter shall not run as against any
5 person who is ~~mentally~~ incompetent or a minor dependent so long as such
6 person has no guardian.

7 Sec. 139. 21 V.S.A. § 1301(6)(C)(vii) is amended to read:

8 (vii) For the purposes of subdivisions (6)(A)(ix) and (6)(A)(x) of
9 this section, the term “employment” does not include service performed;

10 * * *

11 (IV) in a facility conducted for the purpose of carrying out a
12 program of rehabilitation for individuals whose earning capacity is ~~impaired by~~
13 ~~age or physical or mental deficiency~~ limited due to being elderly or having a
14 disability or injury or providing remunerative work for individuals who
15 because of ~~their impaired physical or mental capacity~~ having a disability
16 cannot be readily absorbed in the competitive labor market by an individual
17 receiving such rehabilitation or remunerative work; or

18 * * *

1 Sec. 140. 22 V.S.A. § 605 is amended to read:

2 § 605. DUTIES AND FUNCTIONS OF THE DEPARTMENT OF
3 LIBRARIES

4 The duties and functions of the ~~department of libraries~~ Department of
5 Libraries shall be to provide, administer, and maintain:

6 * * *

7 (6) All libraries in state correctional institutions and all state institutions
8 for the treatment of ~~the mentally ill and mentally handicapped~~ persons with a
9 psychiatric disability and persons with an intellectual disability.

10 (7) Reading materials for ~~the~~ persons who are blind and persons with a
11 physically handicapped physical disability.

12 Sec. 141. 23 V.S.A. § 4(15) is amended to read:

13 (15) "Jitney" shall include any motor vehicle, not designated for the
14 carrying of merchandise or freight, advertised or regularly used for carrying
15 passengers for hire, but not operating over a fixed route, including motor
16 vehicles operated for hire in connection with a livery business, but shall not
17 include any such vehicle which the owner thereof uses in an emergency for
18 such purpose, nor one which an employer uses to transport his or her
19 employees to and from their work, nor one which is used at least 75 percent of
20 the time in the transportation of ~~school children~~ schoolchildren or under
21 authority granted to a school board under 16 V.S.A. § 562 to transport other

1 than ~~school children~~ schoolchildren, nor one which is used in the transfer of
2 ~~United States~~ U.S. mail on a star route, so-called, nor one which is used to
3 transport persons who are elderly ~~and handicapped persons~~ or have a disability
4 for whom special transportation programs are designed and funded by state and
5 federal authority through public and private, nonprofit social service agencies;
6 nor shall it apply to cooperative use transportation.

7 Sec. 142. 23 V.S.A. § 304a is amended to read:

8 § 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
9 PEOPLE WITH DISABILITIES

10 * * *

11 (b) Special registration plates or removable windshield placards or both
12 shall be issued by the Vermont ~~commissioner of motor vehicles~~ Commissioner
13 of Motor Vehicles. The placard shall be issued without a fee to a person who
14 is blind or has an ambulatory disability. One set of plates shall be issued
15 without additional fees for a vehicle registered or leased to a person who is
16 blind or has an ambulatory disability. The ~~commissioner~~ Commissioner shall
17 issue these placards or plates under rules adopted by him or her after proper
18 application has been made to the ~~commissioner~~ Commissioner by any person
19 residing within the ~~state~~ State of Vermont. Application forms shall be
20 available on request at the ~~department of motor vehicles~~ Department of Motor
21 Vehicles.

1 * * *

2 (4) An applicant for a ~~special handicapped~~ registration plate or placard
3 for persons with disabilities may request the civil division of the superior court
4 in the county in which he or she resides to review a decision by the
5 ~~commissioner~~ Commissioner to deny his or her application for a special
6 registration plate or placard.

7 * * *

8 (c) Vehicles with special registration plates or removable windshield
9 placards from any state or which have a ~~handicapped~~ parking card for persons
10 with disabilities issued by the ~~commissioner of motor vehicles~~ Commissioner
11 of Motor Vehicles may use the special parking spaces when the card or placard
12 is displayed in the lower right side of the windshield or the plate is mounted as
13 provided in section 511 of this title or as provided by the law of the state where
14 the vehicle is registered.

15 (d) A person who has an ambulatory disability or an individual transporting
16 a person who is blind shall be permitted to park and to park without fee for at
17 least 10 continuous days in a parking space or area which is restricted as to the
18 length of time parking is permitted or where parking fees are assessed, except
19 that this minimum period shall be 24 continuous hours for parking in a state- or
20 municipally operated parking garage. This section shall not apply to spaces or
21 areas in which parking, standing, or stopping of all vehicles is prohibited by

1 law or by any parking ban, or which are reserved for special vehicles. As a
2 condition to this privilege, the vehicle shall display the ~~special handicapped~~
3 registration plate or placard for persons with disabilities issued by the
4 ~~commissioner~~ Commissioner or a special registration license plate or placard
5 issued by any other jurisdiction.

6 * * *

7 (f) Persons who ~~are temporarily disabled with an~~ have a temporary
8 ambulatory disability may apply for a temporary removable windshield placard
9 to the ~~commissioner~~ Commissioner on a form prescribed by him or her. The
10 placard shall be valid for a period of up to six months and displayed as
11 required under the provisions of subsection (c) of this section. The application
12 shall be signed by a licensed physician, certified physician's assistant, or
13 licensed advanced practice registered nurse. The validation period of the
14 temporary placard shall be established on the basis of the written
15 recommendation from a licensed physician, certified physician's assistant, or
16 licensed advanced practice registered nurse. The ~~commissioner~~ Commissioner
17 shall promulgate rules to implement the provisions of this subsection.

18 Sec. 143. 23 V.S.A. § 311(c) is amended to read:

19 (c) The ~~commissioner~~ Commissioner may permit the operation of a
20 specially equipped motor vehicle, not otherwise registerable, by a ~~handicapped~~

1 person with a disability who holds an operator's license permitting the
2 operation of that vehicle.

3 Sec. 144. 23 V.S.A. § 671(a) is amended to read:

4 (a) In his or her discretion, the ~~commissioner~~ Commissioner may suspend
5 indefinitely or for a definite time, the license of an operator or the right of an
6 unlicensed person to operate a motor vehicle upon not less than five days'
7 notice. He or she may order the license delivered to him or her, whenever he
8 or she has reason to believe that the holder thereof is ~~an improper or a person~~
9 who is incompetent ~~person~~ to operate a motor vehicle, or is operating
10 improperly so as to endanger the public. If, upon receipt of such notice, the
11 person so notified shall request a hearing, such suspension shall not take effect
12 unless the ~~commissioner~~ Commissioner, after hearing, determines that the
13 suspension is justified. No less than six months from the date of suspension
14 and each six months thereafter, a person upon whom such suspension has been
15 imposed may apply for reinstatement of his or her license or right to operate or
16 for a new license. Upon receipt of such application, the ~~commissioner~~
17 Commissioner shall thereupon cause an investigation to be made and, if so
18 requested, conduct a hearing to determine whether such suspension should be
19 continued in effect.

1 Sec. 145. 23 V.S.A. § 1025(c) is amended to read:

2 (c) Traffic and control signals at intersections with exclusive pedestrian
3 walk cycles shall be of sufficient duration to allow a pedestrian to leave the
4 curb and travel across the roadway before opposing vehicles receive a green
5 light. Determination of the length of the signal shall take into account the
6 circumstances of persons with ambulatory ~~handicaps~~ disabilities.

7 Sec. 146. 23 V.S.A. § 1057 is amended to read:

8 § 1057. DUTY TOWARD ~~BLIND~~ PERSONS WHO ARE BLIND

9 (a) Whenever a pedestrian is crossing or attempting to cross a public street
10 or highway, guided by a guide dog or carrying in a raised or extended position
11 a cane or walking stick, white in color or white tipped with red, the driver of
12 every vehicle approaching the intersection, or place where the pedestrian is
13 attempting to cross, shall bring his or her vehicle to a full stop before arriving
14 at the intersection or place of crossing and before proceeding shall take such
15 precautions as may be necessary to avoid injuring the pedestrian.

16 (b) It is unlawful for any person, unless totally or partially blind or
17 otherwise ~~incapacitated~~ having a visual disability, while on any public street or
18 highway, to carry in a raised or extended position a cane or walking stick
19 which is white in color or white tipped with red.

20 (c) Nothing in this section deprives any person who is totally or partially
21 blind or otherwise ~~incapacitated person~~ has a visual disability, not carrying a

1 cane or walking stick and not being guided by a dog, of the rights and
2 privileges conferred by law upon pedestrians crossing streets or highways, and
3 the failure of any person who is totally or partially blind or otherwise
4 ~~incapacitated person~~ has a visual disability to carry a cane or walking stick, or
5 to be guided by a guide dog upon streets, highways, or sidewalks within this
6 state, does not constitute and is not evidence of contributory negligence.

7 Sec. 147. 23 V.S.A. § 1749(b) is amended to read:

8 (b) Notwithstanding subsection (a) of this section, a person violating a
9 ~~handicapped~~ parking ordinance for persons with disabilities may be fined not
10 more than \$25.00 for each offense.

11 Sec. 148. 23 V.S.A. § 2502(a)(3) is amended to read:

12 (3) Four points assessed for:

13 (A) § 1012. Failure to obey enforcement officer;

14 (B) § 1013. Authority of enforcement officers;

15 (C) § 1051. Failure to yield to pedestrian;

16 (D) § 1057. Failure to yield to ~~blind~~ persons who are blind;

17 Sec. 149. 24 V.S.A. § 290(b) is amended to read:

18 (b) Full-time deputy sheriffs whose primary responsibility is transportation
19 of prisoners and ~~mentally ill~~ persons with a psychiatric disability shall be paid
20 by the ~~state~~ State of Vermont. The appointment of such deputies and their
21 salary shall be approved by the ~~governor~~, Governor or his or her designee. The

1 ~~executive committee~~ Executive Committee of the Vermont ~~sheriffs association~~
2 Sheriffs Association and the ~~executive director~~ Executive Director of the
3 ~~department of state's attorneys and sheriffs~~ Department of State's Attorneys
4 and Sheriffs shall jointly have authority for the assignment of position
5 locations in the counties of state-paid deputy sheriffs and shall review the
6 county location assignments periodically for efficient use of resources.

7 Sec. 150. 24 V.S.A. § 961(a) is amended to read:

8 (a) When a town officer resigns his or her office, or has been removed
9 therefrom, or dies, or becomes ~~insane~~ mentally incompetent or removes from
10 town, such office shall become vacant. Notice of this vacancy shall be posted
11 by the legislative body in at least two public places in the town, and in and near
12 the town clerk's office, within 10 days of the creation of the vacancy.

13 Sec. 151. 24 V.S.A. § 2651(9) is amended to read:

14 (9) "Emergency medical treatment" means pre-hospital, in-hospital, and
15 ~~inter-hospital~~ interhospital medical treatment rendered by emergency medical
16 personnel given to individuals who have ~~suffered~~ experienced sudden illness or
17 injury in order to prevent loss of life, the aggravation of the illness or injury, or
18 to alleviate suffering. Emergency medical treatment includes basic emergency
19 medical treatment and advanced emergency medical treatment.

1 Sec. 152. 24 V.S.A. § 2691 is amended to read:

2 § 2691. AID TO SOCIAL SERVICES FOR TOWN RESIDENTS

3 At a meeting duly warned for that purpose, a town or incorporated village
4 may appropriate such sums of money as it deems necessary for the support of
5 social service programs and facilities within that town for its residents. Social
6 service programs, for which a town or incorporated village may appropriate
7 sums of money, include, ~~but are not limited to:~~ transportation, nutrition,
8 medical, child care, and other rehabilitative services for persons with low
9 incomes, ~~senior citizens~~ persons who are elderly, children, ~~disabled~~ persons
10 with disabilities, ~~drug and alcohol abusers~~ persons with a substance abuse
11 disorder, and persons requiring employment to eliminate their need for public
12 assistance. The authority herein granted is not in derogation of other local
13 powers to allocate funds.

14 Sec. 153. 24 V.S.A. § 2694 is amended to read:

15 § 2694. ESTABLISHMENT OF HOMES

16 A town may build, purchase, or lease home to provide housing for ~~the aged~~
17 people who are elderly or persons entitled to receive aid and assistance under
18 this title. It may purchase land and appropriate funds for those purposes.

1 Sec. 154. 24 V.S.A. § 3303 is amended to read:

2 § 3303. COMPENSATION, CONDEMNATION

3 ~~Such~~ The municipal corporation may agree with the owner or owners of any
4 property, franchise, easement, or right which may be required by ~~such~~ the
5 municipal corporation for the purposes of this chapter, as to the compensation
6 to be paid therefor. In case of failure to agree as to ~~such~~ the compensation, or
7 in case ~~such~~ the owner is an infant, ~~insane~~ a person with a major psychiatric
8 disability, absent from the state, unknown, or the owner of a contingent
9 interest, the superior court within and for the county where the subject property
10 is situated on the petition of either party, may cause ~~such~~ the notice to be given
11 of ~~such~~ the petition as the presiding judge of ~~said~~ the court may prescribe.

12 After proof thereof, ~~such~~ the presiding judge may appoint three disinterested
13 persons as commissioners to examine ~~such~~ the property to be taken, or
14 damaged by ~~such~~ the municipal corporation. ~~Such~~ The commissioners after
15 being duly sworn, upon due notice to all parties in interest, shall view the
16 premises, hear the parties in respect to ~~such~~ the property, and shall assess and
17 award to ~~such~~ the owners and persons so interested just damages for any injury
18 sustained as aforesaid and make report in writing to ~~such~~ the presiding judge.

19 The presiding judge may thereupon accept ~~such~~ the report, unless just cause is
20 shown to the contrary. ~~Such~~ The presiding judge may order ~~such~~ the
21 municipal corporation to pay the same in ~~such~~ the time and manner as he or

1 she may prescribe, in full compensation for the property taken, or the injury
2 done by ~~such~~ the municipal corporation, or ~~such~~ the presiding judge may reject
3 or recommit ~~such~~ the report if the ends of justice so require. On compliance
4 with ~~such~~ the order, ~~such~~ the municipal corporation may proceed with the
5 construction of its work without liability for further claim for damages. ~~Such~~
6 The presiding judge may award costs in ~~such~~ the proceeding in his or her
7 discretion. ~~Such~~ The cause may be transferred to the ~~supreme court~~ Supreme
8 Court as provided in ~~section~~ 12V.S.A. § 4601 of Title 12.

9 Sec. 155. 24 V.S.A. § 3609 is amended to read:

10 § 3609. COMPENSATION, CONDEMNATION

11 When an owner of land or rights therein and the board are unable to agree
12 on the amount of compensation therefor or in case ~~such~~ the owner is an infant,
13 ~~insane~~ a person with a major psychiatric disability, absent from the state,
14 unknown, or the owner of a contingent or uncertain interest, a superior judge
15 may, on the application of either party, cause ~~such~~ the notice to be given of
16 ~~such~~ the application as he or she may prescribe, and after proof thereof, may
17 appoint three disinterested persons to examine ~~such~~ the property to be taken, or
18 damaged by ~~such~~ the municipal corporation. After being duly sworn, the
19 commissioners shall, upon due notice to all parties in interest, view the
20 premises, hear the parties in respect to ~~such~~ the property, and shall assess and
21 award to ~~such~~ the owners and persons so interested just damages for any injury

1 sustained and make report in writing to ~~such~~ the judge. In determining
2 damages resulting from the taking or use of property under the provisions of
3 this chapter the added value, if any, to the remaining property or right therein
4 which inures directly to the owner thereof as a result of ~~such~~ the taking or use
5 as distinguished from the general public benefit, shall be considered. The
6 judge may thereupon accept ~~such~~ the report, unless just cause is shown to the
7 contrary, and order ~~such~~ the municipal corporation to pay the same in ~~such~~ the
8 time and manner as ~~such~~ the judge may prescribe, in full compensation for the
9 property taken, or the injury done by ~~such~~ the municipal corporation, or the
10 judge may reject or recommit the report if the ends of justice so require. On
11 compliance with ~~such~~ the order, ~~such~~ the municipal corporation may proceed
12 with the construction of its work without liability for further claim for
13 damages. In his or her discretion, the judge may award costs in ~~such~~ the
14 proceeding. Appeals from the order may be taken to the supreme court under
15 12 V.S.A. chapter 102 of Title 12.

16 Sec. 156. 24 V.S.A. § 4001(4) is amended to read:

17 (4) That substandard and decadent areas exist in certain portions of the
18 ~~state~~ State of Vermont and that there is not, in certain parts of ~~said~~ the state, an
19 adequate supply of decent, safe, and sanitary housing for persons of low
20 income or ~~elderly~~ persons who are elderly and of low income, or both available
21 for rents which ~~such~~ the persons can afford to pay, and the rents which ~~such~~

1 ~~the~~ persons can afford to pay would not warrant private enterprise in providing
2 housing for ~~such~~ the persons; that this situation tends to cause an increase and
3 spread of communicable and chronic disease; that the lack of properly
4 constructed dwelling units designed specifically to meet the needs of ~~elderly~~
5 persons who are elderly aggravate those diseases peculiar to ~~the persons who~~
6 are elderly, thereby crowding the hospitals of the state with ~~elderly~~ persons
7 who are elderly under conditions of ~~illness~~ neglect that ~~inevitably invite~~
8 ~~further senility~~ exacerbate mental deterioration; that this situation constitutes a
9 menace to the health, safety, welfare, and comfort of the inhabitants of the
10 state and is detrimental to property values in the localities in which it exists;
11 that this situation cannot readily be remedied by the private enterprise and that
12 a public exigency exists which makes the provision of housing for ~~elderly~~
13 persons who are elderly and of low income and the clearance of substandard
14 and decadent areas a public necessity; that the provision of housing for ~~elderly~~
15 persons who are elderly and of low income for the purpose of reducing the cost
16 to the state of their care by promoting their health and welfare, thereby
17 prolonging their productivity in the interest of the state and nation and the
18 clearance of substandard and decadent areas is declared to be a public use for
19 which private property may be taken by eminent domain and public funds
20 raised by taxation may be expended, and the necessity in the public interest for

1 provisions hereinafter enacted, is hereby declared as a matter of legislative
2 determination.

3 Sec. 157. 24 V.S.A. § 4002 is amended to read:

4 § 4002. DEFINITIONS

5 * * *

6 (10) “Housing project” shall mean any work or undertaking:

7 (A) To demolish, clear, or remove buildings from any slum area;
8 ~~such the~~ work or undertaking may embrace the adaptation of ~~such the~~ area to
9 public purposes and including parks or other recreational or community
10 purposes;

11 (B) To provide decent, safe, and sanitary urban or rural dwellings,
12 apartments, or other living accommodations for persons of low income and
13 accommodations for ~~elderly~~ persons who are elderly and of low income, ~~such~~
14 the work or undertaking may include buildings, land, equipment, facilities, and
15 other real or personal property for necessary, convenient, or desirable
16 appurtenances, streets, sewers, water service, parks, site preparation,
17 gardening, administrative, community, health, recreational, educational,
18 welfare, or other purposes; or

19 (C) To accomplish a combination of the foregoing. The term
20 “housing project” also may be applied to the planning of buildings and
21 improvements, the acquisition of property, the demolition of existing

1 structures, the construction, reconstruction, alteration, and repair of
2 improvements, and all other work in connection therewith.

3 (11) "Persons of low income" shall mean persons or families, who are
4 elderly or otherwise, who lack the amount of income which is necessary (as
5 determined by the authority undertaking the housing project) to enable them,
6 without financial assistance, to live in decent, safe, and sanitary dwellings
7 without overcrowding. The term "elderly" shall mean a person who has
8 attained retirement age as defined in Section 216(a) of the federal Social
9 Security Act or is under a disability as defined in Section 223 of that act.

10 * * *

11 Sec. 158. 24 V.S.A. § 4003(b) is amended to read:

12 (b) The governing body shall adopt a resolution declaring that there is a
13 need for a housing authority in the municipality, if it shall find:

14 (1) That unsanitary or unsafe inhabited dwelling accommodations exist
15 in ~~such~~ the municipality; or

16 (2) That there is a shortage of safe or sanitary dwelling accommodations
17 in ~~such~~ the municipality available to persons of low income ~~and/or elderly or~~
18 persons ~~of a low income~~ who are elderly or both at rentals they can afford. In
19 determining whether accommodations are unsafe or unsanitary, ~~said~~ the
20 governing body may take into consideration the degree of overcrowding, the
21 percentage of land coverage, the light, air, space, and access available to the

1 inhabitants of ~~such~~ the accommodations, the size and arrangement of the
2 rooms, the sanitary facilities, and the extent to which conditions exist in ~~such~~
3 the buildings which endanger life or property by fire or other causes.

4 Sec. 159. 24 V.S.A. § 4008 is amended to read:

5 § 4008. POWERS

6 * * *

7 (6) Within its area of operation: to investigate into living, dwelling, and
8 housing conditions and into the means and methods of improving ~~such~~ the
9 conditions; to determine where slum areas exist or where there is a shortage of
10 decent, safe, and sanitary dwelling accommodations for persons of low income
11 as well as ~~elderly~~ persons who are elderly and of low income; to make studies
12 and recommendations relating to the problem of clearing, replanning, and
13 reconstructing of slum areas and to cooperate with all urban renewal agencies
14 on the problem of providing dwelling accommodations for persons of low
15 income and to cooperate with the municipality, the ~~state~~ State, or any political
16 subdivision thereof in action taken in connection with such problem and to
17 engage in research, studies, and experimentation of the subject of housing.

18 * * *

19 (8) To provide an adequate number of dwelling units, especially
20 designed for occupation by ~~elderly~~ persons who are elderly when a survey by

1 the authority indicates a need ~~therefore therefor~~. ~~Elderly persons~~ Persons who
2 are elderly shall have priority in the rental of such units.

3 * * *

4 Sec. 160. 24 V.S.A. § 4010(a)(1) is amended to read:

5 (1) It may rent or lease the dwelling accommodations therein only to
6 persons of low income or ~~elderly~~ persons who are elderly and of low income,
7 or both.

8 Sec. 161. 24 V.S.A. § 4302(c)(11)(D) is amended to read:

9 (D) Accessory apartments within or attached to ~~single family~~
10 single-family residences which provide affordable housing in close proximity
11 to cost-effective care and supervision for relatives or ~~disabled or elderly~~
12 persons who have a disability or are elderly should be allowed.

13 Sec. 162. 24 V.S.A. § 4412 is amended to read:

14 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

15 Notwithstanding any existing bylaw, the following land development
16 provisions shall apply in every municipality:

17 (1) Equal treatment of housing and required provisions for affordable
18 housing.

19 * * *

20 (G) A residential care home or group home to be operated under state
21 licensing or registration, serving not more than eight persons who have a

1 ~~handicap~~ or disability as defined in 9 V.S.A. § 4501, shall be considered by
2 right to constitute a permitted single-family residential use of property, except
3 that no such home shall be so considered if it is located within 1,000 feet of
4 another existing or permitted such home.

5 * * *

6 Sec. 163. 24 V.S.A. § 5091 is amended to read:

7 § 5091. FUNDING

8 * * *

9 (h) Applicants for state funding shall meet the requirements of federal laws
10 and regulations relating to fiscal accountability and accessibility by ~~the~~
11 ~~disabled~~ persons with a disability.

12 (i) To implement the public transportation policy goals set forth in section
13 5083 of this title and 19 V.S.A. § 10f, the ~~agency of transportation~~ Agency of
14 Transportation shall use the following formula for distribution of operating
15 funds to public transit systems:

16 (1) [Deleted.]

17 (A) 10 percent based on the percentage of the state's ~~elderly~~
18 population who are elderly (persons ~~aged~~ age 60 and above) in each of the
19 designated transit service areas;

1 (B) 10 percent based on the percentage of the ~~state's~~ State's youth
2 population (persons ~~aged~~ age 12 through 17) in each of the designated transit
3 service areas;

4 (C) 10 percent based on the percentage of the ~~state's mobility-limited~~
5 State's population of people who have limited mobility in each of the
6 designated transit service areas;

7 (D) 10 percent based on the percentage of the ~~state's~~ State's
8 population of people who are in poverty in each of the designated transit
9 service areas;

10 (E) 10 percent based on the percentage of the ~~state's~~ State's
11 households lacking access to an automobile in each of the designated transit
12 service areas.

13 * * *

14 Sec. 164. [Deleted.]

15 Sec. 165. 24 App. V.S.A. chapter 5 § 1201 is amended to read:

16 § 1201. ASSESSMENT OF TAXES AND ESTABLISHMENT OF TAX

17 RATE

18 The city council shall assess such taxes upon the grand list of the city as the
19 city at any annual or special meeting warned for that purpose and may vote for
20 the payment of debts and current expenses of the city, for carrying out any of
21 the purposes of this charter, for the support of schools in ~~said~~ the city, and for

1 the payment of all state and county taxes and obligations imposed upon ~~said~~
2 the city by law. The vote of the city shall be upon the specific sum of
3 budgeted tax appropriation for the support of all city departments, grants,
4 schools, recreation, and ~~senior citizens~~ persons who are elderly. The city
5 council shall establish a tax rate based upon the true grand list as appraised by
6 the city assessor, and shall deliver the same to the city treasurer for
7 computation and collection. Any general statutory provisions insofar as they
8 pertain to expressing in the vote the specific sum or rate per cent on the dollar
9 of the grand list for highway purposes or other necessary expenditures shall not
10 apply to any action taken by the City of Montpelier in regard to voting money
11 for city purposes.

12 Sec. 166. 24 App. V.S.A. chapter 123 § 902(6) is amended to read:

13 (6) In any case where damages or compensation to owners of, and other
14 persons interested in, the water so taken, or ~~such~~ land as may be used for
15 laying, extending, constructing, and maintaining ~~such~~ the aqueduct, and for
16 ~~such~~ the reservoirs and appurtenances, is not adjusted by agreement, or if the
17 owners thereof be a minor, ~~insane~~ a person with a major psychiatric disability,
18 or out of the state, or otherwise incapacitated to sell or convey, the same shall
19 be fixed by the Board of Selectmen after hearing all parties interested, ~~such~~ the
20 hearing to be had upon written notice of the time and place thereof, given at
21 least six days before ~~said~~ the hearing, file their award in the ~~town clerk's~~ Town

1 Clerk's office in the town or towns where the property in question is situated,
2 and cause the same to be recorded in the land records of ~~said the~~ town or
3 towns.

4 Sec. 167. 24 App. V.S.A. chapter 207 § 5(e) is amended to read:

5 (e) When a vacancy occurs in any of ~~said the~~ offices by reason of
6 ~~non-acceptance~~ nonacceptance, death, removal, ~~insanity~~ psychiatric disability,
7 refusal to act, moved from village, or from any other cause, ~~said the~~
8 corporation may fill ~~such the~~ vacancy by a new election, for the unexpired
9 term at any legal meeting. The board of trustees may, by temporary
10 appointment, fill any ~~such~~ vacancy, and the persons so appointed shall hold
11 office until their successors are elected and qualified. A record of ~~such the~~
12 appointment shall be recorded in the office of the clerk of ~~said the~~ corporation.

13 Sec. 168. 24 App. V.S.A. chapter 215 § 902 is amended to read:

14 § 902. ASSESSING DAMAGES

15 In the event that ~~said the~~ village and any owner of land over which it may
16 be desirable to pass with the poles and wires of ~~said the~~ plants, or of land,
17 water power, or ~~rights-of-way~~ rights-of-way, which it may need for the
18 construction and operation of ~~said the~~ plant, cannot agree upon the damages to
19 be paid to ~~such the~~ owner for ~~such the~~ passage or ~~right-of-way~~ right-of-way, or
20 for ~~such the~~ land or water power, or if ~~such the~~ owner be a minor or out of the
21 state, or ~~is insane~~ a person with a major psychiatric disability, or otherwise

1 incapable to sell and convey ~~such~~ the real estate or rights therein, the same
2 proceedings shall be had for assessing such damages as are provided in section
3 302 of this charter, for compensating the owners of land taken for the
4 construction and maintenance of a sewer or main drain, for ~~said~~ the village.

5 Sec. 169. 24 App. V.S.A. chapter 219 § 29 is amended to read:

6 § 29. ELECTRIC LIGHT PLANT; DAMAGES

7 In the event the village and any owner of land over which it may be
8 desirable to pass with the poles and wires of a plant or which the village may
9 need for the operation of the plant cannot agree upon the damages to be paid to
10 the owner for ~~such~~ the passage or right-of-way, and the owner is a minor,
11 ~~insane~~ person with a major psychiatric disability, or out of state, or otherwise
12 incapable to sell and convey, the same proceedings shall be had for assessing
13 such damages as are provided for compensating the owners of water or lands
14 taken for the construction and maintenance of a water plant for the village.

15 Sec. 170. 24 App. V.S.A. chapter 235 § 75 is amended to read:

16 § 75. DAMAGES AND COMPENSATION RELATED TO

17 CONSTRUCTION OF WATER SUPPLY SYSTEM

18 In any case where damage or compensation to owners of, and other persons
19 interested in, the water so taken, or ~~such~~ land as may be used for laying,
20 extending, constructing, and maintaining ~~such~~ the aqueduct, and for ~~such~~ the
21 reservoirs and appurtenances, is not adjusted by agreement, or if the owner

1 thereof be a minor, ~~insane~~ person with a major psychiatric disability, or out of
2 the state, or otherwise incapacitated to sell and convey, the same shall be fixed
3 by the board of water commissioners after hearing all parties interested, ~~such~~
4 the hearing to be had upon written notice of the time and place thereof, given
5 at least six days before ~~said~~ the hearing, and ~~said~~ the water commissioners
6 shall, within ten days after ~~said~~ the hearing, file their award in the town clerk's
7 office in the town or towns where the property in question is situated, and
8 cause the same to be recorded in the land records of ~~said~~ the town or towns.

9 Sec. 171. 24 App. V.S.A. chapter 235 § 92 is amended to read:

10 § 92. DAMAGES AND COMPENSATION RELATED TO
11 CONSTRUCTION OF ELECTRIC POWER SYSTEM

12 In any case where damage or compensation to owners of or other persons
13 interested in the water powers so taken, or such land as may be used for laying,
14 extending, constructing, and maintaining ~~such~~ the electric light plant and
15 reservoirs and appurtenances is not adjusted by agreement, or if the owner
16 thereof be a minor, ~~insane~~ person with a major psychiatric disability, or out of
17 the state, or otherwise incapacitated to sell and convey, the same shall be fixed
18 by the board of electric light commissioners after hearing the parties interested;
19 ~~such~~ the hearing to be had upon written notice of the time and place thereof,
20 given at least six days before ~~said~~ the hearing; and ~~said~~ the electric light
21 commissioners shall within ten days after ~~said~~ the hearing file its award in the

1 town clerk's office in the town or towns where the property in question is
2 situated and to cause the same to be recorded in the land records in ~~said the~~
3 town or towns.

4 Sec. 172. 24 App. V.S.A. chapter 257 § 210(a) is amended to read:

5 (a) The office of an elected official shall become vacant upon his or her
6 death; resignation; removal from office in any manner authorized by law;
7 forfeiture of his or her office; removal from the Village, except if the Village
8 elects an individual holding a town office to hold the same Village office; or
9 permanent physical or ~~mental~~ intellectual disability resulting in decreased
10 ability to perform his or her duties all as determined by the Board of Trustees.

11 Sec. 173. 24 App. V.S.A. chapter 261 § 29 is amended to read:

12 § 29. DAMAGES, HOW FIXED

13 In any case where damage or compensation to owners of, and other person
14 interested in, the water so taken, or such land as may be used for laying,
15 extending, constructing, and maintaining ~~such the~~ aqueduct, and for ~~such the~~
16 reservoirs and appurtenances, is not adjusted by agreement or if the owner
17 thereof be a minor, ~~insane~~ person with a major psychiatric disability, or out of
18 the state, or otherwise incapacitated to sell and convey, the same shall be fixed
19 by the board of trustees after hearing of all parties interested, ~~such the~~ hearing
20 being had upon written notice of the time and place thereof, given at least ten
21 days before ~~said the~~ hearing, and ~~said the~~ trustees shall, within ten days after

1 ~~said the~~ hearing file their award in the town clerk's office in the town or towns
2 where the property is situated, and cause the same to be recorded in the land
3 records of ~~said the~~ town or towns.

4 Sec. 174. 26 V.S.A. § 1311(1) is amended to read:

5 (1) Practice of medicine means:

6 * * *

7 (D) offering or undertaking to prevent, diagnose, correct, or treat in
8 any manner or by any means, methods, or devices any disease, illness, pain,
9 wound, fracture, infirmity, ~~defect~~ disability, or ~~abnormal atypical~~ physical or
10 mental condition of any person, including the management of pregnancy and
11 parturition;

12 * * *

13 Sec. 175. 26 V.S.A. § 1446 is amended to read:

14 § 1446. DIRECTORS OF CORPORATION

15 The ~~board of directors~~ Board of Directors of the Vermont Program for
16 Quality in Health Care, Inc. shall include the ~~commissioner of the department~~
17 ~~of health~~ Commissioner of Health and two ~~directors~~ Directors, each of whom
18 represents at least one of the following populations: people who are elderly,
19 people with disabilities, or people with low income individuals.

1 Sec. 176. 26 V.S.A. § 1751 is amended to read:

2 § 1751. APPLICATION OF LAWS; RIGHTS

3 Osteopathic physicians and surgeons shall be subject to the provisions of
4 law relating to communicable diseases and to the granting of certificates of
5 births and deaths and the issuance of certificates relating to the commitment of
6 ~~mentally ill~~ individuals with a psychiatric disability, and such reports and
7 certificates shall be accepted by the office or department to whom the same are
8 made or presented, equally with the reports and certificates of physicians of
9 any other school of medicine; and such physicians shall have the same rights
10 with respect to the rendering of medical services under the provisions of public
11 health, welfare, and assistance laws and rules.

12 Sec. 177. 26 V.S.A. § 3261(2) is amended to read:

13 (2) "Clinical mental health counseling" means providing, for a
14 consideration, professional counseling services that are primarily drawn from
15 the theory and practice of psychotherapy and the discipline of clinical mental
16 health counseling, involving the application of principles of psychotherapy,
17 human development, learning theory, group dynamics, and the etiology of
18 ~~mental illness~~ psychiatric disabilities and dysfunctional behavior to
19 individuals, couples, families, and groups, for the purposes of treating
20 psychopathology and promoting optimal mental health. The practice of
21 clinical mental health counseling includes diagnosis and treatment of ~~mental~~

1 psychiatric disabilities and emotional disorders, psychoeducational techniques
2 aimed at the prevention of such ~~disorders~~ disabilities, consultations to
3 individuals, couples, families, groups, organizations, and communities, and
4 clinical research into more effective psychotherapeutic treatment modalities.

5 Sec. 178. 26 V.S.A. § 3281(4) is amended to read:

6 (4) "Hearing aid" means an amplifying device to be worn by a
7 ~~hearing-impaired~~ person who is hard of hearing to improve hearing, including
8 any accessories specifically used in connection with such a device, but
9 excluding ~~theater theater- or auditorium-wide-area~~ auditorium-wide-area
10 listening devices, telephone amplifiers, or other devices designed to replace a
11 hearing aid for restricted situations.

12 Sec. 179. 26 V.S.A. § 3295(b) is amended to read:

13 (b) The examination shall cover the following: the basic physics of sound,
14 anatomy, and physiology of the ear, structure and function of hearing aids,
15 pure tone audiometry, voice and recorded speech audiometry, interpretation of
16 audiograms as related to hearing aid usage, selection and adaptation of hearing
17 aids, counseling ~~the hearing-impaired~~ people who are hard of hearing,
18 identifying situations in which referrals to a physician are appropriate,
19 knowledge of medical and rehabilitation facilities for ~~the hearing-impaired~~
20 people who are hard of hearing in this state and state and federal laws relating

1 to dispensing hearing aids and other areas of knowledge determined by the
2 ~~director~~ Director to be necessary.

3 Sec. 180. 26 V.S.A. § 3351(6) is amended to read:

4 (6) "Occupational therapy services" include, ~~but are not limited to:~~

5 * * *

6 (F) evaluating and providing intervention in collaboration with the
7 ~~client~~ individual receiving treatment, family, caregiver, or others;

8 (G) educating the ~~client~~ individual receiving treatment, family,
9 caregiver, or others in carrying out appropriate nonskilled interventions;

10 * * *

11 Sec. 181. 26 V.S.A. § 4031(6) is amended to read:

12 (6) "Marriage and family services" means the diagnosis and treatment of
13 ~~nervous developmental and mental disorders~~ psychiatric disabilities, whether
14 cognitive, affective, or behavioral, from the context of marital and family
15 systems. It further involves the professional application of psychotherapeutic
16 and family systems theory and technique in the delivery of services to
17 individuals, couples, and families for the purpose of treating such diagnosed
18 ~~nervous developmental and mental disorders~~ psychiatric disabilities.

1 Sec. 182. 26 V.S.A. § 4451 is amended to read:

2 § 4451. DEFINITIONS

3 * * *

4 (7) "Hearing aid" means an amplifying device to be worn by a
5 ~~hearing-impaired~~ person who is hearing impaired to improve hearing,
6 including any accessories specifically used in connection with such a device,
7 but excluding theater or auditorium wide-area listening devices, telephone
8 amplifiers, or other devices designed to replace a hearing aid for restricted
9 situations.

10 (8) "Practice of audiology" includes:

11 * * *

12 (I) providing aural rehabilitation and related counseling services to
13 ~~hearing-impaired~~ individuals who are hearing impaired and their families;

14 * * *

15 (9) "The practice of speech-language pathology" includes:

16 * * *

17 (E) providing aural rehabilitation and related counseling services to
18 ~~hearing-impaired~~ individuals who are hard of hearing and their families;

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1 same effect as if ~~such wife or husband~~ the spouse has been ~~sane~~ without a
2 major psychiatric disability and had joined therein.

3 * * *

4 Sec. 185. 27 V.S.A. § 1331 is amended to read:

5 § 1331. DEFINITIONS

6 As used in this subchapter:

7 (1) “Comparable housing” means housing that is decent, safe, sanitary,
8 and in compliance with all local and state housing codes, and provided with
9 facilities equivalent to those provided by the landlord in the dwelling unit in
10 which the tenant then resides in regard to each of the following: apartment
11 size, rent range, major kitchen and bathroom facilities, special facilities
12 necessary for ~~the handicapped or infirmed~~ persons with disabilities or who
13 have an infirmity, and desirability of neighborhood, school facilities, or area.

14 * * *

15 (4) “~~Elder tenant~~ Tenant who is elderly” means a tenant who is 62 years
16 of age or older.

17 (5) “~~Handicapped tenant~~ Tenant with a disability” means a tenant who
18 has a physical or mental ~~impairment~~ condition which restricts one or more
19 major life activities, including functions such as caring for one’s self,
20 performing manual tasks, walking, seeing, hearing, speaking, breathing,
21 learning, or working.

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§ 1333. CONVERSION BUILDING; NOTICE TO TENANTS

(b) If the building to be converted consists of five or fewer dwelling units, the landlord shall give to each tenant the following minimum written notice to vacate or purchase the unit: one year to ~~elder and handicapped~~ elderly or have a disability tenants who are elderly or have a disability; six months to low-income tenant households; three months to all other tenants. A landlord may not circumvent the longer notice requirements by converting a building consisting of five or fewer dwelling units if the conversion is part of a plan to convert more than five dwelling units.

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1 Sec. 187. 28 V.S.A. § 502a(d) is amended to read:

2 (d) Notwithstanding subsection (a) of this section, or any other provision of
3 law to the contrary, any inmate who is serving a sentence, including an inmate
4 who has not yet served the minimum term of the sentence, who is diagnosed as
5 ~~suffering from~~ having a terminal or debilitating condition so as to render the
6 inmate unlikely to be physically capable of presenting a danger to society, may
7 be released on medical parole to a hospital, hospice, other licensed inpatient
8 facility, or suitable housing accommodation as specified by the parole board.

9 The ~~department~~ Department shall promptly notify the parole board upon
10 receipt of medical information of an inmate's diagnosis of a terminal or
11 debilitating condition.

12 Sec. 188. 28 V.S.A. § 702(b) is amended to read:

13 (b) The ~~commissioner~~ Commissioner shall have the authority to transfer a
14 person under arrest and charged with any offense, or convicted but not yet
15 sentenced, from the correctional facility at which the person is detained to any
16 other facility if the ~~commissioner~~ Commissioner determines that the person
17 cannot be kept properly or safely at the correctional facility at which he or she
18 is detained. If the ~~commissioner~~ Commissioner determines that such person
19 has manifested a ~~mental illness~~ psychiatric disability requiring treatment, the
20 ~~commissioner~~ Commissioner shall have the authority to initiate transfer
21 proceedings pursuant to section 703 of this title.

1 Sec. 189. 28 V.S.A. § 808(e) is amended to read:

2 (e) The ~~commissioner~~ Commissioner may place on medical furlough any
3 offender who is serving a sentence, including an offender who has not yet
4 served the minimum term of the sentence, who is diagnosed ~~as suffering from~~
5 with a terminal or debilitating condition so as to render the offender unlikely to
6 be physically capable of presenting a danger to society. The ~~commissioner~~
7 Commissioner shall develop a policy regarding the application for, standards
8 for eligibility of, and supervision of persons on medical furlough. The
9 offender may be released to a hospital, hospice, other licensed inpatient
10 facility, or other housing accommodation deemed suitable by the
11 ~~commissioner~~ Commissioner.

12 Sec. 190. 28 V.S.A. chapter 11, subchapter 6 is amended to read:

13 Subchapter 6. Services for Inmates with Serious Mental Illness

14 § 906. DEFINITIONS

15 As used in this subchapter:

16 (1) “Serious functional impairment” means:

17 (A) a disorder of thought, mood, perception, orientation, or memory
18 as diagnosed by a qualified mental health professional, which substantially
19 impairs judgment, behavior, capacity to recognize reality, or ability to meet the
20 ordinary demands of life and which substantially impairs the ability to function
21 within the correctional setting; or

1 (B) a developmental disability, traumatic brain injury or other
2 organic brain disorder, or various forms of dementia or other neurological
3 disorders, as diagnosed by a qualified mental health professional, which
4 substantially impairs the ability to function in the correctional setting.

5 (2) "Qualified mental health professional" means a person with
6 professional training, experience, and demonstrated competence in the
7 treatment of ~~mental illness~~ psychiatric disabilities or serious functional
8 impairments who is a physician, psychiatrist, psychologist, social worker,
9 nurse, or other qualified person determined by the ~~commissioner of mental~~
10 ~~health~~ Commissioner of Mental Health.

11 (3) "~~Mental illness~~ Psychiatric disability or disorder" means a condition
12 that falls under any Axis I diagnostic categories or the following Axis II
13 diagnostic categories as listed in the American Psychiatric Association's
14 Diagnostic and Statistical Manual of Mental Disorders DSM-IV-TR Fourth
15 Edition (Text Revision), as updated from time to time: borderline personality
16 disorder, histrionic personality disorder, ~~mental retardation~~, intellectual
17 disability previously known as "mental retardation," obsessive-compulsive
18 personality disorder, paranoid personality disorder, schizoid personality
19 disorder, or schizotypal personality disorder.

1 (4) "Screening" means an initial survey, which shall be
2 trauma-informed, to identify whether an inmate has immediate treatment needs
3 or is in need of further evaluation.

4 § 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND
5 RESPONSIBILITIES OF COMMISSIONER

6 The ~~commissioner~~ Commissioner shall administer a program of
7 trauma-informed mental health services which shall be available to all inmates
8 and shall provide adequate staff to support the program. The program shall
9 provide the following services:

10 (1) Within 24 hours of admittance to a correctional facility, all inmates
11 shall be screened for any signs of ~~mental illness~~ psychiatric disability or
12 disorder, or serious functional impairment. If as a result of the screening it is
13 determined that the inmate is receiving services under the developmental
14 disabilities home and community based services waiver or is currently
15 receiving community rehabilitation and treatment services, he or she will
16 automatically be designated as having a serious functional impairment.

17 (2) A thorough trauma-informed evaluation, conducted in a timely and
18 reasonable fashion by a qualified mental health professional, which includes a
19 review of available medical and psychiatric records. The evaluation shall be
20 made of each inmate who:

21 (A) has a history of ~~mental illness~~ psychiatric disability or disorder;

1 (B) has received community rehabilitation and treatment services; or

2 (C) shows signs or symptoms of ~~mental illness~~ psychiatric disability

3 or disorder or of serious functional impairment at the initial screening or as

4 observed subsequent to entering the facility.

5 (3) The development and implementation of an individual treatment

6 plan, when a clinical diagnosis by a qualified mental health professional

7 indicates an inmate ~~is suffering from mental illness~~ has a psychiatric disability

8 or disorder or from serious functional impairment. The treatment plan shall be

9 developed in accordance with best practices and explained to the inmate by a

10 qualified mental health professional.

11 (4) Access to a variety of services and levels of care consistent with the

12 treatment plan to inmates ~~suffering mental illness~~ with psychiatric disability or

13 disorder or serious functional impairment. These services shall include, as

14 appropriate, the following:

15 * * *

16 (5) Proactive procedures to seek and identify any inmate who has not

17 received the enhanced screening, evaluation, and access to mental health

18 services appropriate for inmates ~~suffering from a mental illness~~ with

19 psychiatric disability or disorder or a serious functional impairment.

1 (6) Special training to medical and correctional staff to enable them to
2 identify and initially deal with inmates with a mental illness or disorder or a
3 serious functional impairment. This training shall include the following:

4 (A) Recognition of signs and symptoms of ~~mental illness~~ psychiatric
5 disability or disorder or a serious functional impairment in the inmate
6 population.

7 (B) Recognition of signs and symptoms of ~~chemical dependence~~
8 substance abuse and withdrawal.

9 (C) Recognition of adverse reactions to psychotropic medication.

10 (D) Recognition of improvement in the general condition of the
11 inmate.

12 (E) Recognition of ~~mental retardation~~ intellectual disability.

13 (F) Recognition of mental health emergencies and specific
14 instructions on contacting the appropriate professional care provider and taking
15 other appropriate action.

16 (G) Suicide potential and prevention.

17 (H) Precise instructions on procedures for mental health referrals.

18 (I) Any other training determined to be appropriate.

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1 community of people who are deaf, hearing impaired, and speech impaired
2 community hard of hearing, or have speech limitations.

3 (d) The ~~department of public service~~ Department of Public Service shall
4 establish a Vermont ~~telecommunications relay service advisory council~~
5 Telecommunications Relay Service Advisory Council composed of the
6 following members: one representative of the ~~department of public service~~
7 Department of Public Service, who shall act as chair and who shall be
8 designated by the ~~commissioner of public service~~ Commissioner of Public
9 Service; one representative of the ~~department of disabilities, aging, and~~
10 ~~independent living~~ Department of Disabilities, Aging, and Independent Living,
11 who shall act as ~~vice chair~~ vice chair; two representatives of the deaf
12 community; one member of the community of people who are hard of hearing
13 or have speech impaired community limitations; one representative of a
14 company providing local exchange service within the ~~state~~ State; and one
15 representative of an organization currently providing telecommunications relay
16 services. The members of the ~~council~~ Council who are not officers or
17 employees of the ~~state~~ State shall receive per diem compensation and expense
18 reimbursement in amounts authorized by ~~subsection 32 V.S.A. § 1010(b) of~~
19 ~~Title 32~~. The costs of such compensation and reimbursement, and any other
20 necessary administrative costs shall be included within the contract entered
21 into under subsection (c) of this section. The ~~Vermont telecommunications~~

1 ~~relay service advisory council~~ Council shall advise the ~~department of public~~
2 ~~service~~ Department of Public Service and the contractor for
3 telecommunications relay services on all matters concerning the
4 implementation and administration of the ~~state's~~ State's telecommunications
5 relay service.

6 (e) The ~~department~~ Department shall propose and the ~~board~~ Board shall
7 establish by rule or order a telecommunications equipment grant program to
8 assist persons who are deaf, deaf-blind, hard of hearing ~~impaired persons~~, have
9 a speech ~~impaired persons~~ limitation, and persons with physical disabilities
10 that limit their ability to use standard telephone equipment to communicate by
11 telephone. Pursuant to this program a person who is deaf, deaf-blind, hard of
12 hearing ~~impaired person~~, has a speech ~~impaired person~~ limitation, or a person
13 with a physical disability that limits his or her ability to use standard telephone
14 equipment whose modified adjusted gross income as defined in ~~subdivision~~
15 32 V.S.A. § 5829(b)(1) of Title 32 for the preceding taxable year was less than
16 200 percent of the official poverty line established by the ~~federal~~ U.S.
17 Department of Health and Human Services for a family of six or the actual
18 number in the family, whichever is greater, published as of October 1 of the
19 preceding taxable year, may be eligible for a benefit towards the purchase,
20 upgrade, or repair of equipment used to access the relay service or otherwise
21 communicate by telephone. The total benefits allocable under this section

1 shall not exceed \$75,000.00 per year. In adopting rules, the ~~board~~ Board shall
2 consider the following:

3 * * *

4 Sec. 193. 30 V.S.A. § 7059(a)(1) is amended to read:

5 (a)(1) ~~No~~ A person shall not access, use, or disclose to any other person
6 any individually identifiable information contained in the system database
7 created under subdivision 7053(a)(4) of this title, including any customer or
8 user ALI or ANI information, except in accordance with rules adopted by the
9 ~~board~~ Board and for the purpose of:

10 * * *

11 (F) coordinating with state and local service providers for the
12 provision of emergency dispatch services that serve individuals with a
13 disability, ~~elderly~~ individuals who are elderly, and other populations with
14 special needs ~~populations~~.

15 Sec. 194. 31 V.S.A. chapter 19 is amended to read:

16 CHAPTER 19. LEISURE TIME AND BENEFITS FOR ~~THE~~
17 PEOPLE WHO ARE ELDERLY

18 * * *

19 § 1002. GREEN MOUNTAIN PASSPORT; ELIGIBILITY

20 (a) Any person is eligible to obtain a Green Mountain Passport who:

21 (1) is:

- 1 (A) at least 62 years of age; or
- 2 (B) totally disabled as the result of disease or injury ~~suffered~~ received
- 3 while serving in the ~~armed forces~~ U.S. Armed Forces; or
- 4 (C) a resident of the Vermont Veteran's Home in Bennington; and
- 5 (2) is a resident of the state.

6 * * *

7 Sec. 195. 32 V.S.A. § 1591 is amended to read:

8 § 1591. SHERIFFS AND OTHER OFFICERS

9 There shall be paid to sheriffs' departments and constables in civil causes

10 and to sheriffs, deputy sheriffs, and constables for the transportation and care

11 of prisoners, juveniles, and ~~mental~~ patients with a psychiatric disability the

12 following fees:

13 * * *

14 (2) For the transportation and care of prisoners, juveniles, and ~~mental~~

15 patients with a psychiatric disability:

16 * * *

17 (C) For each mile of actual travel, for transporting prisoners,

18 juveniles, and ~~mental~~ patients with a psychiatric disability:

19 (i) five cents more per mile than the rate allowed state employees

20 under the terms of the prevailing contract between the ~~state~~ State and the

21 Vermont State Employees Association, Inc.; or

1 (ii) twenty cents more per mile than the rate allowed state
2 employees under the terms of the prevailing contract between the ~~state~~ State
3 and the Vermont State Employees Association, Inc. when four or more
4 prisoners, juveniles, or people receiving mental health ~~clients~~ services are
5 transported in a single vehicle designed to carry six or more passengers in
6 addition to the driver.

7 * * *

8 Sec. 196. 32 V.S.A. § 5822(d)(1) is amended to read:

9 (d)(1) A taxpayer shall be entitled to a credit against the tax imposed under
10 this section of 24 percent of each of the credits allowed against the taxpayer's
11 federal income tax for the taxable year as follows: credit for people who are
12 elderly ~~and or~~ permanently totally disabled ~~credit~~, investment tax credit
13 attributable to the Vermont-property portion of the investment, and child care
14 and dependent care credits.

15 Sec. 197. 32 V.S.A. § 6061(5) is amended to read:

16 (5) "Modified adjusted gross income" means "federal adjusted gross
17 income":

18 * * *

19 (C) without the inclusion of: any gifts from nongovernmental sources
20 other than those described in subdivision (B) of this subdivision (5); surplus
21 food or other relief in kind supplied by a governmental agency; or the first

* * *

1 Sec. 198. 32 V.S.A. § 8911(12) is amended to read:

2 (12) one motor vehicle owned or leased and operated by a ~~permanently~~
3 ~~physically handicapped~~ person with a permanent physical disability for whom
4 the vehicle's controls have been altered to enable the person to drive, or owned
5 or leased by a ~~permanently handicapped~~ person with a permanent disability or
6 by a parent or guardian of a ~~permanently handicapped~~ person with a permanent
7 disability for whom a mechanical lifting device has been installed to allow for
8 entry and exit of the vehicle, provided that the ~~handicapped~~ person with a
9 disability has been certified exempt from the tax by the ~~commissioner of motor~~
10 ~~vehicles~~ Commissioner of Motor Vehicles under the provisions of section 8901
11 of this title;

12 Sec. 198a. 32 V.S.A. § 9202(18) is amended to read:

13 (18) "Independent living facility" means a congregate living
14 environment, however named, for profit or otherwise, that meets the
15 definitions of housing complexes for older persons as enumerated in 9 V.S.A.
16 § 4503(b) and (c), or housing programs designed to meet the needs of
17 individuals with a ~~handicap~~ or disability as defined in 9 V.S.A. § 4501(2)
18 and (3).

19 Sec. 199. 33 V.S.A. chapter 1 is amended to read:

20 CHAPTER 1. DEPARTMENT OF PREVENTION, ASSISTANCE,
21 TRANSITION, AND HEALTH ACCESS

1 FOR CHILDREN AND FAMILIES

2 * * *

3 Sec. 200. 33 V.S.A. § 504 is amended to read:

4 § 504. DUTIES OF DEPARTMENT

5 (a) The ~~department~~ Department shall administer all laws and programs
6 specifically assigned to it for administration, including:

7 * * *

8 (4) Special services, including vocational rehabilitation, for Vermonters
9 who are blind or ~~visually impaired~~ have a visual impairment, and for
10 Vermonters who are deaf or ~~hearing impaired~~ hard of hearing.

11 * * *

12 (c) In addition to the powers vested in it by law, the ~~department~~
13 Department may:

14 * * *

15 (3) Take and hold in trust for the ~~state~~ State any grant or devise of land
16 or donation or bequest of money, or other personal property, to be applied to
17 the maintenance of ~~developmentally disabled~~ persons with developmental
18 disabilities.

19 Sec. 201. 33 V.S.A. § 701 is amended to read:

20 § 701. DECLARATION OF POLICY

1 (a) It is the policy of the ~~state~~ State of Vermont that alcoholism and alcohol
2 abuse are correctly perceived as health and social problems rather than
3 criminal transgressions against the welfare and morals of the public.

4 (b) The ~~general assembly~~ General Assembly therefore declares that:

5 (1) alcoholics and alcohol abusers shall no longer be subjected to
6 criminal prosecution solely because of their consumption of alcoholic
7 beverages or other behavior related to consumption which is not directly
8 injurious to the welfare or property of the public;

9 (2) alcoholics and alcohol abusers shall be treated as ~~sick~~ persons who
10 are sick and shall be provided adequate and appropriate medical and other
11 humane rehabilitative services congruent with their needs.

12 Sec. 202. 33 V.S.A. chapter 15 is amended to read:

13 CHAPTER 15. SPECIAL SERVICES FOR ~~THE~~
14 PERSONS WHO ARE BLIND

15 § 1501. REGISTER

16 The ~~department of disabilities, aging, and independent living~~ Department of
17 Disabilities, Aging, and Independent Living may prepare and maintain a
18 register of ~~blind~~ persons who are blind in the state. It shall describe their
19 condition, cause of blindness, capacity for education and vocational training,
20 and other pertinent data.

§ 1502. SERVICES FOR ~~THE~~ PERSONS WHO ARE BLIND

For the rehabilitation or amelioration of the condition of ~~the persons who~~
are blind, the ~~department of disabilities, aging, and independent living~~
Department of Disabilities, Aging, and Independent Living may:

(1) Ameliorate the condition of ~~the persons who are~~ blind by devising
means for their adjustment, care, instruction, and well-being, including the
distribution of books, promotion of visits to ~~the aged and helpless persons who~~
are elderly and blind, and by other expedient and proper means and methods.

(2) Furnish medical examinations, physical restoration, guidance and
counseling, vocational training, maintenance and transportation, occupational
materials, tools, equipment, and licenses.

(3) Assist ~~blind~~ persons who are blind in developing home industries
and small business enterprises and marketing their products.

(4) Act as an intermediary between ~~the persons who are~~ blind and
~~otherwise handicapped persons~~ have a disability and industry for the purpose
of arranging industrial homework of a subcontract nature, and pay inherent
costs such as workers' compensation insurance and Social Security taxes.

(5) Contribute to the support of ~~blind~~ persons who are blind from this
~~state~~ State who are receiving instruction or training in schools or institutions
outside the ~~state~~ State.

1 or to diagnose or treat an individual's physical or mental ~~health~~ condition,
2 including services ordered by a health care professional, chronic care
3 management, preventive care, wellness services, and medically necessary
4 services to assist in activities of daily living.

5 * * *

6 Sec. 204. 33 V.S.A. § 1901b(d) is amended to read:

7 (d) As used in this section:

8 * * *

9 (3) "VHAP-Pharmacy" or "VHAP-Rx" means the VHAP ~~program of~~
10 ~~state pharmaceutical assistance for~~ Program of State Pharmaceutical
11 Assistance for Vermonters who are elderly and disabled Vermonters or have a
12 disability with income up to and including 150 percent of the federal poverty
13 level (hereinafter "FPL").

14 (4) "VScript" means the Section 1115 ~~waiver program of state~~
15 ~~pharmaceutical assistance for~~ Waiver Program of State Pharmaceutical
16 Assistance for Vermonters who are elderly and disabled Vermonters or have a
17 disability with income over 150 and less than or equal to 175 percent of FPL,
18 and administered under ~~subchapter 4 of chapter 19, subchapter 4~~ of this title.

19 (5) "VScript-Expanded" means the state-funded ~~program of~~
20 ~~pharmaceutical assistance for~~ Program of Pharmaceutical Assistance for
21 Vermonters who are elderly and disabled Vermonters or have a disability with

1 income over 175 and less than or equal to 225 percent of FPL, and
2 administered under ~~subchapter 4 of chapter 19,~~ subchapter 4 of this title.

3 Sec. 205. 33 V.S.A. § 1904(4) is amended to read:

4 (4) "Insurer" means any insurance company, prepaid health care
5 delivery plan, self-funded employee benefit plan, pension fund, hospital or
6 medical service corporation, managed care organization, pharmacy benefit
7 manager, prescription drug plan, retirement system, or similar entity that is
8 under an obligation to make payments for medical services as a result of an
9 injury, illness, or disease ~~suffered~~ experienced by an individual.

10 Sec. 206. 33 V.S.A. § 1910 is amended to read:

11 § 1910. LIABILITY OF THIRD PARTIES; LIENS

12 (a) The ~~agency~~ Agency shall have a lien against a third party, to the extent
13 of the amount paid by the ~~agency~~ Agency for medical expenses, on any
14 recovery for that claim, whether by judgment, compromise, mediation, or
15 settlement, whenever:

16 (1) the ~~agency~~ Agency pays medical expenses for or on behalf of a
17 recipient who has been injured or has ~~suffered~~ an illness or disease as a result
18 of negligence; and

19 (2) the recipient asserts a claim against a third party for damages
20 resulting from the injury, illness, or disease.

1 (b)(1) The ~~agency~~ Agency shall have a lien against the insurer, to the extent
2 of the amount paid by the ~~agency~~ Agency for past medical expenses, on any
3 recovery from the insurer, whenever the ~~agency~~ Agency pays medical
4 expenses or renders medical services on behalf of a recipient who has been
5 injured or has ~~suffered~~ an injury, illness, or disease; and the recipient asserts a
6 claim against an insurer as a result of the injury, illness, or disease.

7 (2) Effective July 1, 2013, the recipient's insurer or alleged liable
8 party's insurer, if any, shall take reasonable steps to discover the existence of
9 the ~~agency's~~ Agency's medical assistance. Payment to the recipient instead of
10 the ~~agency~~ Agency does not discharge the insurer from payment of the
11 ~~agency's~~ Agency's claim.

12 * * *

13 Sec. 207. 33 V.S.A. § 1951 is amended to read:

14 § 1951. DEFINITIONS

15 As used in this subchapter:

16 * * *

17 (2) "Core home health care services" means those ~~medically necessary~~
18 medically necessary skilled nursing, home health aide, therapeutic, and
19 personal care attendant services, provided exclusively in the home by home
20 health agencies. Core home health services do not include private duty
21 nursing, hospice, homemaker, or physician services, or services provided under

1 early periodic screening, diagnosis, and treatment (EPSDT), traumatic brain
2 injury (TBI), high technology programs, or services provided by a home for
3 ~~the persons who are~~ terminally ill as defined in subdivision ~~7102(10)~~ 7102(3)
4 of this title.

5 * * *

6 (5) "Health care provider" means any hospital, nursing home,
7 intermediate care facility for ~~the mentally retarded~~ people with intellectual
8 disabilities previously known as mental retardation, home health agency, or
9 retail pharmacy.

10 * * *

11 (8) "Intermediate Care Facility for ~~the Mentally Retarded~~ People with
12 Intellectual Disabilities" (~~"ICF/MR ICF/ID"~~) means a facility which provides
13 long-term health related care to residents with ~~mental retardation~~ intellectual
14 disability pursuant to subdivision 1902(a)(31) of the Social Security Act
15 (42 U.S.C. § 1396a(a)(31)). "Intellectual disability" replaces what was
16 previously known as "mental retardation."

17 * * *

1 Sec. 208. 33 V.S.A. § 1955 is amended to read:

2 § 1955. ~~ICF/MR~~ ICF/ID ASSESSMENT

3 (a) Beginning October 1, 2011, each ~~ICF/MR's~~ ICF/ID's annual
4 assessment shall be 5.9 percent of the ~~ICF/MR's~~ ICF/ID's total annual direct
5 and indirect expenses for the most recently settled ~~ICF/MR~~ ICF/ID audit.

6 (b) The ~~department~~ Department shall provide written notification of the
7 assessment amount to each ~~ICF/MR~~ ICF/ID. The assessment amount
8 determined shall be considered final unless the facility requests a
9 reconsideration. Requests for reconsideration shall be subject to the provisions
10 of section 1958 of this title.

11 (c) Each ~~ICF/MR~~ ICF/ID shall remit its assessment to the ~~department~~
12 Department according to a schedule adopted by the ~~commissioner~~
13 Commissioner. The ~~commissioner~~ Commissioner may permit variations in the
14 schedule of payment as deemed necessary.

15 (d) Any ~~ICF/MR~~ ICF/ID that fails to make a payment to the ~~department~~
16 Department on or before the specified schedule, or under any schedule of
17 delayed payments established by the ~~commissioner~~ Commissioner, shall be
18 assessed not more than \$1,000.00. The ~~commissioner~~ Commissioner may
19 waive this late-payment assessment provided for in this subsection for good
20 cause shown by the ~~ICF/MR~~ ICF/ID.

1 Sec. 209. 33 V.S.A. § 1974(c)(1)(A) is amended to read:

2 (A) “Chronic care” means health services provided by a health care
3 professional for an established clinical condition that is expected to last a year
4 or more and that requires ongoing clinical management attempting to restore
5 the individual to highest function, minimize the negative effects of the
6 condition, and prevent complications related to chronic conditions. Examples
7 of chronic conditions include diabetes, hypertension, cardiovascular disease,
8 cancer, asthma, pulmonary disease, substance abuse, ~~mental illness~~ psychiatric
9 disability, spinal cord injury, and hyperlipidemia.

10 Sec. 210. 33 V.S.A. § 2074(b) is amended to read:

11 (b) VermontRx shall provide:

12 (1) the same pharmaceutical coverage as the Medicaid program to
13 individuals who are elderly individuals and individuals with disabilities whose
14 income is no greater than 150 percent of the federal poverty guidelines; and

15 (2) maintenance drugs to individuals who are elderly individuals and
16 individuals with disabilities whose income is greater than 150 percent and no
17 greater than 225 percent of the federal poverty guidelines.

18 Sec. 211. 33 V.S.A. § 2078 is amended to read:

19 § 2078. EDUCATION AND OUTREACH

20 The ~~department of disabilities, aging, and independent living~~ Department of
21 Disabilities, Aging, and Independent Living shall conduct ongoing education

1 and outreach to inform ~~elderly~~ Vermonters who are elderly and Vermonters
2 with disabilities of the benefits they may be entitled to pursuant to this
3 subchapter, make available information concerning pharmaceutical assistance
4 programs, and minimize any confusion and duplication of pharmaceutical
5 coverage resulting from a multiplicity of pharmaceutical programs.

6 Sec. 212. 33 V.S.A. § 2501a(c) is amended to read:

7 (c) A ~~home energy assistance task force~~ Home Energy Assistance Task
8 Force shall advise the ~~office of home energy assistance~~ Office of Home Energy
9 Assistance. The ~~task force~~ Task Force shall be composed of the commissioner
10 of the designated department or the commissioner's designee, one member of
11 the ~~low income~~ low-income community selected by the ~~low income advocacy~~
12 ~~council~~ Vermont Low Income Advocacy Council, Inc., one representative of
13 ~~the people who are elderly~~ selected by the ~~coalition of Vermont elders~~
14 Community of Vermont Elders, one representative of people with disabilities
15 selected by the Vermont ~~coalition for disability rights~~ Coalition for Disability
16 Rights, one representative of unregulated fuel providers selected by
17 unregulated fuel providers, one representative of electric utilities selected by
18 the electric utilities, one representative of gas utilities selected by the gas
19 utilities, one representative of the ~~state economic opportunity office~~ State
20 Economic Opportunity Office, and one representative of the ~~public service~~
21 ~~department~~ Department of Public Service. If any constituency group cannot

1 agree on its representative, the ~~secretary~~ Secretary shall make those selections.
2 Members of the ~~task force~~ Task Force shall be entitled to reimbursement for
3 reasonable travel and meal expenses. The ~~task force~~ Task Force shall report
4 regularly to the ~~director~~ Director, and on request to the ~~general assembly~~
5 General Assembly, for the purpose of making recommendations for improving
6 Vermont's home energy assistance programs.

7 Sec. 213. 33 V.S.A. § 4301(3) is amended to read:

8 (3) "Child or adolescent with a severe emotional disturbance" means a
9 person who:

10 * * *

11 (D) falls into one or more of the following categories, whether or not
12 he or she is diagnosed with other serious disorders such as ~~mental retardation~~
13 intellectual disability, severe neurological dysfunction, or sensory
14 impairments;

15 * * *

16 Sec. 214. 33 V.S.A. § 6321 is amended to read:

17 § 6321. ATTENDANT CARE SERVICES

18 (a) As used in this section,:

19 * * *

(4) “Participant-directed attendant care” means attendant care services for ~~permanently, severely disabled~~ an individual who has a permanent and severe disability who requires service in at least two activities of daily living in order to live independently.

(d) The ~~commissioner~~ Commissioner shall adopt rules to implement the provisions of this section, including eligibility criteria for the programs, criteria for determining service needs, rules relating to control and oversight of services by beneficiaries of a program, and procedures for handling and maintaining confidential information. Prior to filing a proposed rule, the ~~commissioner~~ Commissioner shall seek input from individuals with disabilities, ~~the~~ the individuals who are elderly, and organizations which represent such individuals.

Sec. 215. 33 V.S.A. § 6902 is amended to read:

As used in this chapter:

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impaired ability to protect himself or herself from abuse, neglect, or exploitation.

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1 Sec. 218. 33 V.S.A. § 7102 is amended to read:

2 § 7102. DEFINITIONS

3 ~~For purposes of~~ As used in this chapter:

4 * * *

5 (2) “Facility” means a residential care home, nursing home, assisted
6 living residence, home for ~~the~~ persons who are terminally ill, or therapeutic
7 community residence licensed or required to be licensed pursuant to the
8 provisions of this chapter.

9 (3) “Home for ~~the~~ persons who are terminally ill” means a place
10 providing services specifically for three or more people who are dying ~~people~~,
11 including room, board, personal care, and other assistance for the residents’
12 emotional, spiritual, and physical well-being.

13 * * *

14 (6) “Nursing care” means the performance of services necessary in
15 caring for ~~the~~ persons who are sick or injured that require specialized
16 knowledge, judgment, and skill and meet the standards of nursing as defined in
17 26 V.S.A. § 1572.

18 (7) “Nursing home” means an institution or distinct part of an institution
19 which is primarily engaged in providing to its residents any of the following:

20 (A) Skilled nursing care and related services for residents who
21 require medical or nursing care.

1 (B) Rehabilitation services for the rehabilitation of persons who are
2 injured, ~~disabled~~ have a disability, or are sick persons.

3 (C) On a 24-hour basis, ~~health-related~~ health-related care and services
4 to individuals who because of their ~~mental~~ developmental or physical
5 condition require care and services which can be made available to them only
6 through institutional care.

7 * * *

8 (11) "Therapeutic community residence" means a place, however
9 named, excluding hospitals as defined by statute which provides, for profit or
10 otherwise, transitional individualized treatment to three or more residents with
11 major life adjustment problems, such as alcoholism, drug abuse, ~~mental illness~~
12 psychiatric disability, or delinquency.

13 Sec. 219. 33 V.S.A. § 7103 is amended to read;

14 § 7103. LICENSE

15 (a) A person shall not operate a nursing home, assisted living residence,
16 home for ~~the~~ persons who are terminally ill, residential care home, or
17 therapeutic community residence without first obtaining a license.

18 (b) A person shall not operate a nursing home as defined in this chapter or
19 as defined in 18 V.S.A. chapter 46 ~~of Title 18~~ except under the supervision of
20 an administrator licensed in the manner provided in 18 V.S.A. chapter 46 ~~of~~
21 ~~Title 18~~.

1 (c) Residents of a home for ~~the persons who are~~ terminally ill shall receive
2 necessary medical and nursing services, which may be provided through
3 outside providers.

4 Sec. 220. 33 V.S.A. § 7105(b) is amended to read:

5 (b) In its discretion, the licensing agency may issue a temporary license
6 permitting operation of a nursing home, assisted living residence, therapeutic
7 community residence, residential care home, or home for ~~the persons who are~~
8 terminally ill for such period or periods and subject to such conditions as the
9 licensing agency deems proper, but in no case shall a nursing home, assisted
10 living residence, therapeutic community residence, residential care home, or
11 home for ~~the persons who are~~ terminally ill operate under a temporary license
12 or renewal thereof for a period exceeding 36 months.

13 Sec. 221. 33 V.S.A. § 7107(a) is amended to read:

14 (a) The licensing agency shall ~~promulgate regulations~~ adopt rules
15 governing the identification of unlicensed residential care homes, nursing
16 homes, assisted living residences, therapeutic community residences, and
17 homes for ~~the persons who are~~ terminally ill.

18 Sec. 222. STATUTORY REVISION

19 (a) To effect the purpose of this act of using respectful language throughout
20 the Vermont Statute Annotated, the Office of Legislative Council is directed to
21 revise the existing Vermont Statutes Annotated pursuant to its statutory

1 revision authority and, where applicable, to replace the following terms as
2 appropriate:

3 (1) "Ward," "wards," and other similar terms with "person under
4 guardianship," "persons under guardianship," "person in need of
5 guardianship," "persons in need of guardianship," "person with a guardian," or
6 "persons with a guardian," except where they appear in 14 V.S.A. chapter 113,
7 Title 24, and the Title 24 Appendix.

8 (2) "Impairment," "impaired," or "impair," with "disability," "person
9 with a disability," or other similar terms, except where used as part of the
10 phrase "serious functional impairment."

11 (3) "Handicap," "handicapped," or other similar terms with "disability,"
12 "person with a disability," "persons with a disability," "person who has a
13 disability," or "persons who have disabilities."

14 (4) "Mental disease," "mental disorder," "mental impairment," or
15 "mental health condition" with "psychiatric disability," "person with a
16 psychiatric disability," or other similar terms.

17 (b) Any term amended in one or more statutes by this act which was
18 inadvertently left unchanged elsewhere in statute may, where appropriate, be
19 replaced by the Office of Legislative Council with a term identical or similar to
20 that which was used to replace it in this act.

1 Sec. 223. REPEAL

2 The following are repealed:

3 (1) 2012 Acts and Resolves No. 171, Sec. 11d (parity for mental health
4 co-payments).

5 (2) 2012 Acts and Resolves No. 171, Sec. 42(k) (effective date; parity
6 for mental health co-payments).

7 Sec. 224. EFFECTIVE DATES

8 This act shall take effect on July 1, 2013, except that Sec. 19a (parity for
9 mental health co-payments) of this act shall take effect on January 1, 2014, and
10 shall apply to health insurance plans on and after January 1, 2014 on such date
11 as a health insurer issues, offers, or renews the health insurance plan, but in no
12 event later than January 1, 2015.