

Journal of the House

Friday, May 10, 2013

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighth day of May, 2013, he approved and signed bills originating in the House of the following titles:

- H. 406 An act relating to town listers, assessors and auditors**
- H. 518 An act relating to miscellaneous amendments to Vermont retirement laws**
- H. 525 An act relating to approval of amendments to the charter of the Town of Stowe**

House Bill Introduced

H. 544

Reps. Donovan of Burlington and Peltz of Woodbury introduced a bill, entitled

An act relating to requiring the merger of all school districts into 30 new districts

Which was read the first time and referred to the committee on Education.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Page Emma Curchin of East Montpelier
Page Antonia Farrell of Norwich
Margret Joos of Monkton
Ian Louras of Rutland City
Isabella McCallum of Cabot
Lauren Morse of East Montpelier
Lounglin Neuert of Richmond
Elizabeth O'Hara of Ferrisburgh
Emma Pearson of North Hero
Hannah Ruhl of Wilmington

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 543

House bill, entitled

An act relating to records and reports of the Auditor of Accounts

S. 130

Senate bill, entitled

An act relating to encouraging flexible pathways to secondary school completion

Rules Suspended; Senate Proposal of Amendment Concurred in with a Further Amendment Thereto; Bill Messaged to Senate Forthwith

H. 240

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to Executive Branch fees

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 26, 7 V.S.A. § 231, in subsection (a) subdivision (5), by striking out the following “\$130.00” and inserting in lieu thereof the following: \$140.00

Second: By striking out Secs. 27 and 28 in their entirety.

Third: By striking out Sec. 30 in its entirety and inserting in lieu thereof a new Sec. 30 to read as follows:

Sec. 30. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

* * *

(d) A person applying simultaneously for a tobacco license and a liquor license shall apply to the legislative body of the municipality and shall pay to the ~~department~~ Department only the fee required to obtain the liquor license. A person applying ~~only~~ for a tobacco license shall submit a fee of ~~\$10.00~~ \$100.00 to the legislative body of the municipality for each tobacco license or renewal. The municipal clerk shall forward the application to the ~~department~~ Department, and the ~~department~~ Department shall issue the tobacco license. ~~The municipal clerk shall retain \$5.00 of this fee, and the remainder shall be deposited in the treasury of the municipality~~ The tobacco license fee shall be forwarded to the Commissioner for deposit in the Liquor Control Enterprise Fund.

* * *

Fourth: By adding internal captions and new Secs. 35, 36, and 37, to read as follows:

* * * State Police Dispatch Fees * * *

Sec. 35. UNIFORM DISPATCH FEES

The Commissioner of Public Safety shall adopt rules establishing uniform statewide fees for dispatch services provided by or under the direction of the Department of Public Safety. In setting the fees, the Commissioner shall consult with sheriffs and other entities that provide dispatch services.

* * * Break-Open Tickets * * *

Sec. 36. REPEAL

32 V.S.A. chapter 239 (game of chance) is repealed.

Sec. 37. 7 V.S.A. chapter 26 is added to read:

CHAPTER 26. BREAK-OPEN TICKETS

§ 901. DEFINITIONS

As used in this chapter:

(1) “Break-open ticket” means a lottery using a card or ticket of the so-called pickle card, jar ticket, or break-open variety commonly bearing the name “Lucky 7,” “Nevada Club,” “Victory Bar,” “Texas Poker,” “Triple Bingo,” or any other name.

(2) “Commissioner” means the Commissioner of Liquor Control.

(3) “Distributor” means a person who purchases break-open tickets from a manufacturer and sells or distributes break-open tickets at wholesale in Vermont. “Distributor” shall include any officer, employee, or agent of a corporation or dissolved corporation who has a duty to act for the corporation in complying with the requirements of this chapter. “Distributor” shall not include a person who distributes only jar tickets which are used only for merchandise prizes.

(4) “Manufacturer” means a person who designs, assembles, fabricates, produces, constructs, or otherwise prepares a break-open ticket for sale to a distributor.

(5) “Nonprofit organization” means a nonprofit corporation which is qualified for tax exempt status under the provisions of 26 U.S.C. § 501(c) and which has engaged, in good faith, in charitable, religious, educational, or civic activities in this State on a regular basis during the preceding year. “Nonprofit organization” also includes churches, schools, fire departments, municipalities, fraternal organizations, and organizations that operate agricultural fairs or field days and which have engaged, in good faith, in charitable, religious, educational, or civic activities in this State on a regular basis during the preceding year.

(6) “Seller” means a nonprofit organization that sells break-open tickets at retail.

(7) “Seller’s agent” means the owner of a premises where alcohol is served who has entered into a written agreement with a nonprofit organization to sell tickets at retail on behalf of the nonprofit organization.

§ 902. LICENSE REQUIRED

(a) Any manufacturer, distributor, seller, or seller’s agent shall be licensed by the Commissioner.

(b) Upon application and payment of the fee, the Commissioner may issue the following licenses to qualified applicants:

<u>(1) Manufacturer annual license</u>	<u>\$7,500.00</u>
<u>(2) Distributor annual license</u>	<u>\$7,500.00</u>
<u>(3) Seller’s annual license</u>	<u>\$ 50.00</u>
<u>(4) Seller’s agent annual license</u>	<u>\$ 50.00</u>

(c) A license shall not be granted to an individual who has been convicted of a felony within five years of the license application nor to an entity in which any partner, officer, or director has been convicted of a felony within five years of the application.

(d) Licenses issued under this section may be renewed annually from the date of issue or last renewal, upon reapplication and payment of the licensing fee.

(e) A seller or a seller's agent must display his or her license in a conspicuous public place or in an area near where the break-open tickets are sold.

(f) All fees collected pursuant to this section shall be deposited into the Liquor Control Fund.

§ 903. DISTRIBUTION

(a) Only a licensed seller or licensed seller's agent may sell tickets at retail. A seller or seller's agent shall buy tickets for resale only from a licensed distributor. A distributor shall buy tickets only from a licensed manufacturer, and shall only sell tickets to a licensed seller or seller's agent.

(b) A distributor shall not distribute a box of break-open tickets unless the box bears indicia as required by the Commissioner. A distributor shall not distribute a box of break-open tickets in this State with a prize payout of less than 60 percent. A person shall not distribute or sell a break-open ticket at retail unless the ticket bears a unique serial number.

(c) When making a sale of break-open tickets, a distributor shall require a seller or seller's agent to present evidence of a valid license under this chapter.

(d) A seller may sell break-open tickets on the premises of a club as defined in subdivision 2(7) of this title. All proceeds from the sale of break-open tickets shall be used by the seller exclusively for charitable, religious, educational, and civic undertakings, with only the following costs deducted from the proceeds:

(1) the actual cost of the break-open tickets;

(2) the prizes awarded;

(3) reasonable legal fees necessary to organize the nonprofit organization and to assure compliance with all legal requirements; and

(4) reasonable accounting fees necessary to account for the proceeds from the sale of break-open tickets by the seller.

(e) Notwithstanding 13 V.S.A. § 2143, a seller's agent may sell break-open tickets at premises licensed to sell alcoholic beverages if the seller's agent meets the requirements of section 904 of this title. All proceeds from the sale of break-open tickets by a seller's agent shall be remitted to the seller, except for:

(1) the actual cost of the break-open tickets;

(2) the prizes awarded; and

(3) any taxes due on the sale of break-open tickets under 32 V.S.A. chapter 245.

§ 904. REQUIREMENTS FOR A SELLER'S AGENT

(a) In order to sell break-open tickets, a seller's agent shall enter into a written agreement with the seller. The written agreement shall include the terms required by the Commissioner but at a minimum shall be filed with the Commissioner and include the names of individuals representing the seller and the seller's agent, contact information for those individuals, and the responsibility and duties of each party. The seller's agent shall file a copy of the written agreement with the Commissioner.

(b) The seller's agent must remit to the seller at least quarterly the proceeds owed to the seller under the written agreement, along with a copy of the report due under section 905 of this title.

§ 905. RECORDS; REPORT

(a) Each distributor, manufacturer, seller, and seller's agent licensed under this chapter shall maintain records and books relating to the distribution and sale of break-open tickets and to any other expenditure required by the Commissioner. A licensee shall make its records and books available to the Commissioner for auditing.

(b) Each licensed distributor shall file with the Commissioner on the same schedule as the distributor files sales tax returns the following information for the preceding reporting period:

(1) the names of organizations to which break-open tickets were sold;

(2) the number of break-open tickets sold to each organization; and

(3) the ticket denomination and serial numbers of tickets sold.

(c) Each licensed manufacturer shall file with the Commissioner quarterly reports on or before April 25, July 25, October 25, and January 25 for the quarter ending prior to the month in which the report is due. The reports shall contain the following information for the reporting period:

(1) the names of distributors to which deals of break-open ticket were sold;

(2) the number of deals of break-open tickets sold to each distributor; and

(3) the ticket denomination and serial numbers for each deal.

(d) Each licensed seller that sells tickets shall file with the Commissioner quarterly reports on or before April 25, July 25, October 25, and January 25 for the quarter ending prior to the month in which the report is due. The reports shall contain any information required by the Commissioner, but shall include:

(1) the number of boxes purchased and the actual cost of the break-open tickets;

(2) the prizes awarded;

(3) any reasonable legal fees necessary to organize the nonprofit organization and to assure compliance with all legal requirements;

(4) any reasonable accounting fees necessary to account for the proceeds from the sale of break-open tickets by the seller; and

(5) the amount of proceeds dedicated to the charitable purpose of the organization.

(e) Each licensed seller's agent that sells tickets shall file with the Commissioner quarterly reports on or before April 25, July 25, October 25, and January 25 for the quarter ending prior to the month in which the report is due. The reports shall contain any information required by the Commissioner, but shall include:

(1) the number of boxes purchased, the number of tickets in each box, and the retail sale value of the tickets;

(2) the actual cost of the break-open tickets;

(3) the prizes awarded;

(4) the amount of funds remitted to the seller; and

(5) evidence of taxes paid under 32 V.S.A. chapter 245 on the boxes purchased by the seller's agent.

(f) Records and reports filed under this section shall be subject to the provisions of 32 V.S.A. § 3102, except as necessary for the administration of this chapter.

(g) The Commissioner of Liquor Control shall provide the records and reports filed under this section to the Attorney General and Commissioner of Taxes upon request.

§ 906. RULES

The Department of Liquor Control shall regulate the sale of break-open tickets in this State. The Commissioner may adopt regulations for the licensure and reporting requirements under this chapter to establish indicia for boxes of break-open tickets and to establish reasonable reporting and

accounting requirements on manufacturers, distributors, sellers, and seller's agents of break-open tickets to ensure the requirements of this chapter are met.

§ 907. ENFORCEMENT

(a) Any person who intentionally violates section 903 of this title shall be fined not more than \$500.00 for each violation.

(b) Any person who intentionally violates section 902, 904, or 905 of this title shall be fined not more than \$10,000.00 for the first offense and fined not more than \$20,000.00 or imprisoned not more than one year, or both, for each subsequent offense.

(c) In addition to the criminal penalties provided under subsections (a) and (b) of this section, any person who violates a provision of this chapter shall be subject to one or both of the following penalties:

(1) revocation or suspension by the Commissioner of a license granted pursuant to this chapter; or

(2) confiscation of break-open tickets or confiscation of the revenues derived from the sale of those tickets, or both.

§ 908. APPEALS

Any licensee aggrieved by an action taken under this chapter and any person aggrieved by the Commissioner's refusal to issue or renew a license under this chapter may appeal in writing within 30 days of the Commissioner's decision to the Liquor Control Board for review of such action. The Board shall thereafter grant a hearing subject to the provisions of 3 V.S.A. chapter 25 upon the matter and notify the aggrieved person in writing of its determination. The Board's determination may be appealed within 30 days to the Vermont Supreme Court. Appeal pursuant to this section shall be the exclusive remedy for contesting the Commissioner's action under this chapter.

And by renumbering the remaining sections to be numerically correct.

Thereupon, **Rep. Branagan of Georgia** moved to concur in the Senate proposal of amendment with a further thereto, as follows:

First: By striking out Secs. 36 and 37 and the internal caption in their entirety

Second: In Sec. 35, UNIFORM DISPATCH FEES, by adding a sentence at the end of the section to read: The Commissioner shall report to the House Committee on Ways and Means and the Senate Committee on Finance on or before January 15, 2014, regarding the adoption and implementation of the uniform dispatch fee rules.

and by renumbering the remaining sections to be numerically correct

Which was agreed to.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Bill Read Third Time and Passed
H. 112

House bill, entitled

An act relating to the labeling of food produced with genetic engineering

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as “natural,” “naturally made,” “naturally grown,” “all natural,” or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that “natural” foods are not genetically engineered.

(2) Because both the U.S. Food and Drug Administration and the U.S. Congress do not prohibit labeling of food as natural when it is produced with genetic engineering, the State should prohibit labeling of food produced with genetic engineering as natural in order to prevent inadvertent consumer deception.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC
ENGINEERING AS NATURAL

§ 3041. PURPOSE

It is the purpose of this chapter to:

(1) Prevent consumer confusion and deception. Reduce and prevent consumer confusion and deception and promote the disclosure of factual information on food labels by prohibiting food produced with genetic engineering from being labeled as natural.

(2) Promoting economic development. Create additional market opportunities for those producers who are not certified organic and whose products are not produced using genetic engineering and to enable consumers to make informed purchasing decisions.

(3) Protecting religious and cultural practice. Provide consumers with data from which they may make informed decisions for personal, religious, moral, cultural, or ethical reasons.

§ 3042. DEFINITIONS

As used in this chapter:

(1) “Consumer” shall have the same meaning as in subsection 2451a(a) of this title.

(2) “Genetic engineering” is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(3) “In vitro nucleic acid techniques” means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(4) “Organism” means any biological entity capable of replication, reproduction, or transferring of genetic material.

§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING AS NATURAL

(a) Except as set forth under section 3044 of this title, a food produced entirely or in part from genetic engineering shall not be labeled on the product, in signage, or in advertising as “natural,” “naturally made,” “naturally grown,” “all natural,” or any words of similar import that would have a tendency to mislead a consumer.

(b) This section shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term “genetically engineered” immediately preceding any common name or primary product descriptor of a food.

§ 3044. EXEMPTIONS

The following foods shall not be subject to the requirements of section 3043 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food or drug produced with genetic engineering.

(2) Any beverage that is subject to the provisions of Title 7.

(3) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(4) Food that has been lawfully certified to be labeled, marketed, and offered for sale as “organic” pursuant to the federal Organic Food Products Act of 1990 and the regulations promulgated pursuant thereto by the U.S. Department of Agriculture.

(5) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).

§ 3045. PENALTIES; ENFORCEMENT

(a) A violation of this chapter is deemed to be a violation of section 2453 of this title.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Which was disagreed to.

Pending third reading of the bill, **Rep. Johnson of Canaan** moved to amend the bill as follows:

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. law does not adequately provide for the labeling of processed food the production of which originates in a country other than the United States;

(2) The food health and safety laws in other countries are significantly inferior to those of the United States. As a result, food that originates from other countries may be adulterated or include contaminants that could cause significant human health effects.

(3) The State should require processed food originating outside the United States to be labeled with the country of origin in order to enable consumers to avoid the potential health risks associated with and resulting from the consumption of processed food that originates outside the United States.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. COUNTRY OF ORIGIN LABELING OF FOOD

§ 3041. PURPOSE

It is the purpose of this chapter to promote food safety and protect public health by enabling consumers to avoid the potential risks associated with food produced and originating outside the United States

§ 3042. DEFINITIONS

As used in this chapter:

(1) "Agricultural commodity" means:

(A) Muscle cuts of beef, lamb, chicken, goat, and pork;

(B) Ground beef, ground lamb, ground chicken, ground goat, and ground pork;

(C) Perishable agricultural commodities;

(D) Peanuts;

(E) Macadamia nuts;

(F) Pecans;

(G) Ginseng.

(H) Farm-raised fish and shellfish, including fillets, steaks, nuggets, and any other flesh; and

(J) Wild fish and shellfish, including fillets, steaks, nuggets, and any other flesh.

(2) “Consumer” shall have the same meaning as in subsection 2451a(a) of this title.

(3) “Origin in the United States” means:

(A) For beef, pork, lamb, chicken and goat, from animals:

(i) exclusively born, raised, and slaughtered in the United States;

(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

(iii) present in the United States on or before July 15, 2008, and once present in the United States, that remained continuously in the United States.

(B) For perishable agricultural commodities, peanuts, ginseng, pecans, and macadamia nuts, from products produced in the United States.

(C) For farm-raised fish and shellfish, from fish or shellfish hatched, raised, harvested, and processed in the United States, and that has not undergone a substantial transformation outside the United States.

(D) For wild-fish and shellfish, from fish or shellfish harvested in the waters of the United States or by a U.S. flagged vessel and processed in the United States or aboard a U.S. flagged vessel, and that has not undergone a substantial transformation outside the United States.

(4) “Perishable agricultural commodity” means fresh and frozen fruits and vegetables of every kind and character that have not been manufactured into processed foods.

(5) “Processed food” means any food, other than an agricultural commodity, and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

§ 3043. COUNTRY OF ORIGIN LABELING OF PROCESSED FOOD

(a) A food sold at retail in the State shall be labeled with its country of origin if the country of origin is other than the United States.

(b) A food required to be labeled under this section shall be labeled as follows:

(1) for agricultural commodities, the agricultural commodity shall be labeled according to the requirement of 7 C.F.R. parts 60 and 65.

(2) for processed food, the country of origin of the processed food shall be labeled on the front or back of the package offered for retail sale, with the clear and conspicuous words, "country of origin" and the country from which the food originated.

(c) This law shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term "genetically engineered" immediately preceding any common name or primary product descriptor of a food.

§ 3044. RETAILER LIABILITY

A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless:

(1) the retailer is the producer or manufacturer of the processed food; or

(2) the retailer sells the processed food under a brand it owns, but the food was produced or manufactured by another producer or manufacturer.

§ 3046. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§ 3047. PENALTIES; ENFORCEMENT

(a) A violation of this chapter is deemed to be a violation of section 2453 of this title.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

Thereupon, **Rep. Deen of Westminster** raised a Point of Order in that the amendment was not germane to the bill, which the Speaker ruled not well taken.

Pending the question, Shall the bill be amended as recommended by Rep. Johnson of Canaan? **Rep. Larocque of Barnet** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Johnson of Canaan? was decided in the negative. Yeas, 45. Nays, 91.

Those who voted in the affirmative are:

Batchelor of Derby	Fagan of Rutland City	Mitchell of Fairfax
Beyor of Highgate	Gage of Rutland City	Morrissey of Bennington
Bouchard of Colchester	Goodwin of Weston	Myers of Essex
Branagan of Georgia	Greshin of Warren	Pearce of Richford
Brennan of Colchester	Hebert of Vernon	Quimby of Concord
Burditt of West Rutland	Helm of Fair Haven	Savage of Swanton
Canfield of Fair Haven	Higley of Lowell	Shaw of Pittsford
Clarkson of Woodstock	Hubert of Milton	Shaw of Derby
Connor of Fairfield	Johnson of Canaan	Smith of New Haven
Consejo of Sheldon	Juskiewicz of Cambridge	Strong of Albany
Cupoli of Rutland City	Kilmartin of Newport City	Terenzini of Rutland Town
Devereux of Mount Holly	Komline of Dorset	Turner of Milton
Dickinson of St. Albans Town	Larocque of Barnet	Van Wyck of Ferrisburgh
Donaghy of Poultney	Lawrence of Lyndon	Winters of Williamstown
Donahue of Northfield	Lewis of Berlin	
	Marcotte of Coventry	

Those who voted in the negative are:

Ancel of Calais	Ellis of Waterbury	Kupersmith of South Burlington
Bartholomew of Hartland	Emmons of Springfield	Lanpher of Vergennes
Bissonnette of Winooski	Evans of Essex	Lenes of Shelburne
Botzow of Pownal	Feltus of Lyndon	Lippert of Hinesburg
Browning of Arlington	Fisher of Lincoln	Macaig of Williston
Burke of Brattleboro	Frank of Underhill	Malcolm of Pawlet
Buxton of Tunbridge	Gallivan of Chittenden	Manwaring of Wilmington
Campion of Bennington	Grad of Moretown	Marek of Newfane
Carr of Brandon	Haas of Rochester	Martin of Springfield
Cheney of Norwich	Head of South Burlington	Martin of Wolcott
Cole of Burlington	Hooper of Montpelier	Masland of Thetford
Conquest of Newbury *	Huntley of Cavendish	McCarthy of St. Albans City
Corcoran of Bennington	Jerman of Essex	McCormack of Burlington
Cross of Winooski	Keenan of St. Albans City	McCullough of Williston
Dakin of Chester	Kitzmiller of Montpelier	McFaun of Barre Town
Davis of Washington	Koch of Barre Town *	Michelsen of Hardwick
Deen of Westminster	Krebs of South Hero	Miller of Shaftsbury
Donovan of Burlington	Krowinski of Burlington	

Mook of Bennington	Scheuermann of Stowe	Vowinkel of Hartford
Moran of Wardsboro	Sharpe of Bristol	Waite-Simpson of Essex
Mrowicki of Putney	South of St. Johnsbury	Webb of Shelburne
Nuovo of Middlebury	Stevens of Waterbury	Weed of Enosburgh
O'Sullivan of Burlington	Stevens of Shoreham	Wilson of Manchester
Partridge of Windham	Sweaney of Windsor	Wizowaty of Burlington
Pearson of Burlington	Taylor of Barre City	Woodward of Johnson
Poirier of Barre City	Till of Jericho	Wright of Burlington
Potter of Clarendon	Toleno of Brattleboro *	Yantachka of Charlotte
Pugh of South Burlington	Toll of Danville	Young of Glover
Rachelson of Burlington	Townsend of Randolph	Zagar of Barnard
Ralston of Middlebury	Townsend of South	
Ram of Burlington	Burlington	
Russell of Rutland City	Trieber of Rockingham	

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

Christie of Hartford	French of Randolph	Peltz of Woodbury
Condon of Colchester	Heath of Westford	Smith of Morristown
Copeland-Hanzas of Bradford	Johnson of South Hero	Spengler of Colchester
Fay of St. Johnsbury	Klein of East Montpelier	Stuart of Brattleboro
	O'Brien of Richmond	

Rep. Conquest of Newbury explained his vote as follows:

“Mr. Speaker:

I voted no because I believe this proposed labeling requirement would clearly be struck down as preempted by federal law. But I wholeheartedly support the idea that we all benefit from more information about our food, including expanded country of origin labeling.”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

I agree with the member from Canaan that the loopholes in federal labeling law are truly disturbing, but I believe that this amendment suffers from some of the same constitutional deficiencies as the underlying bill. Once again, I need to vote NO in order to spare Vermont’s taxpayers from a costly loss in court.”

Rep. Toleno of Brattleboro explained his vote as follows:

“Mr. Speaker:

This amendment does nothing to address the underlying legitimate concerns about GE foods which this bill addresses. It is federally pre-empted and will not help Vermont citizens avoid potential health and environmental risks from

GE foods, nor further their freedom to live in harmony with their ethical and religious tenets.

Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Partridge of Windham** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 99. Nays, 42.

Those who voted in the affirmative are:

Ancel of Calais	Huntley of Cavendish	Pearson of Burlington
Bartholomew of Hartland *	Jerman of Essex	Peltz of Woodbury
Bissonnette of Winooski	Johnson of South Hero	Poirier of Barre City
Botzow of Pownal	Juskiewicz of Cambridge	Potter of Clarendon
Browning of Arlington	Keenan of St. Albans City	Pugh of South Burlington
Burke of Brattleboro	Kitzmiller of Montpelier	Rachelson of Burlington
Buxton of Tunbridge	Krebs of South Hero	Ralston of Middlebury
Campion of Bennington	Krowinski of Burlington	Ram of Burlington
Carr of Brandon	Kupersmith of South Burlington	Scheuermann of Stowe
Cheney of Norwich	Lanpher of Vergennes	Sharpe of Bristol
Christie of Hartford	Lenes of Shelburne	Shaw of Pittsford
Clarkson of Woodstock	Lewis of Berlin	South of St. Johnsbury
Cole of Burlington	Lippert of Hinesburg	Stevens of Waterbury
Conquest of Newbury	Macaig of Williston	Stevens of Shoreham
Corcoran of Bennington	Malcolm of Pawlet	Stuart of Brattleboro
Cross of Winooski	Manwaring of Wilmington	Sweaney of Windsor
Dakin of Chester	Marek of Newfane *	Taylor of Barre City
Davis of Washington	Martin of Springfield	Till of Jericho
Deen of Westminster	Martin of Wolcott	Toleno of Brattleboro
Devereux of Mount Holly	Masland of Thetford	Toll of Danville
Donovan of Burlington	McCarthy of St. Albans City	Townsend of Randolph
Ellis of Waterbury	McCormack of Burlington	Townsend of South Burlington
Emmons of Springfield	McCullough of Williston	Trieber of Rockingham
Evans of Essex	McFaun of Barre Town	Vowinkel of Hartford
Fisher of Lincoln	Michelsen of Hardwick	Waite-Simpson of Essex
Frank of Underhill	Miller of Shaftsbury	Webb of Shelburne *
Gallivan of Chittenden	Mook of Bennington	Weed of Enosburgh
Grad of Moretown	Moran of Wardsboro	Wilson of Manchester
Greshin of Warren	Mrowicki of Putney	Wizowaty of Burlington
Haas of Rochester	Nuovo of Middlebury	Woodward of Johnson
Head of South Burlington	O'Brien of Richmond	Yantachka of Charlotte
Heath of Westford	O'Sullivan of Burlington	Zagar of Barnard
Hebert of Vernon	Partridge of Windham	
Hooper of Montpelier		

Those who voted in the negative are:

Batchelor of Derby *	Bouchard of Colchester *	Brennan of Colchester
Bayor of Highgate	Branagan of Georgia	Burditt of West Rutland *

Canfield of Fair Haven	Higley of Lowell	Quimby of Concord
Connor of Fairfield	Hubert of Milton	Russell of Rutland City
Consejo of Sheldon	Johnson of Canaan	Savage of Swanton
Cupoli of Rutland City	Kilmartin of Newport City	Shaw of Derby
Dickinson of St. Albans Town	Koch of Barre Town	Smith of New Haven *
Donaghy of Poultney	Komline of Dorset	Strong of Albany
Donahue of Northfield *	Larocque of Barnet	Terenzini of Rutland Town
Fagan of Rutland City	Lawrence of Lyndon	Turner of Milton
Feltus of Lyndon *	Marcotte of Coventry	Van Wyck of Ferrisburgh
Gage of Rutland City	Mitchell of Fairfax	Winters of Williamstown
Goodwin of Weston	Morrissey of Bennington	Wright of Burlington *
Helm of Fair Haven	Myers of Essex	
	Pearce of Richford	

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

Condon of Colchester	Fay of St. Johnsbury	Smith of Morristown
Copeland-Hanzas of Bradford	French of Randolph	Spengler of Colchester
	Klein of East Montpelier	Young of Glover

Rep. Bartholomew of Hartland explained his vote as follows:

Vermont has a compelling state interest in the labeling of food products manufactured from genetically engineered crops.

The FDA disregarded the concerns raised by its own scientists when it adopted a policy that requires no safety assessment of new genetically engineered food products coming onto the market.

Numerous studies and findings have identified potential health risks associated with these foods in both animals and humans, including tumors, liver and kidney problems, flu-like symptoms, skin irritation, immune system responses, digestive disorders, serious reproductive disorders, and an increased incidence of food intolerance and food allergies.

There are also significant environmental concerns. Herbicide-tolerant weeds are on the rise around the world, leading to a huge increase in the use of ever-more potent herbicides.

Unfortunately, significant disagreement remains among scientific experts about the safety of genetically engineered foods. There are numerous unanswered questions because important safety studies have not been done. Labeling will serve as a risk management measure to deal with scientific uncertainty.

Vermont has the opportunity to lead the way so that the United States might finally join the 60 other nations that already require labeling of genetically engineered products.

There is enough evidence already published in the scientific literature to give us serious pause regarding the safety of these food products. Polls have shown that 95% of Vermonters want these products labeled. This extends well beyond simple consumer curiosity because there is enough doubt about the safety of these products to make it clear that consumers have a right to know; to be able to make informed choices regarding what they eat, one of the most basic of human needs.

Rep. Batchelor of Derby explained her vote as follows:

“Mr. Speaker:

I voted no, not because I don’t want to know what is in our food but because we cannot afford to be the only state requiring this information. This should be a request by the Federal Government.”

Rep. Bouchard of Colchester explained his vote as follows:

“Mr. Speaker:

I voted no. I would prefer that Oregon pick up the bill.”

Rep. Burditt of West Rutland explained his vote as follows:

“Mr. Speaker:

We have sugar free – fat free – gluten free – caffeine free and many other labels so listed ‘free.’ Why not GMO/GE free? Vermont has just missed an opportunity to enhance and market its products as GMO/GE free. We chose to knock down one industry to level the playing field instead of marketing and raising our respected Vermont brand to the top.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I strongly support the right of people to know what is in their food. There were two ways to achieve this: a likely unconstitutional violation of corporate free speech by mandating labeling of 80% or more of our food products, or a more likely constitutional ban on the mislabeling of foods as ‘natural’ when they include genetically engineered ingredients. A ban on mislabeling would equally allow consumers to identify GE-free foods, and I therefore proposed an amendment to pass only that section of the bill. Because we have retained the mandatory labeling section along with the ban on mislabeling, I am very regretfully unable to vote yes.”

Rep. Feltus of Lyndon explained her vote as follows:

“Mr. Speaker:

I support identification of genetically engineered ingredients in our foods; however I believe this to be of national jurisdiction rather than a state responsibility. I also believe the probable consequences of market disruption and litigation will be detrimental to all Vermonters.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

Vermont did not win its independence by fearing the unknown costs or by cowering before superior power. Our decision today honors those same values. We have acted to protect Vermonters’ basic right simply to know what they are eating. None of us can safely predict whether we will win or lose in that effort. Not to try, though, would be to have conceded that fight before it even began.”

Rep. Smith of New Haven explained his vote as follows:

“Mr. Speaker:

I voted no on this bill; however I support the right to know. I am quite confident when I go into a store to purchase food knowing that 90+% of our corn, soybean and canola are being grown from gmo seed I can be quite certain that the foods I purchase contain GMO's . If I don't want to purchase these products I already have the option to purchase certified organic food or foods from the gmo free project, both are certified gmo free.

During testimony on this issue we heard that a state gmo labeling bill could cost the state up to \$5 -\$10 million to defend. Why expose Vermont to this risk when we have other options?

Research done by several universities indicates that food costs would go up 3 % to 10% for each and every consumer if we require this gmo labeling.

The U.S. Food and Drug Administration currently requires labeling of GE foods if the food has a significantly different nutritional property; if a new food includes an allergen that consumers would not expect to be present (e.g., a peanut protein in a soybean product); or if a food contains a toxicant beyond acceptable limits. Early in 2001, the FDA proposed voluntary guidelines for labeling food that does or does not contain GE ingredients.

A voluntary labeling option made on the national level or the state level would eliminate Vermont's exposure to a law suit and still let me know what is in my foods and still give me the option to purchase good healthy foods at a reasonable cost.

Thank you.”

Rep. Webb of Shelburne explained her vote as follows:

“Mr. Speaker:

Nothing in this bill bans the right to sell or purchase products containing items produced with genetic engineering. It simply allows us the right to make an informed choice. Nothing in this bill restricts the right to grow products produced through genetic engineering. It simply allows us to make an informed choice. Nothing in this bill attempts to invade a biotech company’s patent rights. It simply allows us to make an informed choice. We ask for this right based on emerging health concerns, religious laws, moral and ethical convictions, economic opportunity, environmental concerns and consumer choice. Passage of this labeling is not a matter of “if” we will get this right; it is a matter of “when.” As goes Vermont. So goes the nation.

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

My no vote reflects my belief in labeling and consumer information, but also my concerns with this particular bill. The chief executive of our state appeared to express similar concerns to the Rutland Chamber of Commerce in an article in the Times Argus titled ‘Shumlin: GMO labeling good, bill bad.’”

Senate Proposal of Amendment Concurred in

H. 299

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

An act relating to enhancing consumer protection provisions for propane refunds, unsolicited demands for payment, and failure to comply with civil investigations

First: In Sec. 4, in 9 V.S.A. § 4402(1), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) “Solicitation” does not include an offer to renew an existing agreement for the purchase of goods or services, provided that the offer specifies the date on which the existing agreement expires.

Second: By striking out Secs. 6–10 in their entirety and inserting in lieu thereof new Sec. 6 and Sec. 7 to read as follows:

Sec. 6. 9 V.S.A. chapter 120 is added to read:

CHAPTER 120. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

§ 4195. LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE

(a) The General Assembly finds that:

(1) Vermont is striving to build an entrepreneurial and knowledge based economy. Attracting and nurturing small and medium sized internet technology (“IT”) and other knowledge based companies is an important part of this effort and will be beneficial to Vermont’s future.

(2) Patents are essential to encouraging innovation, especially in the IT and knowledge based fields. The protections afforded by the federal patent system create an incentive to invest in research and innovation, which spurs economic growth. Patent holders have every right to enforce their patents when they are infringed, and patent enforcement litigation is necessary to protect intellectual property.

(3) The General Assembly does not wish to interfere with the good faith enforcement of patents or good faith patent litigation. The General Assembly also recognizes that Vermont is preempted from passing any law that conflicts with federal patent law.

(4) Patent litigation can be technical, complex, and expensive. The expense of patent litigation, which may cost hundreds of thousands of dollars or more, can be a significant burden on small and medium sized companies. Vermont wishes to help its businesses avoid these costs by encouraging the most efficient resolution of patent infringement claims without conflicting with federal law.

(5) In order for Vermont companies to be able to respond promptly and efficiently to patent infringement assertions against them, it is necessary that they receive specific information regarding how their product, service, or technology may have infringed the patent at issue. Receiving such information at an early stage will facilitate the resolution of claims and lessen the burden of potential litigation on Vermont companies.

(6) Abusive patent litigation, and especially the assertion of bad faith infringement claims, can harm Vermont companies. A business that receives a letter asserting such claims faces the threat of expensive and protracted litigation and may feel that it has no choice but to settle and to pay a licensing fee, even if the claim is meritless. This is especially so for small and medium sized companies and nonprofits that lack the resources to investigate and defend themselves against infringement claims.

(7) Not only do bad faith patent infringement claims impose a significant burden on individual Vermont businesses, they also undermine Vermont’s efforts to attract and nurture small and medium sized IT and other knowledge based companies. Funds used to avoid the threat of bad faith litigation are no longer available to invest, produce new products, expand, or hire new workers, thereby harming Vermont’s economy.

(b) Through this narrowly focused act, the General Assembly seeks to facilitate the efficient and prompt resolution of patent infringement claims, protect Vermont businesses from abusive and bad faith assertions of patent infringement, and build Vermont's economy, while at the same time respecting federal law and being careful to not interfere with legitimate patent enforcement actions.

§ 4196. DEFINITIONS

In this chapter:

(1) "Demand letter" means a letter, e-mail, or other communication asserting or claiming that the target has engaged in patent infringement.

(2) "Target" means a Vermont person:

(A) who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;

(B) who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or

(C) whose customers have received a demand letter asserting that the person's product, service, or technology has infringed a patent.

§ 4197. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

(a) A person shall not make a bad faith assertion of patent infringement.

(b) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:

(1) The demand letter does not contain the following information:

(A) the patent number;

(B) the name and address of the patent owner or owners and assignee or assignees, if any; and

(C) factual allegations concerning the specific areas in which the target's products, services, and technology infringe the patent or are covered by the claims in the patent.

(2) Prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target's products, services, and technology, or such an analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

(3) The demand letter lacks the information described in subdivision (1) of this subsection, the target requests the information, and the person fails to provide the information within a reasonable period of time.

(4) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

(5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(7) The claim or assertion of patent infringement is deceptive.

(8) The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and:

(A) those threats or lawsuits lacked the information described in subdivision (1) of this subsection; or

(B) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(9) Any other factor the court finds relevant.

(c) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(1) The demand letter contains the information described in subdivision (b)(1) of this section.

(2) Where the demand letter lacks the information described in subdivision (b)(1) of this section and the target requests the information, the person provides the information within a reasonable period of time.

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(4) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent.

(5) The person is:

(A) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(B) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education.

(6) The person has:

(A) demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or

(B) successfully enforced the patent, or a substantially similar patent, through litigation.

(7) Any other factor the court finds relevant.

§ 4198. BOND

Upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this chapter, the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under § 4199(b) of this chapter, conditioned upon payment of any amounts finally determined to be due to the target. A hearing shall be held if either party so requests. A bond ordered pursuant to this section shall not exceed \$250,000.00. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

§ 4199. ENFORCEMENT; REMEDIES; DAMAGES

(a) The Attorney General shall have the same authority under this chapter to make rules, conduct civil investigations, bring civil actions, and enter into assurances of discontinuance as provided under chapter 63 of this title. In an action brought by the Attorney General under this chapter the court may award or impose any relief available under chapter 63 of this title.

(b) A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter or by a violation of rules adopted under this chapter, may bring an action in superior court. A court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this subsection:

(1) equitable relief;

(2) damages;

(3) costs and fees, including reasonable attorney's fees; and

(4) exemplary damages in an amount equal to \$50,000.00 or three times the total of damages, costs, and fees, whichever is greater.

(c) This chapter shall not be construed to limit rights and remedies available to the State of Vermont or to any person under any other law and

shall not alter or restrict the Attorney General's authority under chapter 63 of this title with regard to conduct involving assertions of patent infringement.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

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

An act relating to amending consumer protection provisions for propane refunds, unsolicited demands for payment, bad faith assertions of patent infringement and failure to comply with civil investigations.

Which proposal of amendment was considered and concurred in.

Bill Referred to Committee on Appropriations

S. 37

House bill, entitled

An act relating to tax increment financing districts

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 20

Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Proposal of Amendment Agreed to; Consideration Interrupted by Recess

S. 129

Senate bill, entitled

An act relating to workers' compensation liens

Was taken up and pending third reading of the bill, **Reps. Stevens of Shoreham and Marcotte of Coventry** moved to amend the House proposal of amendment as follows:

In Sec. 19, workers' compensation premiums, by adding a sentence at the end of the section to read: The Department of Financial Regulation shall report its findings and any recommendations to the House Committees on

Agriculture and Forest Products and on Commerce and Economic Development and the Senate Committees on Agriculture and on Finance on or before January 15, 2014.

Which was agreed to.

Pending third reading of the bill, **Reps. Pearson of Burlington, Moran of Wardsboro, McFaun of Barre Town and Poirier of Barre City** moved to amend the House proposal of amendment as follows:

By adding Sec. 16a to read:

Sec. 16a. 21 V.S.A. § 1338 is amended to read:

§ 1338. WEEKLY BENEFITS

* * *

(f) ~~The maximum weekly benefit amount shall be \$425.00. When the state unemployment compensation fund has a positive balance and all advances made to the state unemployment compensation fund pursuant to Title XII of the Social Security Act have been repaid as of December 31 of the last completed calendar year, on the first day of the first calendar week of July, federal unemployment tax credit has not been reduced due to borrowing, the maximum weekly benefit amount for all new claims shall be adjusted by a percentage equal to the percentage change during the preceding calendar year in the state average weekly wage as determined by subsection (g) of this section and shall thereafter be similarly readjusted for all claims on the first day of the first calendar week of July.~~ When the unemployment contribution rate schedule established by subsection 1326(e) of this title is at schedule III, the maximum weekly benefit amount shall be adjusted on the first day of the first calendar week in July to an amount equal to 57 percent of the state annual average weekly wage as determined by subsection (g) of this section. The maximum weekly benefit amount shall not increase in any year that advances made to the state unemployment compensation fund pursuant to Title XII of the Social Security Act, as amended, remain unpaid.

* * *

Pending the question, Shall the House proposal of amendment be amended as recommended by Rep. Pearson of Burlington?

Recess

At twelve o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and forty-five minutes in the afternoon, the Speaker called the House to order.

**Consideration Resumed; Bill Read the Third Time and Passed in
Concurrence with Proposal of Amendment**

S. 129

Consideration resumed on Senate bill, entitled

An act relating to workers' compensation liens;

Pending the question, Shall the House proposal of amendment be amended as recommended by Reps. Pearson of Burlington, et al? **Rep. Davis of Washington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House proposal of amendment be amended as recommended by Reps. Pearson of Burlington, et al? was decided in the negative. Yeas, 19. Nays, 118.

Those who voted in the affirmative are:

Burke of Brattleboro	McCullough of Williston	Spengler of Colchester
Cole of Burlington	McFaun of Barre Town	Till of Jericho
Davis of Washington	Moran of Wardsboro	Weed of Enosburgh
Haas of Rochester	O'Sullivan of Burlington	Wizowaty of Burlington
Krowinski of Burlington	Pearson of Burlington	Woodward of Johnson
Macaig of Williston	Poirier of Barre City	
McCormack of Burlington	Russell of Rutland City	

Those who voted in the negative are:

Ancel of Calais	Dakin of Chester	Heath of Westford
Bartholomew of Hartland	Deen of Westminster	Hebert of Vernon
Batchelor of Derby	Devereux of Mount Holly	Helm of Fair Haven
Beyor of Highgate	Dickinson of St. Albans	Higley of Lowell
Bissonnette of Winooski	Town	Hubert of Milton
Botzow of Pownal	Donaghy of Poultney	Huntley of Cavendish
Bouchard of Colchester	Donahue of Northfield	Jerman of Essex
Branagan of Georgia	Donovan of Burlington	Jewett of Ripton
Browning of Arlington	Ellis of Waterbury	Johnson of South Hero
Burditt of West Rutland	Emmons of Springfield	Johnson of Canaan
Campion of Bennington	Evans of Essex	Juskiewicz of Cambridge
Canfield of Fair Haven	Fagan of Rutland City	Keenan of St. Albans City
Carr of Brandon	Feltus of Lyndon	Kilmartin of Newport City
Cheney of Norwich	Fisher of Lincoln	Kitzmiller of Montpelier
Clarkson of Woodstock	Frank of Underhill	Klein of East Montpelier
Condon of Colchester	French of Randolph	Koch of Barre Town
Connor of Fairfield	Gage of Rutland City	Komline of Dorset
Conquest of Newbury	Gallivan of Chittenden	Krebs of South Hero
Consejo of Sheldon	Goodwin of Weston	Kupersmith of South
Corcoran of Bennington	Grad of Moretown	Burlington
Cross of Winooski	Greshin of Warren	Lanpher of Vergennes
Cupoli of Rutland City	Head of South Burlington	Larocque of Barnet

Lawrence of Lyndon	Nuovo of Middlebury	Taylor of Barre City
Lenes of Shelburne	O'Brien of Richmond	Terenzini of Rutland Town
Lewis of Berlin	Partridge of Windham	Toll of Danville
Lippert of Hinesburg	Pearce of Richford	Townsend of South
Malcolm of Pawlet	Potter of Clarendon	Burlington
Manwaring of Wilmington	Pugh of South Burlington	Trieber of Rockingham
Marcotte of Coventry	Quimby of Concord	Turner of Milton
Marek of Newfane	Rachelson of Burlington	Van Wyck of Ferrisburgh
Martin of Springfield	Ralston of Middlebury	Vowinkel of Hartford
Martin of Wolcott	Savage of Swanton	Waite-Simpson of Essex
Masland of Thetford	Scheuermann of Stowe	Webb of Shelburne
McCarthy of St. Albans City	Sharpe of Bristol	Wilson of Manchester
Michelsen of Hardwick	Shaw of Pittsford	Winters of Williamstown
Miller of Shaftsbury	Smith of New Haven	Wright of Burlington
Mitchell of Fairfax	South of St. Johnsbury	Yantachka of Charlotte
Mook of Bennington	Stevens of Waterbury	Young of Glover
Morrissey of Bennington	Strong of Albany	Zagar of Barnard
Mrowicki of Putney	Stuart of Brattleboro	
Myers of Essex	Sweaney of Windsor	

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

Brennan of Colchester	Fay of St. Johnsbury	Stevens of Shoreham
Buxton of Tunbridge	Hooper of Montpelier	Toleno of Brattleboro
Christie of Hartford	Peltz of Woodbury	Townsend of Randolph
Copeland-Hanzas of Bradford	Ram of Burlington	
	Shaw of Derby	

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 139. Nays, 1.

Those who voted in the affirmative are:

Ancel of Calais	Campion of Bennington	Cupoli of Rutland City
Bartholomew of Hartland	Canfield of Fair Haven	Dakin of Chester
Batchelor of Derby	Carr of Brandon	Davis of Washington
Beyor of Highgate	Cheney of Norwich	Deen of Westminster
Bissonnette of Winooski	Clarkson of Woodstock	Devereux of Mount Holly
Botzow of Pownal	Cole of Burlington	Dickinson of St. Albans Town
Bouchard of Colchester	Condon of Colchester	Donaghy of Poultney
Branagan of Georgia	Connor of Fairfield	Donahue of Northfield
Brennan of Colchester	Conquest of Newbury	Ellis of Waterbury
Browning of Arlington	Consejo of Sheldon	Emmons of Springfield
Burditt of West Rutland	Corcoran of Bennington	Evans of Essex
Burke of Brattleboro	Cross of Winooski	

Fagan of Rutland City	Lenes of Shelburne	Savage of Swanton
Feltus of Lyndon	Lewis of Berlin	Scheuermann of Stowe
Fisher of Lincoln	Lippert of Hinesburg	Sharpe of Bristol
Frank of Underhill	Macaig of Williston	Shaw of Pittsford
French of Randolph	Malcolm of Pawlet	Smith of New Haven
Gage of Rutland City	Manwaring of Wilmington	South of St. Johnsbury
Gallivan of Chittenden	Marcotte of Coventry	Spengler of Colchester
Goodwin of Weston	Marek of Newfane	Stevens of Waterbury
Grad of Moretown	Martin of Springfield	Stevens of Shoreham
Greshin of Warren	Martin of Wolcott	Strong of Albany
Haas of Rochester	Masland of Thetford	Stuart of Brattleboro
Head of South Burlington	McCarthy of St. Albans City	Sweaney of Windsor
Heath of Westford	McCormack of Burlington	Taylor of Barre City
Hebert of Vernon	McFaun of Barre Town	Terenzini of Rutland Town
Helm of Fair Haven	Michelsen of Hardwick	Till of Jericho
Higley of Lowell	Miller of Shaftsbury	Toll of Danville
Hooper of Montpelier	Mitchell of Fairfax	Townsend of Randolph
Hubert of Milton	Mook of Bennington	Townsend of South Burlington
Huntley of Cavendish	Moran of Wardsboro	Trieber of Rockingham
Jerman of Essex	Morrissey of Bennington	Turner of Milton
Johnson of South Hero	Mrowicki of Putney	Van Wyck of Ferrisburgh
Johnson of Canaan	Myers of Essex	Vowinkel of Hartford
Juskiewicz of Cambridge	Nuovo of Middlebury	Waite-Simpson of Essex
Keenan of St. Albans City	O'Brien of Richmond	Webb of Shelburne
Kilmartin of Newport City	O'Sullivan of Burlington	Weed of Enosburgh
Kitzmiller of Montpelier	Partridge of Windham	Wilson of Manchester
Klein of East Montpelier	Pearce of Richford	Winters of Williamstown
Koch of Barre Town	Pearson of Burlington	Wizowaty of Burlington
Komline of Dorset	Peltz of Woodbury	Woodward of Johnson
Krebs of South Hero	Poirier of Barre City *	Wright of Burlington
Krowinski of Burlington	Potter of Clarendon	Yantachka of Charlotte
Kupersmith of South Burlington	Pugh of South Burlington	Young of Glover
Lanpher of Vergennes	Quimby of Concord	Zagar of Barnard
Larocque of Barnet	Ralston of Middlebury	
Lawrence of Lyndon	Ram of Burlington	
	Russell of Rutland City *	

Those who voted in the negative are:

McCullough of Williston

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

Buxton of Tunbridge	Donovan of Burlington	Smith of Morristown
Christie of Hartford	Fay of St. Johnsbury	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Rachelson of Burlington	
	Shaw of Derby	

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

“Mr. Speaker:

I voted yes because there are good provisions in the bill. I can only hope that once we pay off the debt, we the legislature will support accelerated increases for the employees who have been frozen since 2008.”

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

I am a former 33 year member of an airline union and am always most supportive of workers’ rights and benefits. I will vote ‘Yes’ in support of the Commerce Committee’s always fine work in hopes that next year will be brighter economically for Vermont.”

Proposal of Amendment Agreed to; Third Reading Ordered

S. 157

Rep. Zagar of Barnard, for the committee on Agriculture and Forest Products, to which had been referred Senate bill, entitled

An act relating to modifying the requirements for hemp production in the State of Vermont

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

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

Sec. 1. 6 V.S.A. chapter 34 is amended to read:

CHAPTER 34. ~~INDUSTRIAL~~ HEMP

§ 561. FINDINGS; INTENT

(a) Findings.

(1) Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

(2) The many agricultural and environmental beneficial uses of hemp include: livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

(3) The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from four to 15 feet and a stem diameter of one-quarter to three-quarters of an inch is morphologically distinctive and readily identifiable

as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

(4) Hemp cultivation will enable the State of Vermont to accelerate economic growth and job creation, promote environmental stewardship, and expand export market opportunities.

(b) Purpose. The intent of this ~~aet~~ chapter is to establish policy and procedures for growing ~~industrial~~ hemp in Vermont so that farmers and other businesses in the Vermont agricultural industry can take advantage of this market opportunity ~~when federal regulations permit.~~

§ 562. DEFINITIONS

As used in this chapter:

(1) ~~“Grower” means any a person or business entity licensed under this chapter by the secretary as an industrial hemp grower. [Deleted.]~~

(2) ~~“Hemp products” means all products made from industrial hemp, including but not limited to cloth, cordage, fiber, food, fuel, paint, paper, particle board construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation if such seeds originate from industrial hemp varieties.~~

(3) ~~“Industrial hemp” means varieties of the plant cannabis sativa having no more than 0.3 percent tetrahydrocannabinol, whether growing or not, that are cultivated or possessed by a licensed grower in compliance with this chapter. “Hemp” means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.~~

(4) ~~“Secretary” means the secretary of agriculture, food and markets Secretary of Agriculture, Food and Markets.~~

§ 563. ~~INDUSTRIAL~~ HEMP: AN AGRICULTURAL PRODUCT

~~Industrial hemp~~ Hemp is an agricultural product which may be grown as a crop, produced, possessed, and commercially traded in Vermont pursuant to the provisions of this chapter. The cultivation of hemp shall be subject to and comply with the requirements of the accepted agricultural practices adopted under section 4810 of this title.

§ 564. ~~LICENSING; APPLICATION~~ REGISTRATION;

ADMINISTRATION

~~(a) Any person or business entity wishing to engage in the production of industrial hemp must be licensed as an industrial hemp grower by the~~

secretary. A license from the secretary shall authorize industrial hemp production only at a site or sites specified by the license.

(b) A license from the secretary shall be valid for 24 months from the date of issuance and may be renewed but shall not be transferable.

(c)(1) The secretary shall obtain from the Vermont criminal information center a record of convictions in Vermont and other jurisdictions for any applicant for a license who has given written authorization on the application form. The secretary shall file a user's agreement with the center. The user's agreement shall require the secretary to comply with all statutes, rules, and policies regulating the release of criminal conviction records and the protection of individual privacy. Conviction records provided to the secretary under this section are confidential and shall be used only to determine the applicant's eligibility for licensure.

(2) A person who has been convicted in Vermont of a felony offense or a comparable offense in another jurisdiction shall not be eligible for a license under this chapter.

(d) When applying for a license from the secretary, an applicant shall provide information sufficient to demonstrate to the secretary that the applicant intends to grow and is capable of growing industrial hemp in accordance with this chapter, which at a minimum shall include:

(1) Filing with the secretary a set of classifiable fingerprints and written authorization permitting the Vermont criminal information center to generate a record of convictions as required by subdivision (c)(1) of this section.

(2) Filing with the secretary documentation certifying that the seeds obtained for planting are of a type and variety compliant with the maximum concentration of tetrahydrocannabinol set forth in subdivision 560(3) of this chapter.

(3) Filing with the secretary the location and acreage of all parcels sown and other field reference information as may be required by the secretary.

(e) To qualify for a license from the secretary, an applicant shall demonstrate to the satisfaction of the secretary that the applicant has adopted methods to ensure the legal production of industrial hemp, which at a minimum shall include:

(1) Ensuring that all parts of the industrial hemp plant that do not enter the stream of commerce as hemp products are destroyed, incorporated into the soil, or otherwise properly disposed of.

~~(2) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of industrial hemp.~~

~~(f) Every grower shall maintain all production and sales records for at least three years.~~

~~(g) Every grower shall allow industrial hemp crops, throughout sowing, growing season, harvest, storage, and processing, to be inspected by and at the discretion of the secretary or his or her designee.~~

(a) A person who intends to grow hemp shall register with the Secretary and submit on a form provided by the Secretary the following:

(1) the name and address of the person;

(2) a statement that the seeds obtained for planting are of a type and variety that do not exceed the maximum concentration of tetrahydrocannabinol set forth in subdivision 562(3) of this title; and

(3) the location and acreage of all parcels sown and other field reference information as may be required by the Secretary.

(b) The form provided by the Secretary pursuant to subsection (a) of this section shall include a notice statement that, until current federal law is amended to provide otherwise:

(A) cultivation and possession of hemp in Vermont is a violation of the federal Controlled Substances Act; and

(B) federal prosecution for growing hemp in violation of federal law may include criminal penalties, forfeiture of property, and loss of access to federal agricultural benefits, including agricultural loans, conservation programs, and insurance programs.

(c) A person registered with the Secretary pursuant to this section shall allow hemp crops, throughout sowing, growing season, harvest, storage, and processing, to be inspected and tested by and at the discretion of the Secretary or his or her designee.

(d) The Secretary may assess an annual registration fee of \$25.00 for the performance of his or her duties under this chapter.

~~§ 565. REVOCATION AND SUSPENSION OF LICENSE;~~

~~ENFORCEMENT~~

~~(a) The secretary may deny, suspend, revoke, or refuse to renew the license of any grower who:~~

~~(1) Makes a false statement or misrepresentation on an application for a license or renewal of a license.~~

~~(2) Fails to comply with or violates any provision of this chapter or any rule adopted under it.~~

~~(b) Revocation or suspension of a license may be in addition to any civil or criminal penalties imposed on a grower for a violation of any other state law. [Repealed.]~~

§ 566. RULEMAKING AUTHORITY

~~The secretary shall~~ Secretary may adopt rules to provide for the implementation of this chapter, which ~~shall~~ may include rules to ~~allow~~ require ~~for the industrial hemp to be tested during growth for tetrahydrocannabinol levels and to allow for~~ require inspection and supervision of ~~the industrial hemp during sowing, growing season, harvest, storage, and processing.~~ The Secretary shall not adopt under this or any other section a rule that would prohibit a person to grow hemp based on the legal status of hemp under federal law.

Sec. 2. 18 V.S.A. § 4201(15) is amended to read:

(15) “Marijuana” means any plant material of the genus ~~cannabis~~ Cannabis or any preparation, compound, or mixture thereof except:

(A) sterilized seeds of the plant and;

(B) fiber produced from the stalks; or

(C) hemp or hemp products, as defined in 6 V.S.A. § 562.

Sec. 3. 18 V.S.A. § 4241(b) is amended to read:

(b) This subchapter shall not apply to any property used or intended for use in an offense involving two ounces or less of marijuana or in connection with hemp or hemp products as defined in 6 V.S.A. § 562.

Sec. 4. 2008 Acts and Resolves No. 212, Sec. 3 is amended to read:

Sec. 3. EFFECTIVE DATE

~~This act shall take effect upon passage, except that the secretary shall not issue a license to grow industrial hemp pursuant to Chapter 34 of Title 6 until the United States Congress amends the definition of “marihuana” for the purposes of the Controlled Substances Act (21 U.S.C. 802(16)) or the United States drug enforcement agency amends its interpretation of the existing definition in a manner affording an applicant a reasonable expectation that a permit to grow industrial hemp may be issued in accordance with part C of chapter 13 of Title 21 of the United States Code Annotated, or the drug~~

~~enforcement agency takes affirmative steps to approve or deny a permit sought by the holder of a license to grow industrial hemp in another state.~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Masland of Thetford, for the committee on Ways and Means, recommended that the recommendation of proposal of amendment offered by the committee on Agriculture and Forest Products be agreed to.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Agriculture and Forest Products? **Rep. Lawrence of Lyndon** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Agriculture and Forest Products? was decided in the affirmative. Yeas, 127. Nays, 4.

Those who voted in the affirmative are:

Ancel of Calais	Dickinson of St. Albans	Keenan of St. Albans City
Bartholomew of Hartland	Town	Kilmartin of Newport City
Batchelor of Derby	Donahue of Northfield	Kitzmiller of Montpelier
Beyor of Highgate	Donovan of Burlington	Klein of East Montpelier
Bissonnette of Winooski	Ellis of Waterbury	Komline of Dorset
Botzow of Pownal	Emmons of Springfield	Krebs of South Hero
Bouchard of Colchester	Fagan of Rutland City	Krowinski of Burlington
Branagan of Georgia	Feltus of Lyndon	Kupersmith of South
Brennan of Colchester	Fisher of Lincoln	Burlington
Browning of Arlington	Frank of Underhill	Lanpher of Vergennes
Burditt of West Rutland	French of Randolph	Larocque of Barnet
Burke of Brattleboro	Gage of Rutland City	Lawrence of Lyndon
Campion of Bennington	Gallivan of Chittenden	Lenes of Shelburne
Canfield of Fair Haven	Goodwin of Weston	Lewis of Berlin
Carr of Brandon	Grad of Moretown	Lippert of Hinesburg
Cheney of Norwich	Greshin of Warren	Macaig of Williston
Christie of Hartford	Haas of Rochester	Malcolm of Pawlet
Cole of Burlington	Head of South Burlington	Manwaring of Wilmington
Condon of Colchester	Heath of Westford	Marcotte of Coventry
Connor of Fairfield	Hebert of Vernon	Marek of Newfane
Conquest of Newbury	Helm of Fair Haven	Martin of Springfield
Consejo of Sheldon	Hooper of Montpelier	Masland of Thetford
Corcoran of Bennington	Huntley of Cavendish	McCarthy of St. Albans City
Cross of Winooski	Jerman of Essex	McCormack of Burlington
Dakin of Chester	Jewett of Ripton	McCullough of Williston
Davis of Washington	Johnson of South Hero	McFaun of Barre Town
Deen of Westminster	Juskiewicz of Cambridge	Michelsen of Hardwick

Miller of Shaftsbury	Russell of Rutland City	Townsend of South
Mitchell of Fairfax	Savage of Swanton	Burlington
Moran of Wardsboro	Scheuermann of Stowe	Trieber of Rockingham
Morrissey of Bennington	Sharpe of Bristol	Turner of Milton
Mrowicki of Putney	Shaw of Pittsford	Van Wyck of Ferrisburgh
Myers of Essex	Smith of New Haven	Vowinkel of Hartford
Nuovo of Middlebury	Spengler of Colchester	Waite-Simpson of Essex
O'Brien of Richmond	Stevens of Waterbury	Webb of Shelburne
Partridge of Windham	Stevens of Shoreham	Weed of Enosburgh
Pearce of Richford	Strong of Albany	Wilson of Manchester
Pearson of Burlington	Stuart of Brattleboro	Wizowaty of Burlington
Potter of Clarendon	Taylor of Barre City	Woodward of Johnson
Pugh of South Burlington	Terenzini of Rutland Town	Wright of Burlington
Quimby of Concord	Till of Jericho	Yantachka of Charlotte
Rachelson of Burlington	Toll of Danville	Young of Glover
Ralston of Middlebury	Townsend of Randolph	Zagar of Barnard
Ram of Burlington		

Those who voted in the negative are:

Donaghy of Poultney	Johnson of Canaan
Hubert of Milton	Winters of Williamstown

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

Buxton of Tunbridge	Fay of St. Johnsbury	Poirier of Barre City
Clarkson of Woodstock	Higley of Lowell	Shaw of Derby
Copeland-Hanzas of	Koch of Barre Town	South of St. Johnsbury
Bradford	Martin of Wolcott	Sweaney of Windsor
Cupoli of Rutland City	Mook of Bennington	Toleno of Brattleboro
Devereux of Mount Holly	O'Sullivan of Burlington	
Evans of Essex	Peltz of Woodbury	

Thereupon, third reading was ordered.

Message from the Senate No. 66

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 148. An act relating to criminal investigation records and the Vermont Public Records Act.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator White
Senator Benning
Senator Sears

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

H. 515. An act relating to miscellaneous agricultural subjects.

H. 521. An act relating to making miscellaneous amendments to education law.

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

Committee of Conference Appointed

S. 148

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to criminal investigation records and the Vermont Public Records Act

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Lippert of Hinesburg
Rep. Grad of Moretown
Rep. Koch of Barre Town

Proposal of Amendment Agreed to; Third Reading Ordered

S. 156

Rep. Mrowicki of Putney, for the committee on Human Services, to which had been referred Senate bill, entitled

An act relating to home visiting standards

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

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

Sec. 1. PURPOSE

In recognition of the significant positive contribution that home visiting services make with regard to enhancing family stability, family health, and child development; fostering parenting skills; reducing child maltreatment; promoting social and emotional health; improving school readiness; and promoting economic self-sufficiency, the General Assembly seeks to ensure that home visiting services to Vermonters are of the highest quality by establishing standards for their administration, delivery, and utilization review that foster the contributions of diverse practice models.

Sec. 2. RULEMAKING

(a) As used in this section, “home visiting services” means regular, voluntary visits with a pregnant woman or a family with a young child for the purpose of providing a continuum of services that improves maternal and child health; prevents child injuries, abuse, or maltreatment; promotes social and emotional health; improves school readiness; reduces crime or domestic violence; improves economic self-sufficiency; or enhances coordination and referrals among community resources and supports, such as food, housing, and transportation.

(b) The Secretary of Human Services, in consultation with interested providers and other stakeholders, shall develop rules establishing standards for the delivery of home visiting services throughout Vermont to be adopted by the Secretary on or before July 1, 2014.

(c) In developing standards for the delivery of home visiting services, the Secretary shall be guided by best family-centered and family-directed practices and evidence-based models. The standards adopted by rule shall address the following:

(1) creation of a system of home visiting services that can respond to diverse family needs;

(2) service provider training and supervision;

(3) a structure for coordinating services at the state and local levels with respect to outreach efforts, family intake methods, referrals, and transitions;

(4) access to supports, resources, and information to address short- and long-term family needs;

(5) criteria identifying which home visiting models and home visiting programs are eligible for funding;

(6) the contributions of organizations that use trained volunteers; and

(7) performance evaluation and quality improvement measures, including mechanisms for tracking funding, utilization, and outcomes for families and children at the state, community, and program levels.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 395

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

An act relating to the establishment of the Vermont Clean Energy Loan Fund

First: In Sec. 1, in 10 V.S.A. § 280dd(c)(1), by striking out “traditional”

Second: In Sec. 1, in 10 V.S.A. § 280dd, by adding subsection (d) as follows:

(d) For all sustainable energy loans, the Authority shall maintain records on the projected reductions in greenhouse gas emissions and, for energy efficiency loans, the projected energy savings from the financed improvements and shall provide data on the projected greenhouse gas emissions reductions and projected energy savings to the Department of Public Service, the Public Service Board, and the Agency of Natural Resources on request. The methods used for calculating and reporting this data shall be the same methods used in programs delivered under 30 V.S.A. § 209(d) and (e). The data provided shall be used for the purpose of tracking progress toward the greenhouse gas reduction goals of section 578 of this title and the building efficiency goals of section 581 of this title.

Third: In Sec. 6, in 10 V.S.A. § 213(b), in the first sentence, after the phrase “each of whom shall serve as” by striking out “a voting” and inserting in lieu thereof an

Fourth: By adding a new section to be numbered Sec. 8a to read as follows:

Sec. 8a. VERMONT STATE TREASURER; CREDIT FACILITY FOR
RESIDENTIAL ENERGY EFFICIENCY LOANS

(a) Notwithstanding any other provision of law to the contrary, the Vermont State Treasurer, working in collaboration with the Vermont Housing Finance Agency, the entities appointed to deliver energy efficiency under

30 V.S.A. § 209(d)(2), NeighborWorks of Western Vermont, and other appropriate parties, shall have the authority to establish a credit facility of up to \$6,500,000.00, on terms acceptable to the Treasurer.

(b) The credit facility described in subsection (a) of this section shall be used for the purpose of financing energy efficiency improvements throughout Vermont for dwellings the owners of which demonstrate that they are credit-worthy and have a need for access to financing to make energy efficiency improvements in their dwellings. For the purpose of this section, “dwelling” means a residential structure that contains one or more housing units or that part of a structure that contains one or more residential housing units.

(c) The Treasurer shall take all reasonable steps to minimize the administrative costs of the financing programs supported by the facility described in subsection (a) of this section. On or before December 15, 2013, the Treasurer shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committees on Economic Development, Housing and General Affairs and on Finance detailing the steps taken to implement this subsection.

(d) Entities providing financing supported by the credit facility described in subsection (a) of this section shall:

(1) With respect to each dwelling that seeks financing supported by the facility:

(A) evaluate energy efficiency improvements on a whole-building basis and provide the list of potential improvements resulting from this evaluation to the owner; and

(B) provide information to the owner on other incentives or financial support available for the improvements; and

(2) With respect to each dwelling that receives financing supported by the facility, maintain records on the projected energy savings and projected reductions in greenhouse gas emissions from the financed energy efficiency improvements and provide data on the number of dwellings served, projected energy saved, and projected greenhouse gas emission reductions to the Department of Public Service, the Public Service Board, and the Agency of Natural Resources on request. The methods used for calculating and reporting this data shall be the same methods used in programs delivered under 30 V.S.A. § 209(d) and (e). The data provided shall be used for the purpose of tracking progress toward the greenhouse gas reduction goals of 10 V.S.A. § 578 and the building efficiency goals of 10 V.S.A. § 581.

Fifth: By adding a new section to be numbered 8b to read as follows:

Sec. 8b. VERMONT CLEAN ENERGY JOBS INITIATIVE

The following shall be known collectively as the Vermont Clean Energy Jobs Initiative: the Vermont Sustainable Energy Loan Fund in Sec. 1 of this act; the Energy Efficiency Loan Guarantee Program under Sec. 2 of this act; the residential energy efficiency loans under Sec. 8a of this act; property-assessed clean energy districts under 24 V.S.A. chapter 87, subchapter 2; the delivery of energy efficiency services by entities appointed under 30 V.S.A. § 209(d)(2); the Clean Energy Development Fund under 30 V.S.A. § 8015; and the Home Weatherization Assistance Program under 33 V.S.A. chapter 25.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 450**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to expanding the powers of regional planning commissions

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend as follows:

First: In Sec. 1, 24 V.S.A. § 4345, in subdivision (16)(B), by striking out the first sentence and inserting in lieu thereof the following:

borrow money and incur indebtedness for the purposes of purchasing or leasing property for office space, establish and administer a revolving loan fund, or establish a line of credit, if approved by a two-thirds vote of those representatives to the regional planning commission present and voting at a meeting to approve such action.

Second: After Sec. 2, by inserting a new Sec. 3 as follows:

Sec. 3. 24 V.S.A. § 4341 is amended to read:

§ 4341. CREATION OF REGIONAL PLANNING COMMISSIONS

(a) A regional planning commission may be created at any time by the act of the voters or the legislative body of each of a number of contiguous municipalities, upon the written approval of the ~~agency of commerce and community development~~ Agency of Commerce and Community Development. Approval of a designated region shall be based on whether the municipalities involved constitute a logical geographic and a coherent ~~socio-economic~~ socioeconomic planning area. All municipalities within a designated region shall be considered members of the regional planning commission. For the

purpose of a regional planning commission's carrying out its duties and functions under state law, such a designated region shall be considered a political subdivision of the State.

* * *

And by renumbering the remaining section to be numerically correct.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Proposal of Amendment Agreed to
and Third Reading Ordered**

S. 37

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to tax increment financing districts

Was taken up for immediate consideration.

Rep. Condon of Colchester, for the committee on Ways and Means, to which had been referred Senate bill, entitled

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

First: By striking out Sec. 1 (resolution of tax increment financing district audit report issues) in its entirety and inserting in lieu thereof the following:

Sec. 1. RESOLUTION OF TAX INCREMENT FINANCING DISTRICT
AUDIT REPORT ISSUES

(a) In 2011 and 2012, the State Auditor of Accounts performed and reported on required reviews and audits of all active tax increment financing districts. However, the tax increment financing laws currently lack a specific remedy to recover amounts identified in the Auditor's Reports or an enforcement mechanism to address issues identified in the Reports. The General Assembly seeks to address issues identified in the 2011 and 2012 Auditor's Reports by clarifying tax increment financing laws and specifying a process for future oversight and enforcement. Accordingly, it is the intent of the General Assembly not to address ongoing issues identified in the 2011 and 2012 Auditor's Reports but to leave those issues to be addressed through the rulemaking process, as described in Sec. 14 of this act. If the rule identifies issues that require corrective action on the part of one or more municipalities, then any identified underpayments to the Education Fund resulting from issues shall begin to accumulate upon the adoption date of the rule and be subject to the enforcement provisions in Sec. 14 of this act.

(b) In order to resolve any disputes over the amounts identified in the Auditor's Reports as owed to the Education Fund, the City of Burlington, the Town of Milton, and the City of Winooski shall, subject to the approval of their respective legislative bodies, pay the State according to the schedule set out in subsection (c) of this section. The General Assembly considers these payments as final settlement of outstanding sums identified as owed to the Education Fund during the period covered by the 2012 Auditor's Reports.

(c) The municipalities with active tax increment financing districts that were audited by the State Auditor in 2012 have entered into the following agreements with the State:

(1) The City of Burlington shall remit the amount of \$200,000.00 to the Education Fund in equal installments over a five-year period beginning December 15, 2013 from incremental tax revenues not otherwise dedicated to the repayment of the district's debt obligations.

(2) The Town of Milton shall remit funds as follows:

(A) \$22,000.00 to the Education Fund in equal installments over a two-year period beginning December 15, 2013 from municipal revenues other than municipal tax increment dedicated to the repayment of tax increment financing debt;

(B) \$160,000.00 to the Catamount Husky Tax Increment Fund in equal installments over a five-year period beginning December 15, 2013 from municipal nonincrement revenues; and

(C) \$17,000.00 to the Catamount Husky Tax Increment Fund for the repayment of debt from the Town Core Tax Increment Financing Fund by no later than December 15, 2013.

(3) The City of Winooski shall remit funds as follows:

(A) the amount of \$1,300.00 to the Education Fund from municipal nonincrement revenues by July 1, 2013; and

(B) \$62,000.00 to the Tax Increment Financing Fund from municipal nonincremental revenues in equal installments over a five-year period beginning December 15, 2013.

(d) If the legislative body of a municipality with an active tax increment financing district that was audited by the State Auditor in 2012 does not approve the payments described in subsection (c) of this section, then the General Assembly shall consider any amounts identified as owed to the Education Fund during the period covered by the 2012 Auditor's Reports to remain outstanding.

(e) If a municipality does not begin payment of the amounts identified in subsection (c) of this section within 60 days of the scheduled payment date or owes outstanding amounts to the Education Fund, as described in subsection (d) of this section, amounts identified as owed to the State may be withheld from any funds otherwise payable by the State to the municipality or a school district in the municipality or of which the municipality is a member.

Second: In Sec. 3, 24 V.S.A. § 1892, by striking subdivisions (d)(8) and (9) and inserting in lieu thereof the following:

(8) the City of St. Albans;

(9) the City of Barre; and

(10) the Town of Milton, Town Core.

Third: In Sec. 4, 24 V.S.A. § 1894, by striking subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Incurring indebtedness.

(1) A municipality may incur indebtedness against revenues of the tax increment financing district at any time during a period of up to 20 years following the creation of the district, if approved as required under 32 V.S.A. § 5404a(h). The creation of the district shall occur at 12:01 a.m. on April 1 of the year so voted. Any indebtedness incurred during this 20-year period may be retired over any period authorized by the legislative body of the municipality under section 1898 of this title.

(2) If no indebtedness is incurred within the first five years after creation of the district, no indebtedness may be incurred unless the municipality obtains reapproval from the Vermont economic progress council under 32 V.S.A. § 5404a(h). When considering reapproval, the Vermont economic progress council shall consider only material changes in the application under 32 V.S.A. § 5404a(h). The Vermont economic progress council shall presume that an applicant qualifies for reapproval upon a showing that the inability of the district to incur indebtedness was the result of the macro-economic conditions in the first five years after the creation of the district. Upon reapproval, the Vermont economic progress council shall grant a five-year extension of the period to incur indebtedness.

(3) The district shall continue until the date and hour the indebtedness is retired. approved under 32 V.S.A. § 5404a(h) may incur indebtedness against revenues of the tax increment financing district at any time during a period of up to five years following the creation of the district. If no debt is incurred during this five-year period, the district shall terminate, unless the Vermont Economic Progress Council grants an extension to a municipality pursuant to

subsection (d) of this section. However, if any indebtedness is incurred within the first five years after the creation of the district, then the district has a total of ten years after the creation of the district to incur any additional debt.

(2) Any indebtedness incurred under subdivision (1) of this subsection may be retired over any period authorized by the legislative body of the municipality.

(3) The district shall continue until the date and hour the indebtedness is retired or, if no debt is incurred, five years following the creation of the district.

Fourth: In Sec. 4, 24 V.S.A. § 1894, in subsection (b), by striking the words “first ten years” and inserting in lieu thereof “period permitted under subdivision (a)(1) of this section”

Fifth: In Sec. 4, 24 V.S.A. § 1894, in subsection (c), by striking the words “first ten years” and inserting in lieu thereof “period permitted under subdivision (a)(1) of this section”

Sixth: In Sec. 4, 24 V.S.A. § 1894, in subsection (d), by adding a sentence after the final sentence to read as follows:

If no indebtedness is incurred within five years after the creation of the district, the municipality may submit an updated executive summary of the tax increment financing district plan and an updated tax increment financing plan to the Council to obtain approval for a five-year extension of the period to incur indebtedness; provided, however, that the updated plan is submitted prior to the five-year termination date of the district. The Council shall review the updated tax increment financing plan to determine whether the plan has continued viability and consistency with the approved tax increment financing plan. Upon approval of the updated tax increment financing plan, the Council shall grant an extension of the period to incur indebtedness of no more than five years. The submission of an updated tax increment financing plan as provided in this subsection shall operate as a stay of the termination of the district until the Council has determined whether to approve the plan.

Seventh: By adding a new Sec. 12a, after Sec. 12, to read as follows:

Sec. 12a. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT
FINANCING DISTRICTS

* * *

(h) Criteria for approval. To approve utilization of incremental revenues pursuant to subsection (f) of this section, the Vermont ~~economic progress council~~ Economic Progress Council shall do all the following:

(1) Review each application to determine that the new real property development would not have occurred or would have occurred in a significantly different and less desirable manner but for the proposed utilization of the incremental tax revenues. ~~A district created in a designated growth center under 24 V.S.A. § 2793c shall be deemed to have complied with this subdivision.~~ The review shall take into account:

* * *

Eighth: In Sec. 14, 32 V.S.A. § 5404a(j), by inserting in subdivision (4) before the words "In lieu of" the words "Referral; Attorney General." and by striking out subdivision (5) in its entirety and inserting a new subdivision (5) in lieu thereof to read as follows:

(5) Appeal; hearing officer.

A hearing that is held pursuant to this subsection shall be subject to the provisions of 3 V.S.A. chapter 25 relating to contested cases. The hearing shall be conducted by the Secretary or by a hearing officer appointed by the Secretary. If a hearing is conducted by a hearing officer, the hearing officer shall have all authority to conduct the hearing that is provided for in the applicable contested case provisions of 3 V.S.A. chapter 25, including issuing findings of fact, hearing evidence, and compelling, by subpoena, the attendance and testimony of witnesses.

Ninth: By striking Sec. 19, amending 3 V.S.A. § 816(a), in its entirety and inserting in lieu thereof the following:

Sec. 19. 23 V.S.A. § 3106(a)(2) is amended to read:

(2) For the purposes of subdivision (1)(B) of this subsection, the tax-adjusted retail price applicable for a quarter shall be the average of the ~~monthly~~ retail ~~prices~~ price for regular gasoline determined and published by the Department of Public Service for each of the three months of the preceding quarter. ~~The tax-adjusted retail price applicable for a quarter shall be the retail price exclusive of all~~ after all federal and state taxes and assessments, and after the petroleum distributor licensing fee established by 10 V.S.A. § 1942, ~~at the rates applicable in the preceding quarter~~ each month have been subtracted from that month's retail price.

Tenth: By striking Sec. 20, 2011 and 2012 Auditor's Reports; Payment, in its entirety and inserting in lieu thereof the following:

Sec. 20. 2013 Acts and Resolves No. 12, Sec. 24 is amended to read:

Sec. 24. ~~MOTOR FUEL ASSESSMENTS TAX ASSESSMENT:~~
MAY 1, 2013–SEPTEMBER 30, 2013

Notwithstanding the provisions of 23 V.S.A. § ~~3106(a)(1)(B)~~ ~~3106(a)(1)(B)(ii)~~ and 3106(a)(2), from May 1, 2013 through September 30, 2013, the ~~motor fuel transportation infrastructure assessment required under 23 V.S.A. § 3106(a)(1)(B)(i)~~ shall be ~~\$0.0656~~ per gallon, and the fuel tax assessment required under 23 V.S.A. § 3106(a)(1)(B)(ii) shall be \$0.067 per gallon.

Eleventh: By striking Sec. 22 in its entirety and inserting in lieu thereof the following:

Sec. 22. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY; ~~EMPLOYEE PAID~~
~~\$1,000.00 OR LESS DURING BASE PERIOD~~

(a)(1) The ~~commissioner~~ Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

~~(1)~~(A) The individual's employment with that employer was terminated under disqualifying circumstances.

~~(2)~~(B) The individual's employment or right to reemployment with that employer was terminated by retirement of the individual pursuant to a retirement or lump-sum retirement pay plan under which the age of mandatory retirement was agreed upon by the employer and its employees or by the bargaining agent representing those employees.

~~(3)~~(C) As of the date on which the individual filed an initial claim for benefits, the individual's employment with that employer had not been terminated or reduced in hours.

~~(4)~~(D) The individual was employed by that employer as a result of another employee taking leave under subchapter 4A of chapter 5 of this title, and the individual's employment was terminated as a result of the

reinstatement of the other employee under subchapter 4A of chapter 5 of this title.

~~(5)(E)~~ [Repealed.]

(2) If an individual's unemployment is directly caused by a major natural disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of four weeks.

* * *

Twelfth: By adding a new Sec. 23, after Sec. 22, to read as follows:

Sec. 23. UNEMPLOYMENT COMPENSATION; EMPLOYERS
AFFECTED BY NATURAL DISASTERS OCCURRING IN 2011

(a) The Department of Labor shall establish a system to provide unemployment compensation tax relief to employers paying a higher rate of contributions due to layoffs directly caused by federally declared natural disasters occurring in 2011.

(b) Unemployment compensation tax relief shall be available to an employer provided that the employer's employees were separated from employment as a direct result of the disaster. Benefits paid beyond eight weeks shall remain chargeable to the employer.

(c) The relief described in subsection (b) of this section shall not be available to employers electing to make payments in lieu of contributions pursuant to 21 V.S.A. § 1321.

(d) Benefit charge relief provided under subsections (a) and (b) of this section shall not result in the recalculation of previously assigned rate classes for nondisaster-impacted employers.

(e) The Department shall notify employers in the counties covered by the federal disaster relief declaration of the provisions of this section. An employer seeking relief shall apply to the Department within 20 days of notification by the Department. The application shall be made in a manner prescribed and approved by the Commissioner and shall be accompanied by a certified statement of the employer that the employees were separated from employment as a direct result of the disaster and would have not been otherwise. False statements made in connection with the certification shall subject the employer to the provisions of 21 V.S.A. § 1369. The employer shall provide the Department with the name, address, last known phone

number, and social security number of each employee alleged to have been separated from employment as a result of the disaster.

(f) If an employer's application for relief is denied, the employer may appeal the decision pursuant to 21 V.S.A. §§ 1348 and 1349.

Thirteenth: By adding a new Sec. 24, after Sec. 23, to read as follows:

Sec. 24. APPROPRIATION

Of the appropriations made to the Department of Labor in Sec. B.400 of House Bill 530 (An act relating to making appropriations for the support of government), the amount of \$60,000.00 is appropriated for the costs of postage and for hiring temporary positions necessary to implement the unemployment compensation tax relief program described in Sec. 23 of this act.

Fourteenth: By adding a new Sec. 25, after Sec. 24, to read as follows:

Sec. 25. EFFECTIVE DATES

(a) Secs. 1, 6(b), 10, 12a–24, and this section shall take effect on passage. Sec. 6(b) (repeal of adjustment upon reappraisal) shall be effective retroactive to July 2006.

(b) Secs. 2 through 9 (except Sec. 6(b)), 11, and 12 (clarification of ambiguous statutes) of this act shall apply to any tax increment retained for all taxes assessed on the April 1, 2013 grand list.

(c) Sec. 6(c) (creation of taxes for special purposes) shall take effect on July 1, 2013.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Ways and Means.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 536

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the Adjutant and Inspector General and the Vermont National Guard

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking Secs. 1, 2, 3, 4, and 6 in their entirety, and by striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

And by renumbering the remaining sections to be numerically correct.

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

An act relating to the National Guard.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in

J.R.H. 11

On motion of **Rep. Turner of Milton**, the rules were suspended and Joint resolution, entitled

Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the resolution by striking it in its entirety and that the following be inserted in lieu thereof:

Joint resolution approving a land sale in the town of Plymouth and a land transfer in the town of Grand Isle

Whereas, 29 V.S.A. § 166(b) authorizes the Commissioner of Buildings and General Services to sell state lands with the approval of the General Assembly, and

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands with the approval of the General Assembly, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State, now therefore be it

Resolved by the Senate and House of Representatives:

First: That notwithstanding the provisions of 29 V.S.A. § 166(b), the General Assembly authorizes the Department of Buildings and General Services, in consultation with the Department of Forests, Parks and Recreation, to sell a 38-acre portion of Coolidge State Forest (Coolidge parcel), in the town

of Plymouth, to Markowski Excavation for the sum of \$275,000.00 contingent on the following: (1) The Department of Buildings and General Services and the Department of Forests, Parks and Recreation shall each be reimbursed for all costs that each Department may incur; (2) the Coolidge parcel sold to Markowski Excavation shall not include any land that, in the opinion of the Agency of Natural Resources, includes important wildlife habitat, ecological or other significant natural resources, or outdoor recreation values; (3) the Department of Buildings and General Services shall hold a public meeting in the town of Plymouth on this proposal and gain the support of the Plymouth Selectboard for the sale; (4) upon the sale of the Coolidge parcel, Markowski Excavation shall convey to the State of Vermont a permanent access easement providing access from Route 100, across lands of Markowski Excavation, to adjacent state forestland located in the Calvin Coolidge State Forest; (5) the sale of the Coolidge parcel to Markowski Excavation shall be subject to restrictions that ensure that a 100-foot undeveloped buffer is retained around the perimeter of the parcel that abuts state forestland; (6) Markowski Excavation shall be responsible for all associated costs, including surveying, permitting, and legal; (7) Markowski Excavation shall be responsible for securing all permits and approvals necessary for any subsequent development of the Coolidge parcel; and (8) authorization to enter into this sale shall not be interpreted as state approval of any development proposal for the Coolidge parcel;

Second: That the General Assembly authorizes the Department of Forests, Parks and Recreation to convey for public outdoor recreational purposes to the town of Grand Isle a parcel of up to 23.4 acres of Grand Isle State Park, currently licensed to the town of Grand Isle. Any conveyance of this parcel to the town shall be contingent on the following: (1) the town of Grand Isle shall not further subdivide or convey the parcel to another party, or develop or use the parcel for any purposes other than public outdoor recreational purposes; (2) the State shall retain a reversionary interest in the parcel, and the parcel shall revert to state ownership should the parcel not be used for public outdoor recreational purposes; (3) the conveyance to the town of Grand Isle shall include any covenants or deed restrictions the Vermont Division for Historic Preservation deems necessary to protect potential historic or archeological resources on the transferred parcel; (4) the National Park Service shall approve this conveyance; (5) the transfer to the town of Grand Isle shall include all responsibilities for this parcel that are associated with the federal Land and Water Conservation Fund program; and (6) the town of Grand Isle shall be responsible for all associated costs of the exchange, including surveying, permitting, and legal.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Bill Read Third Time and Passed in Concurrence with Proposal of Amendment; Rules Suspended and the Bill Ordered Messaged to the Senate Forthwith

S. 156

Senate bill, entitled

An act relating to home visiting standards

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Bill Read Third Time and Passed in Concurrence with Proposal of Amendment; Rules Suspended and the Bill Ordered Messaged to the Senate Forthwith

S. 157

Senate bill, entitled

An act relating to modifying the requirements for hemp production in the State of Vermont

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 520

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to reducing energy costs and greenhouse gas emissions

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 1 (findings), by striking out subdivision (1) in its entirety, and in subdivision (9), by striking out the second sentence and inserting in lieu thereof the following:

The State must encourage the efficient use of energy to heat buildings and water in order to reduce Vermont's carbon footprint and fuel costs and make heating more affordable for all Vermonters.

And by renumbering the subdivisions of Sec. 1 to be numerically correct

Second: In Sec. 2, 30 V.S.A. § 209, in subdivision (g)(2), in the second sentence, after the word “appropriate” by inserting to service providers and to entities having information on associated environmental issues such as the presence of asbestos in existing insulation and, in subdivision (g)(4), in the second sentence, after the word “performed” by inserting according to a standard methodology and

Third: In Sec. 3 (appointed entities; initial plan; statutory revision), in subsection (b), in the first sentence, by striking out the word “September” and inserting in lieu thereof November and by striking out the word “annual” and, in the third sentence, by striking out “December 15, 2013” and inserting in lieu thereof February 15, 2014 and by striking out the word “annual” and, in subsection (c), by striking out “December 15, 2013” and inserting in lieu thereof February 15, 2014

Fourth: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 as follows:

Sec. 6. 21 V.S.A. § 266 is amended to read:

§ 266. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH CODE

(a) Definitions. ~~For purposes of~~ In this subchapter, the following definitions apply:

* * *

(2) “Residential buildings” means one family dwellings, two family dwellings, and multi-family housing three stories or less in height.

(A) With respect to a structure that is three stories or less in height and is a mixed-use building that shares residential and commercial users, the term “residential building” shall include the living spaces in the structure and the nonliving spaces in the structure that serve only the residential users such as common hallways, laundry facilities, residential management offices, community rooms, storage rooms, and foyers.

(B) “Residential buildings” shall not include hunting camps.

* * *

(5) "Stretch code" means a building energy code for residential buildings that achieves greater energy savings than the RBES and is adopted in accordance with subsection (d) of this section.

* * *

(d) Stretch code. The Commissioner may adopt a stretch code by rule. This stretch code shall meet the requirements of subdivision (c)(1) of this section. The stretch code shall be available for adoption by municipalities under 24 V.S.A. chapter 117 and, on final adoption by the Commissioner, shall apply in proceedings under 10 V.S.A. chapter 151 (Act 250) in accordance with subsection (e) of this section.

(e) Role of RBES and Stretch Code in Act 250. Substantial and reliable evidence of compliance with the RBES and, when adopted, the stretch code established and updated as ~~required~~ under this section shall serve as a presumption of compliance with 10 V.S.A. § 6086(a)(9)(F), except no presumption shall be created insofar as compliance with subdivision (a)(9)(F) involves the role of electric resistance space heating. In attempting to rebut a presumption of compliance created under this subsection, a challenge may only focus on the question of whether or not there will be compliance with the RBES and stretch code established and updated as ~~required~~ under this subsection. A presumption under this subsection may not be overcome by evidence that the RBES and stretch code adopted and updated as ~~required~~ under this section fail to comply with 10 V.S.A. § 6086(a)(9)(F).

(e)(f) Certification.

(1) Issuance; recording. A certification may be issued by a builder, a licensed professional engineer, a licensed architect or an accredited home energy rating organization. If certification is not issued by a licensed professional engineer, a licensed architect or an accredited home energy rating organization, it shall be issued by the builder. Any certification shall certify that residential construction meets the RBES. The ~~department of public service~~ Department of Public Service will develop and make available to the public a certificate that lists key features of the RBES. Any person certifying shall use this certificate or one substantially like it to certify compliance with RBES. Certification shall be issued by completing and signing a certificate and permanently affixing it to the outside of the heating or cooling equipment, to the electrical service panel located inside the building, or in a visible location in the vicinity of one of these three areas. The certificate shall certify that the residential building has been constructed in compliance with the requirements of the RBES. The person certifying under this subsection shall provide a copy of each certificate to the ~~department of public service~~ Department of Public Service and shall assure that a certificate is recorded and

indexed in the town land records. A builder may contract with a licensed professional engineer, a licensed architect or an accredited home energy rating organization to issue certification and to indemnify the builder from any liability to the owner of the residential construction caused by noncompliance with the RBES.

(2) Condition precedent. Provision of a certificate as required by subdivision (1) of this subsection shall be a condition precedent to:

(A) issuance by the Commissioner of Public Safety or a municipal official acting under 20 V.S.A. § 2736 of any final occupancy permit required by the rules of the Commissioner of Public Safety for use or occupancy of residential construction commencing on or after July 1, 2013 that is also a public building as defined in 20 V.S.A. § 2730(a); and

(B) issuance by a municipality of a certificate of occupancy for residential construction commencing on or after July 1, 2013, if the municipality requires such a certificate under 24 V.S.A. chapter 117.

~~(f)~~(g) Action for damages.

(1) Except as otherwise provided in this subsection, a person aggrieved by noncompliance with this section may bring a civil action against a person who has the obligation of certifying compliance under subsection (e) of this section. This action may seek injunctive relief, damages, court costs, and attorney's fees. As used in this subdivision, "damages" means:

(A) costs incidental to increased energy consumption; and

(B) labor, materials, and other expenses associated with bringing the structure into compliance with RBES in effect on the date construction was commenced.

(2) A person's failure to affix the certification as required by this section shall not be an affirmative defense in such an action against the person.

(3) The rights and remedies created by this section shall not be construed to limit any rights and remedies otherwise provided by law.

~~(g)~~(h) Applicability and exemptions. The construction of a residential addition to a building shall not create a requirement that the entire building comply with this subchapter. The following residential construction shall not be subject to the requirements of this subchapter:

(1) Buildings or additions whose peak energy use design rate for all purposes is less than 3.4 BTUs per hour, per square foot, or less than one watt per square foot of floor area.

(2) Homes subject to Title VI of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401-5426).

(3) Buildings or additions that are neither heated nor cooled.

(4) Residential construction by an owner, if all of the following apply:

(A) The owner of the residential construction is the builder, as defined under this section.

(B) The residential construction is used as a dwelling by the owner.

(C) The owner in fact directs the details of construction with regard to the installation of materials not in compliance with RBES.

(D) The owner discloses in writing to a prospective buyer, before entering into a binding purchase and sales agreement, with respect to the nature and extent of any noncompliance with RBES. Any statement or certificate given to a prospective buyer shall itemize how the home does not comply with RBES, and shall itemize which measures do not meet the RBES standards in effect at the time construction commenced. Any certificate given under this subsection shall be recorded in the land records where the property is located, and sent to the department of public service, within 30 days following sale of the property by the owner.

~~(h)~~(i) Title validity not affected. A defect in marketable title shall not be created by a failure to issue certification or a certificate, as required under subsection (e) or subdivision (g)(4) of this section, or by a failure under that subsection to: affix a certificate; to provide a copy of a certificate to the department of public service; or to record and index a certificate in the town records.

Fifth: In Sec. 9, 24 V.S.A. § 4449, in subdivision (a)(1), in the third sentence, before the words "building energy standards" by inserting the word applicable and, after the fourth sentence, by inserting the following:

In addition, the administrative officer may provide a copy of the Vermont Residential Building Energy Code Book published by the Department of Public Service in lieu of the full text of the residential building energy standards.

Sixth: By striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 as follows:

Sec. 10. 10 V.S.A. § 6086(a)(9)(F) is amended to read:

(F) Energy conservation. A permit will be granted when it has been demonstrated by the applicant that, in addition to all other applicable criteria, the planning and design of the subdivision or development reflect the

principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy. An applicant seeking an affirmative finding under this criterion shall provide evidence that the subdivision or development complies with the applicable building energy standards under 21 V.S.A. § 266 or 268.

Seventh: In Sec. 12 (disclosure tool working group; reports), by striking out subsection (d) and inserting in lieu thereof a new subsection (d) as follows:

(d) The Department of Public Service (the Department) shall report to the General Assembly in writing:

(1) on or before December 15, 2013, on the findings of the Working Group with regard to the development of a residential building energy disclosure tool; and

(2) on or before December 15, 2014, on the findings of the Working Group with regard to the development of a commercial building energy disclosure tool.

Eighth: After the internal caption “Other Changes to Title 30” and before Sec. 13, by inserting Sec. 12a to read:

Sec. 12a. 30 V.S.A. § 2(e) is added to read:

(e) The Commissioner of Public Service (the Commissioner) will work with the Director of the Office of Economic Opportunity (the Director), the Commissioner of Housing and Community Development, the Vermont Housing and Conservation Board (VHCB), the Vermont Housing Finance Agency (VHFA), the Vermont Community Action Partnership, and the efficiency entity or entities appointed under subdivision 209(d)(2) of this title and such other affected persons or entities as the Commissioner considers relevant to improve the energy efficiency of both single- and multi-family affordable housing units, including multi-family housing units previously funded by VHCB and VHFA and subject to the Multifamily Energy Design Standards adopted by the VHCB and VHFA. In consultation with the other entities identified in this subsection, the Commissioner and the Director together shall report twice to the House and Senate Committees on Natural Resources and Energy, on or before January 31, 2015 and 2017, respectively, on their joint efforts to improve energy savings of affordable housing units and increase the number of units assisted, including their efforts to:

(1) simplify access to funding and other resources for energy efficiency and renewable energy available for single- and multi-family affordable housing. For the purpose of this subsection, “renewable energy” shall have the same meaning as under section 8002 of this title;

(2) ensure the delivery of energy services in a manner that is timely, comprehensive, and cost-effective;

(3) implement the energy efficiency standards applicable to single- and multi-family affordable housing;

(4) measure the outcomes and performance of energy improvements;

(5) develop guidance for the owners and residents of affordable housing to maximize energy savings from improvements; and

(6) determine how to enhance energy efficiency resources for the affordable housing sector in a manner that avoids or reduces the need for assistance under 33 V.S.A. chapter 26 (home heating fuel assistance).

Ninth: In Sec. 21 (fuel purchasing; home heating fuel assistance), by striking out subsections (c) and (d) in their entirety

Tenth: By striking out Sec. 22 (workforce development working group; report) and the associated internal caption entitled "Workforce Development" in their entirety and inserting in lieu thereof [Deleted.]

Eleventh: By striking out Sec. 24 (study; renewables; heating and cooling) in its entirety and inserting in lieu thereof [Deleted.]

Twelfth: By striking out Sec. 25 (Public Service Board; review of cost-effectiveness screening tool) in its entirety and inserting in lieu thereof [Deleted.]

Thirteenth: By striking out Sec. 26 in its entirety and inserting in lieu thereof a new Sec. 26 as follows:

Sec. 26. PELLETT STOVE EMISSIONS STANDARDS; REBATES

With respect to pellet stoves eligible for rebates and incentives funded by the State, the Secretary of Natural Resources shall determine whether the State should adopt emissions standards for these pellet stoves that are more stringent than the applicable standards under the Clean Air Act, 42 U.S.C. § 7401 et seq., and shall make this determination in writing on or before November 1, 2013.

Fourteenth: In Sec. 27, 2012 Acts and Resolves No. 170, Sec. 13, in subsection (b), by striking out subdivisions (2) and (3) in their entirety and inserting in lieu thereof new subdivisions (2) and (3) to read:

(2) The group's study and report shall consider currently available information on the economic impacts to the state economy of implementing the policies and funding mechanisms described in this subsection.

(3) The group's report shall ~~include its recommended policy and funding mechanisms and the reasons for the recommendations~~ identify those policies and funding mechanisms described in this subsection that do and do not warrant serious consideration and any areas requiring further analysis and shall include any proposals for legislative action. The report shall be submitted to the ~~general assembly~~ General Assembly by December 15, 2013.

Fifteenth: After Sec. 27, by inserting a Sec. 27a to read as follows:

Sec. 27a. COORDINATION; TOTAL ENERGY AND THERMAL EFFICIENCY FUNDING REPORTS

To the extent feasible, the Department of Public Service and the Public Service Board shall coordinate the total energy study and report to be prepared under 2012 Acts and Resolves No. 170, Sec. 13, as amended by Sec. 27 of this act, and the public process and report on thermal efficiency funding and savings to be prepared under Sec. 29 of this act.

Sixteenth: By striking out Sec. 28 (climate change education; report) in its entirety and inserting in lieu thereof [Deleted.]

Seventeenth: By striking out Sec. 29 (thermal efficiency funding and savings; Public Service Board report) in its entirety and inserting in lieu thereof a new Sec. 29 as follows:

Sec. 29. THERMAL EFFICIENCY FUNDING AND SAVINGS; PUBLIC SERVICE BOARD REPORT

(a) On or before December 15, 2013, the Public Service Board shall conduct and complete a public process and submit a report to the House and Senate Committees on Natural Resources and Energy, the House Committee on Commerce and Economic Development, and the Senate Committee on Finance on the efficient use of unregulated fuels. In this section:

(1) "Regulated fuels" means electricity and natural gas delivered by a regulated utility.

(2) "Unregulated fuels" means all fuels used for heating and process fuel customers other than electricity and natural gas delivered by a regulated utility.

(b) During the process and in the report required by this section, the Board shall evaluate whether there are barriers or inefficiencies in the markets for unregulated fuels that inhibit the efficient use of such fuels.

(c) The Board need not conduct the public process under this section as a contested case under 3 V.S.A. chapter 25 but shall provide notice and an opportunity for written and oral comments to the public and affected parties and state agencies.

Eighteenth: By striking out Sec. 29a (electric vehicles and charging stations, state fleet) in its entirety

Nineteenth: In Sec. 29b, 3 V.S.A. § 2291, in subdivision (c)(6), after the word “incorporate” by inserting conventional hybrid, and after the words “plug-in hybrid” by inserting a comma, and by renumbering the section to be Sec. 29a

Twentieth: By striking out Sec. 29c (promoting the use of electric vehicles) in its entirety

Twenty-first: By striking out Sec. 30 (effective dates) and inserting in lieu thereof a new Sec. 32 as follows:

Sec. 32. EFFECTIVE DATES

(a) The following shall take effect on passage: this section and Secs. 1 (findings); 2 (jurisdiction; general scope); 3 (appointed entities; initial plan; statutory revision); 12 (disclosure tool working group; reports); 18 (eligible beneficiaries; requirements); 19 (benefit amounts); 27 (total energy; report); and 29 (thermal efficiency funding and savings; report) of this act.

(b) The remaining sections of this act shall take effect on July 1, 2013.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

S. 20

Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

S. 129

Senate bill, entitled

An act relating to workers' compensation liens

Message from the Senate No. 67

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate bills of the following titles:

S. 7. An act relating to social networking privacy protection.

S. 132. An act relating to sheriffs, deputy sheriffs, and the service of process.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 4. An act relating to concussions and school athletic activities.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Sears
Senator Benning
Senator McCormack

The Senate has considered House proposals of amendment to the following Senate bills and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

S. 61. An act relating to alcoholic beverages.

Senator Mullin
Senator Baruth
Senator Cummings

S. 82. An act relating to campaign finance law.

Senator White
Senator French
Senator Westman.

Recess

At four o'clock and thirty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Committee of Conference Appointed**S. 4**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to concussions and school athletic activities

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Donovan of Burlington

Rep. Christie of Hartford

Rep. Rachelson of Burlington

Committee of Conference Appointed**S. 61**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to alcoholic beverages

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Head of South Burlington

Rep. Stevens of Waterbury

Rep. O'Sullivan of Burlington

Committee of Conference Appointed**S. 82**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to campaign finance law

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Evans of Essex

Rep. Martin of Wolcott

Rep. Consejo of Sheldon

**Rules Suspended; Senate Proposal of Amendment to House
Proposal of Amendmen Not Concurred in;
Committee of Conference Requested and Appointed**

S. 150

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to miscellaneous amendments to laws related to motor vehicles

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to concur in the House proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 15, 23 V.S.A. § 610, in subsection (a), in the first sentence, by striking out the following: “residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law” and inserting in lieu thereof the following: residential address, except that at the request of the licensee, the licensee’s mailing address may be listed, or an alternative address may be listed if otherwise authorized by law

Second: By striking out Secs. 28–29 and the internal caption preceding Sec. 28 in their entirety and inserting in lieu thereof the following:

* * * Motor Vehicle Moving Violation * * *

Sec. 28. 23 V.S.A. § 1002 is added to read:

§ 1002. MOTOR VEHICLE MOVING VIOLATION; NO POINTS

A person who commits a moving violation under another provision of this title for which no term of imprisonment is provided by law, and for which a penalty of not more than \$1,000.00 is provided, commits a traffic violation and may be issued a complaint for a violation of this section in lieu of a complaint for a violation of the predicate moving violation provision. A person convicted of a violation of this section shall not be assessed points against his or her driving record under chapter 25 of this title, but shall be subject to the penalties prescribed in the provision of this title that specifies the predicate moving violation.

* * * Waiver of Assessment of Points * * *

Sec. 29. 23 V.S.A. § 2501 is amended to read:

§ 2501. MOTOR VEHICLE POINT SYSTEM

For the purpose of identifying habitually reckless or negligent drivers and frequent violators of traffic regulations governing the movement of vehicles, a uniform system is established assigning demerit points for convictions of violations of this title or of ordinances adopted by local authorities regulating the operation of motor vehicles. Notice of each assessment of points may be given. No points shall be assessed for violating section 1002 of this title or a

provision of a statute or municipal ordinance regulating standing, parking, equipment, size, or weight, or if a superior judge or Judicial Bureau hearing officer has waived the assessment of points in the interest of justice. The conviction report from the court shall be prima facie evidence of the points assessed unless points are specifically waived in the conviction report. The ~~department is~~ Department also is authorized to suspend the license of a driver when the driver's driving record identifies the driver as an habitual offender under section 673a of this title.

Sec. 29a. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) ~~Any~~ Unless the assessment of points is waived by a superior judge or a Judicial Bureau hearing officer in the interests of justice, or unless a person is convicted of violating section 1002 of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

* * *

Third: In Sec. 32, in subsection (c), by striking out the following: "and 28,"

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Brennan of Colchester** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Brennan of Colchester

Rep. Potter of Clarendon

Rep. Koch of Barre Town

Rules Suspended; Senate Proposal of Amendment Concurred in with a Further Amendment Thereto

H. 515

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to miscellaneous agricultural subjects

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Livestock and Poultry Products * * *

Sec. 1. 6 V.S.A. § 3302 is amended to read:

§ 3302. DEFINITIONS

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

* * *

(10) “Custom slaughterhouse” means a person who maintains a slaughtering establishment under this chapter for the purposes of slaughtering livestock or poultry for another person’s exclusive use by him or her and members of his or her household and his or her nonpaying guests and employees ~~and who is not engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products or any cattle, sheep, swine, goats, domestic rabbits, equines, or poultry, capable of use as human food.~~

* * *

(43) “Itinerant livestock slaughter” means slaughter, in accordance with the requirements of subsection 3311a(e) of this title, of livestock owned by a person for his or her exclusive use or for use by members of his or her household and his or her nonpaying guests and employees.

(44) “Itinerant poultry slaughter” means the slaughter of poultry:

(A) at a person’s home or farm in accordance with subsection 3312(b) of this title; or

(B) at a facility approved by the Secretary for the slaughtering of poultry.

(45) “Itinerant slaughterer” means a person, who for compensation or gain, engages in itinerant livestock slaughter or itinerant poultry slaughter.

Sec. 2. 6 V.S.A. § 3305 is amended to read:

§ 3305. ADDITIONAL POWERS OF THE SECRETARY

In order to accomplish the objectives stated in section 3303 of this title, the ~~secretary~~ Secretary may:

* * *

(18) sell or lease a mobile slaughtering unit, and may retain any proceeds therefrom in a ~~revolving~~ fund designated for the purpose of purchasing additional mobile slaughtering units ~~by the agency or providing~~

matching grants for capital investments to increase poultry slaughter or poultry processing capacity.

Sec. 3. 6 V.S.A. § 3306 is amended to read:

§ 3306. LICENSING

(a) No person ~~may~~ shall engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting, or otherwise handling meat, meat food products, or poultry products, unless that person holds a valid license issued under this chapter. Categories of licensure shall include: commercial slaughterers, custom slaughterers, commercial processors, custom processors, wholesale distributors, retail vendors, meat and poultry product brokers, renderers, public ~~warehousemen~~ warehouse operators, animal food manufacturers, handlers of dead, dying, disabled, or diseased animals, and any other category which the ~~secretary~~ Secretary may by rule establish.

(b) The owner or operator of each plant or establishment of the kind specified in subsection (a) of this section shall apply in writing to the ~~secretary~~ Secretary on a form prescribed by him or her for a license to operate the plant or establishment. In case of change of ownership or change of location, a new application shall be made. Any person engaged in more than one licensed activity shall obtain separate licenses for each activity.

(c) The head of service shall investigate all circumstances in connection with the application for license to determine whether the applicable requirements of this chapter and rules made under it have been complied with. The ~~secretary~~ Secretary shall grant, condition, or refuse the license upon the basis of all information available to him or her including all facts disclosed by investigation. Each license shall bear an identifying number.

(d) The annual fee for a license for a retail vendor is \$15.00 for vendors without meat cutting operations, \$30.00 for vendors with meat cutting space of less than 300 square feet or meat display space of less than 20 linear feet, and \$60.00 for vendors with 300 or more square feet of meat cutting space and 20 or more linear feet of meat display space. Fees collected under this section shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5 ~~of chapter 7 of Title 32,~~ and shall be available to the ~~agency~~ Agency to offset the cost of administering chapter 204 of this title. For all other plants, establishments, and related businesses listed under subsection (a) of this section, except for a public warehouse licensed under chapter 67 of this title, the annual license fee shall be \$50.00.

* * *

~~(f) Itinerant custom slaughterers, who slaughter solely at a person's home or farm and who do not own, operate or work at a slaughtering plant shall be exempt from the licensing provisions of this section. An itinerant custom slaughterer may slaughter livestock owned by an individual who has entered into a contract with a person to raise the livestock on the farm where it is intended to be slaughtered. [Repealed.]~~

Sec. 4. 6 V.S.A. § 3311a is added to read:

§ 3311a. LIVESTOCK; INSPECTION; LICENSING; PERSONAL
SLAUGHTER; ITINERANT SLAUGHTER

(a) As used in this section:

(1) "Assist in the slaughter of livestock" means the act of slaughtering or butchering an animal and shall not mean the farmer's provision of a site on the farm for slaughter, provision of implements for slaughter, or the service of disposal of the carcass or offal from slaughter.

(2) "Sanitary conditions" means a site on a farm that is:

(A) clean and free of contaminants; and

(B) located or designed in a way to prevent:

(i) the occurrence of water pollution; and

(ii) the adulteration of the livestock or the slaughtered meat.

(b) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter by an individual of livestock that the individual raised for the individual's exclusive use or for the use of members of his or her household and his or her nonpaying guests and employees.

(c) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter of livestock that occurs in a manner that meets all of the following requirements:

(1) an individual purchases livestock from a farmer that raised the livestock;

(2) the individual who purchased the livestock performs the act of slaughtering the livestock;

(3) the act of slaughter occurs, after approval from the farmer who sold the livestock, on a site on the farm where the livestock was purchased;

(4) the slaughter is conducted under sanitary conditions;

(5) the farmer who sold the livestock to the individual does not assist in the slaughter of the livestock; and

(6) no more than the following number of livestock per year are slaughtered under this subsection:

(A) 10 swine;

(B) three cattle;

(C) 25 sheep or goats; or

(D) any combination of swine, cattle, sheep, or goats, provided that no more than 3,500 pounds of the live weight of livestock are slaughtered per year; and

(7) the farmer who sold the livestock to the individual maintains a record of each slaughter conducted under this subsection and reports to the Secretary on or before the 15th day of each month regarding all slaughter activity conducted under this subsection in the previous month.

(d) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to an itinerant slaughterer engaged in the act of itinerant livestock slaughter or itinerant poultry slaughter.

(e) An itinerant slaughterer may slaughter livestock owned by a person on the farm where the livestock was raised under the following conditions:

(1) the meat from the slaughter of the livestock is distributed only as whole or half carcasses to the person who owned the animal for their personal use or for use by members of their households or nonpaying guests; and

(2) the slaughter is conducted under sanitary conditions.

(f) A carcass or offal from slaughter conducted under this section shall be disposed of according to the requirements under the accepted agricultural practices for the management of agricultural waste.

* * * Public Warehouses that Store Farm Products * * *

Sec. 5. 6 V.S.A. § 891 is amended to read:

§ 891. LICENSE

Excepting frozen food locker plants, any person, as defined in 9A V.S.A. §§ 1-201 and 7-102, who stores milk, cream, butter, cheese, eggs, dressed meat, poultry and fruit for hire in quantities of 1,000 pounds or more of each any commodity shall first be licensed by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets. Each separate place of business shall be licensed.

* * * Commerce and Trade; Weights and Measures * * *

Sec. 6. 9 V.S.A. § 2697 is amended to read:

§ 2697. LIQUID FUELS

(a) Liquid fuels including motor fuels, furnace oils, stove oils, ~~liquified~~ liquefied petroleum gas, and other liquid fuels used for similar purposes shall be sold by liquid measure or by net weight in accordance with the provisions of section 2671 of this title. In the case of each delivery of liquid fuel not in package form, and in an amount greater than 10 gallons in the case of sale by liquid measure or 99 pounds in the case of sale by weight, there shall be rendered to the purchaser, either:

(1) at the time of delivery; or

(2) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink, or other indelible substance, there shall be clearly and legibly stated:

(A) the name and address of the vendor;

(B) the name and address of the purchaser;

(C) the identity of the type of fuel comprising the delivery;

(D) the unit price (that is, the price per gallon or per pound, as the case may be) of the fuel delivered;

(E) in the case of sale by liquid measure, the liquid volume of the delivery shall be determined by a meter with a register printing the meter readings on a ticket, a copy of which shall be given to the purchaser, from which such liquid volume shall be computed, expressed in terms of the gallon and its binary or decimal subdivisions (the ticket shall not be inserted into the register until immediately before delivery is begun, and in no case shall a ticket be in the register when the vehicle is in motion); or the liquid volume may be determined by a vehicle tank used as a measure when in full compliance with Handbook H-44 and calibrated by a weights and measures official. Sale by a liquid measuring device as defined in Handbook H-44, and sale by a vapor meter are excluded from this section. The volume of liquid fuels delivered on consignment shall be computed and charged for only from the totalizers on the devices dispensing the product;

(F) in the case of sale by weight, the net weight of the delivery, together with any weighing scale readings from which that net weight has been computed, expressed in terms of tons or pounds avoirdupois.

(b) The use of temperature compensation during delivery of all liquid fuels, with the exception of the delivery of liquefied petroleum gas, is prohibited. The Secretary shall enforce this prohibition in the same manner as other violations of this chapter.

* * * Dairy Operations * * *

Sec. 7. 6 V.S.A. § 2672 is amended to read:

§ 2672. DEFINITIONS

As used in this part, the following terms have the following meanings:

* * *

(7) “Milk₁”, unless preceded or succeeded by an explanatory term, means the pure lacteal secretion of ~~a type of~~ dairy cattle. Milk from other dairy livestock listed in this subdivision shall be preceded by the common name for the type of livestock that produced the milk. Such milk may be standardized by the addition of pure, fresh skim milk or cream as defined by regulation.

* * *

(10) “Fluid dairy products” are milk and fluid dairy products derived from milk, including cultured products, as defined by regulations ~~made under this part~~ adopted by federal entities and published in the Code of Federal Regulations.

* * *

Sec. 8. 6 V.S.A. § 2723a is added to read:

§ 2723a. DISTRIBUTOR’S LICENSES

(a) It shall be unlawful for any person to distribute fluid dairy products without a license issued by the Secretary. The Secretary shall license all distributors at least annually and for a term of up to three years and shall issue and renew such licenses on any calendar cycle. Application for the license and renewal shall be made in the manner and form prescribed by the Secretary and shall be accompanied by a license fee of \$20.00 per annum or any part thereof.

(b) No person shall be granted a license under this section unless the distributor first agrees to withhold the state tax on producers whose milk has been received by the distributor imposed under chapter 161 of this title.

(c) As used in this section, the term “distributor” has the same meaning as set forth in section 2672 of this chapter, which includes the retail distribution or sale of milk, except the sale of milk to be consumed on the premises.

(d) Any distributor who carries on a business without a license shall be subject to penalty under sections 2678 and 2679 of this title.

* * * Mosquito Abatement * * *

Sec. 9. 6 V.S.A. § 1085 is amended to read:

§ 1085. MOSQUITO CONTROL GRANT PROGRAM

(a) A mosquito control district formed pursuant to 24 V.S.A. chapter 121 of Title 24 may apply, in a manner prescribed by the ~~secretary~~ Secretary, in writing to the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets, for a state assistance grant for mosquito control activities.

(b) After submission of an application under subsection (a) of this section, the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets may award a grant of 75 percent or less of the project costs for the purchase and application of larvicide and the costs associated with required larval survey activities within a mosquito control district. The mosquito control district may provide 25 percent of the project costs through in-kind services, including adulticide application or the purchase of capital equipment used for mosquito control activities.

* * *

* * * Agricultural Water Quality;
Nutrient Management Planning * * *

Sec. 10. 6 V.S.A. § 4801 is amended to read:

§ 4801. PURPOSE; STATE POLICY

It is the purpose of this chapter to ensure that agricultural animal wastes do not enter the waters of this ~~state~~ State. Therefore, it is state policy that:

(1) All farms meet certain standards in the handling and disposal of animal wastes, as provided by this chapter and the cost of meeting these standards shall not be borne by farmers only, but rather by all members of society, who are in fact the beneficiaries. Accordingly, state and federal funds shall be made available to farms, regardless of size, to defray the major cost of complying with the ~~animal waste~~ requirements of this chapter. State and federal conservation programs to assist farmers should be directed to those farms that need to improve their infrastructure to prohibit direct discharges or bring existing water pollution control structures into compliance with United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service standards. Additional resources should be directed to education and

technical assistance for farmers to improve the management of agricultural wastes and protect water quality.

(2) Officials who administer the provisions of this chapter:

(A) shall educate farmers and other affected citizens on requirements of this chapter through an outreach collaboration with farm associations and other community groups; ~~and~~

(B) shall, in the process of rendering official decisions, afford farmers and other affected citizens an opportunity to be heard and give consideration to all interests expressed; and

(C) may provide grants from a program established under this chapter to eligible Vermont municipalities, local or regional governmental agencies, nonprofit organizations, and citizen groups in order to provide direct financial assistance to farms in implementing conservation practices.

Sec. 11. 6 V.S.A. § 4827 is amended to read:

§ 4827. NUTRIENT MANAGEMENT PLANNING; INCENTIVE GRANTS

(a) A farm developing or implementing a nutrient management plan under chapter 215 of this title or federal regulations may apply to the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets for financial assistance. The financial assistance shall be in the form of incentive grants. Annually, after consultation with the Natural Resources Conservation Service of the U.S. Department of Agriculture, natural resources conservation districts, the University of Vermont extension service and others, the ~~secretary~~ Secretary shall determine the average cost of developing and implementing a nutrient management plan in Vermont. The dollar amount of an incentive grant awarded under this section shall be equal to the average cost of developing a nutrient management plan as determined by the ~~secretary~~ Secretary or the cost of complying with the nutrient management planning requirements of chapter 215 of this title or federal regulations, whichever is less.

(b) Application for a state assistance grant shall be made in a manner prescribed by the ~~secretary~~ Secretary and shall include, at a minimum:

(1) an estimated cost of developing and implementing a nutrient management plan for the applicant;

(2) the amount of incentive grant requested; and

(3) a schedule for development and implementation of the nutrient management plan.

(c) The ~~secretary~~ Secretary annually shall prepare a list of farms ranked, regardless of size, in priority order that have applied for an incentive grant under this section. The priority list shall be established according to factors that the ~~secretary~~ Secretary determines are relevant to protect the quality of waters of the ~~state~~ State, including:

(1) the proximity of a farm to a water listed as impaired for agricultural runoff, pathogens, phosphorus, or sediment by the ~~agency of natural resources~~ Agency of Natural Resources;

(2) the proximity of a farm to an unimpaired water of the ~~state~~ State;

(3) the proximity of a drinking water well to land where a farm applies manure; and

(4) the risk of discharge to waters of the ~~state~~ State from the land application of manure by a farm.

(d) Assistance in accordance with this section shall be provided from state funds appropriated to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets for integrated crop management.

(e) If the ~~secretary~~ Secretary lacks adequate funds necessary for the financial assistance required by subsection (a) of this section, the requirement to develop and implement a nutrient management plan under state statute or state regulation shall be suspended until adequate funding becomes available. Suspension of a state-required nutrient management plan does not relieve an owner or operator of a farm permitted under section 4858 of this title of the remaining requirements of a state permit, including discharge standards, groundwater protection, and land application of manure. This subsection does not apply to farms permitted under 10 V.S.A. § 1263 or farms permitted under section 4851 of this title.

(f) The ~~secretary~~ Secretary may contract with natural resources conservation districts, the University of Vermont extension service, and other persons and organizations to aid in the implementation of the incentive grants program under subsection (a) of this section and to assist farmers in the development and implementation of nutrient management plans.

~~(g) Notwithstanding the requirements of subsection (e) of this section, the secretary may, as general funds are appropriated for this purpose, provide a one-time incentive payment under this section to encourage farmers to inject manure on grass or crop land over one growing season. [Repealed.]~~

Sec. 12. 6 V.S.A. § 4951 is amended to read:

§ 4951. FARM AGRONOMIC PRACTICES PROGRAM

(a) The ~~farm agronomic practices assistance program~~ Farm Agronomic Practices Assistance Program is created in the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets to provide the farms of Vermont with state financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. The following practices shall be eligible for assistance to farms under the grant program:

- (1) conservation crop rotation;
- (2) cover cropping;
- (3) strip cropping;
- (4) cross-slope tillage;
- (5) zone or no-tillage;
- (6) pre-sidedress nitrate tests;

(7) annual maintenance of a nutrient management plan that is no longer receiving funding under a state or federal contract, provided the maximum assistance provided to a farmer under this subdivision shall be ~~\$1,000.00~~ \$2,000.00 per year;

(8) educational and instructional activities to inform the farmers and citizens of Vermont of:

(A) the impact on Vermont waters of agricultural waste discharges;

(B) the federal and state requirements for controlling agricultural waste discharges;

- (9) implementing alternative manure application techniques; and
- (10) additional soil erosion reduction practices.

(b) Funding available under section 4827 of this title for nutrient management planning may be used to fund practices under this section.

* * * Sunset; Livestock Slaughter Exemptions * * *

Sec. 13. REPEAL; LIVESTOCK SLAUGHTER EXEMPTIONS

6 V.S.A. § 3311a (livestock slaughter inspection and license exemptions) shall be repealed on July 1, 2016.

* * * Effective Date * * *

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Partridge of Windham** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By adding Sec. 13a to read:

* * * H-2A Payments * * *

Sec. 13a. H-2A PAYMENTS

The Department of Taxes shall not enforce the provisions of 32 V.S.A. chapter 151, including any associated penalties or interest, for any person who received payments while working under an H-2A temporary agricultural visa for any return period prior to December 31, 2011. The Department of Taxes also shall not enforce the provisions of 32 V.S.A. chapter 151, subchapter 4, including any associated penalties or interest, for any person who fails to withhold taxes for payments made to an employee under an H-2A temporary agricultural visa for any return period prior to December 31, 2011. Any liability, interest, or penalty imposed for a return period specified in this section shall be refunded upon request, provided the person provides documentation of his or her claim to the satisfaction of the Commissioner of Taxes.

Which was agreed to.

**Rules Suspended; Senate Proposal of Amendment Concurred in
H. 65**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to limited immunity from liability for reporting a drug or alcohol overdose

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 2, 18 V.S.A. § 4254(b), after “faith” by adding and in a timely manner

Second: By adding a 2a to read as follows:

Sec. 2a. REPORT

The Executive Director of the Department of State’s Attorneys and Sheriffs and the Defender General shall each report to the Senate and House Committees on Judiciary on the implementation and effect of Sec. 2 of this act no later than November 2015.

Which proposal of amendment was considered and concurred in.

Message from the Senate No. 68

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate bill of the following title:

S. 11. An act relating to the Austine School.

S. 81. An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products .

S. 99. An act relating to the standard measure of recidivism.

And has concurred therein.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 25. Senate concurrent resolution designating May 7, 2013 as Senior Center Awareness Day.

S.C.R. 26. Senate concurrent resolution honoring Charles Browne for his extraordinary leadership of the Fairbanks Museum & Planetarium..

S.C.R. 27. Senate concurrent resolution honoring Hanford Biron for exemplary public service in the town of Norton.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 141. House concurrent resolution honoring Dr. Kevin Daniel Crowley.

H.C.R. 142. House concurrent resolution honoring Bennington College President Elizabeth Coleman for her visionary academic leadership and scholarship.

H.C.R. 143. House concurrent resolution congratulating the Brattleboro Museum & Art Center on its 40th anniversary.

H.C.R. 144. House concurrent resolution honoring the military valor of the Shores brothers in defending the Union during the Civil War.

H.C.R. 145. House concurrent resolution recognizing the importance for U.S. military personnel of the award-winning documentary film *The Invisible War*.

H.C.R. 146. House concurrent resolution honoring Dianne Jaquith for her exemplary career at the Barstow Memorial School in Chittenden.

H.C.R. 147. House concurrent resolution honoring Stafford Technical Center Director Lyle Jepson on being named the 2013 Technical Director of the Year.

H.C.R. 148. House concurrent resolution commemorating the opening of the new Adult Intensive Unit at the Brattleboro Retreat in partnership with the Department of Mental Health.

H.C.R. 149. House concurrent resolution in memory of retired Vermont State Police Sgt. Harold Ackerman.

H.C.R. 150. House concurrent resolution congratulating Mikaela Shiffrin on her international alpine ski racing achievements.

H.C.R. 151. House concurrent resolution congratulating the Bennington Rural Fire Department on its 60th anniversary.

H.C.R. 152. House concurrent resolution congratulating the Green Street School 2012 Vermont State Spelling Bee championship team.

H.C.R. 153. House concurrent resolution congratulating the Bennington Children's Chorus on its silver anniversary.

H.C.R. 154. House concurrent resolution congratulating the 2013 South Burlington High School Rebels Division I championship boys' ice hockey team .

H.C.R. 155. House concurrent resolution congratulating the Vermont Shamrocks on winning the New England and National 2013 USA Hockey Tier II-U16 championships.

H.C.R. 156. House concurrent resolution congratulating the Lake Champlain Committee on its 50th anniversary.

H.C.R. 157. House concurrent resolution commemorating the bicentennial anniversary of the birth of Stephen A. Douglas, Brandon's most famous native son.

H.C.R. 158. House concurrent resolution designating the week of May 5–11 as Vermont Organ Donor Awareness Week in honor of Jason Perry and Christian Stromberg.

H.C.R. 159. House concurrent resolution congratulating the Puffer United Methodist Church of Morrisville on its bicentennial anniversary.

H.C.R. 160. House concurrent resolution honoring John Hasen on his outstanding career as an attorney dedicated to serving the public.

H.C.R. 161. House concurrent resolution honoring the civic and community leadership of the Montagne family of St. Albans.

H.C.R. 162. House concurrent resolution designating May 13–19, 2013 as American Craft Beer Week in Vermont and celebrating Gregfest.

H.C.R. 163. House concurrent resolution honoring Patricia Rocheleau Harper for her outstanding work on the restoration of the House committee rooms.

H.C.R. 164. House concurrent resolution congratulating the Plainfield Fire Department on its centennial anniversary.

H.C.R. 165. House concurrent resolution honoring the retiring educators and support staff in the Southwest Vermont Supervisory Union.

H.C.R. 166. House concurrent resolution honoring the Civil War-era musical drama *Ransom* on its professional premiere as the opening production of Lost Nation Theater's 25th anniversary season.

H.C.R. 167. House concurrent resolution honoring Robert Stannard on his retirement as a legislative lobbyist.

H.C.R. 168. House concurrent resolution commemorating the placement of an historic marker at the Rutland fairgrounds honoring aviation pioneer George Schmitt.

H.C.R. 169. House concurrent resolution congratulating the Pittsford Fire Department on its 65th anniversary.

H.C.R. 170. House concurrent resolution honoring the Giancola family for their foresight in the transformation of the Howe Scale Company to the Howe Center.

H.C.R. 171. House concurrent resolution congratulating Windsor High School boys' Basketball Coach Harry Ladue on his induction into the New England Basketball Hall of Fame.

H.C.R. 172. House concurrent resolution honoring the Joslin Memorial Library in Waitsfield on the occasion of its 100th anniversary.

**Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto**

H. 522

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

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

(a) This act is intended to provide a comprehensive approach to combating opioid addiction and methamphetamine abuse in Vermont through strategies that address prevention, treatment, and recovery, and increase community safety by reducing drug-related crime.

(b) It is the intent of the General Assembly that the initiatives described in this act should be integrated to the extent possible with the Blueprint for Health and Vermont's health care system and health care reform initiatives.

* * * Preventing Abuse of Prescription Drugs * * *

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(26) "Prescription" means an order for a regulated drug made by a physician, physician assistant, advanced practice registered nurse, dentist, or veterinarian licensed under this chapter to prescribe such a drug which shall be in writing except as otherwise specified ~~herein~~ in this subdivision. Prescriptions for such drugs shall be made to the order of an individual patient, dated as of the day of issue and signed by the prescriber. The prescription shall bear the full name ~~and~~, address, and date of birth of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. Such prescription shall also bear the full name, address, and registry number of the prescriber and, unless electronically prescribed, shall be written with ink, indelible pencil, or typewriter; if typewritten, it shall be signed by the ~~physician~~ prescriber. A written or typewritten prescription for a controlled substance, as defined in 21 C.F.R. Part 1308, shall contain the quantity of the drug written both in numeric and word form.

* * *

Sec. 2a. 18 V.S.A. § 4202(d) is amended to read:

(d) The regulations adopted by the ~~board of health~~ Board of Health under section 4201 of this title for the purpose of determining those drugs defined under that section may be adopted only after prior written notice to the ~~board of pharmacy~~ Board of Pharmacy and the ~~board of medical practice~~ Board of Medical Practice and after the ~~board of pharmacy~~ Board of Pharmacy and the

~~board of medical practice~~ Board of Medical Practice have had an opportunity to advise the ~~board of health~~ Board of Health with respect to the form and substance of those regulations or amendments and to recommend revisions thereof, except with respect to emergency rules adopted pursuant to 3 V.S.A. § 844, which may be adopted without notice by the Commissioner of Health.

Sec. 3. 18 V.S.A. § 4215b is added to read:

§ 4215b. IDENTIFICATION

Only a patient for whom a prescription was written, the owner of an animal for which a prescription was written, or a bona fide representative of the patient or animal owner, as defined by the Board of Pharmacy by rule after consultation with the Commissioner of Health, may pick up a prescription for a Schedule II, III, or IV controlled substance. Prior to dispensing a prescription for a Schedule II, III, or IV controlled substance, a pharmacist shall require the individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the bona fide representative of the patient or animal owner. If the individual does not have valid, current government-issued photographic identification, the pharmacist may request alternative evidence of the individual's identity, as appropriate.

Sec. 3a. BOARD OF PHARMACY; RULEMAKING

The Board of Pharmacy shall adopt rules pursuant to 3 V.S.A. chapter 25 to define which persons shall be considered bona fide representatives of a patient or animal owner for the purposes of picking up a prescription for a Schedule II, III, or IV controlled substance pursuant to 18 V.S.A. § 4215b.

Sec. 4. 18 V.S.A. § 4218 is amended to read:

§ 4218. ENFORCEMENT

* * *

(d) Nothing in this section shall authorize the ~~department of public safety~~ Department of Public Safety and other authorities described in subsection (a) of this section to have access to VPMS (~~Vermont prescription monitoring system~~) (Vermont Prescription Monitoring System) created pursuant to chapter 84A of this title, except as provided in that chapter.

(e) The Department of Public Safety, in consultation with representatives of licensed Vermont pharmacies, shall adopt standard operating guidelines for accessing pharmacy records through the authority granted in this section. Any person authorized to access pharmacy records pursuant to subsection (a) of this

section shall follow the Department of Public Safety's guidelines. These guidelines shall be a public record.

Sec. 5. DEPARTMENT OF PUBLIC SAFETY; REPORTING STANDARD OPERATING GUIDELINES

On or before December 15, 2013, the Commissioner of Public Safety shall submit to the House and Senate Committees on Judiciary, the House Committees on Human Services and on Health Care, and the Senate Committee on Health and Welfare the Department's written standard operating guidelines used to access pharmacy records at individual pharmacies pursuant to 18 V.S.A. § 4218. Subsequently, if the guidelines are substantively amended by the Department, it shall submit the amended guidelines to the same committees as soon as practicable.

Sec. 6. 18 V.S.A. § 4282 is amended to read:

§ 4282. DEFINITIONS

As used in this chapter:

* * *

~~(3) "Trained law enforcement officer" shall include any officer designated by the department of public safety who has completed a training program established by rule by the department of health, which is designed to ensure that officers have the training necessary to use responsibly and properly any information that they receive from VPMS.~~

~~(4) "VPMS" shall mean the Vermont prescription monitoring system established under this chapter.~~

(4) "Delegate" means an individual employed by a health care provider or pharmacy or in the Office of the Chief Medical Examiner and authorized by a health care provider or dispenser or by the Chief Medical Examiner to request information from the VPMS relating to a bona fide current patient of the health care provider or dispenser or to a bona fide investigation or inquiry into an individual's death.

(5) "Department" means the Department of Health.

(6) "Drug diversion investigator" means an employee of the Department of Public Safety whose primary duties include investigations involving violations of laws regarding prescription drugs or the diversion of prescribed controlled substances, and who has completed a training program established by the Department of Health by rule that is designed to ensure that officers have the training necessary to use responsibly and properly any information that they receive from the VPMS.

(7) “Evidence-based” means based on criteria and guidelines that reflect high-quality, cost-effective care. The methodology used to determine such guidelines shall meet recognized standards for systematic evaluation of all available research and shall be free from conflicts of interest. Consideration of the best available scientific evidence does not preclude consideration of experimental or investigational treatment or services under a clinical investigation approved by an institutional review board.

Sec. 7. 18 V.S.A. § 4283 is amended to read:

§ 4283. CREATION; IMPLEMENTATION

~~(a) Contingent upon the receipt of funding, the department may establish~~
The Department shall maintain an electronic database and reporting system for monitoring Schedules II, III, and IV controlled substances, as defined in 21 C.F.R. Part 1308, as amended and as may be amended, that are dispensed within the state State of Vermont by a health care provider or dispenser or dispensed to an address within the state State by a pharmacy licensed by the Vermont board of pharmacy Board of Pharmacy.

* * *

(e) It is not the intention of the ~~department~~ Department that a health care provider or a dispenser shall have to pay a fee or tax or purchase hardware or proprietary software required by the ~~department~~ Department specifically for the use, establishment, maintenance, or transmission of the data. The ~~department~~ Department shall seek grant funds and take any other action within its financial capability to minimize any cost impact to health care providers and dispensers.

* * *

Sec. 8. 18 V.S.A. § 4284 is amended to read:

§ 4284. PROTECTION AND DISCLOSURE OF INFORMATION

(a) The data collected pursuant to this chapter and all related information and records shall be confidential, except as provided in this chapter, and shall not be subject to ~~public records law~~ the Public Records Act. The ~~department~~ Department shall maintain procedures to protect patient privacy, ensure the confidentiality of patient information collected, recorded, transmitted, and maintained, and ensure that information is not disclosed to any person except as provided in this section.

~~(b)(1) The department shall be authorized to provide data to~~ Department shall provide only the following persons with access to query the VPMS:

~~(1) A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.~~

~~(2)(A)~~ A health care provider or, dispenser, or delegate who requests information is registered with the VPMS and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current patient.

(B) Personnel or contractors, as necessary for establishing and maintaining the VPMS.

(C) The Medical Director of the Department of Vermont Health Access, for the purposes of Medicaid quality assurance, utilization, and federal monitoring requirements with respect to Medicaid recipients for whom a Medicaid claim for a Schedule II, III, or IV controlled substance has been submitted.

(D) A medical examiner or delegate from the Office of the Chief Medical Examiner, for the purpose of conducting an investigation or inquiry into the cause, manner, and circumstances of an individual's death.

(E) A health care provider or medical examiner licensed to practice in another state, to the extent necessary to provide appropriate medical care to a Vermont resident or to investigate the death of a Vermont resident.

(2) The Department shall provide reports of data available to the Department through the VPMS only to the following persons:

(A) A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.

~~(3)(B)~~ A designated representative of a board responsible for the licensure, regulation, or discipline of health care providers or dispensers pursuant to a bona fide specific investigation.

~~(4)(C)~~ A patient for whom a prescription is written, insofar as the information relates to that patient.

~~(5)(D)~~ The relevant occupational licensing or certification authority if the ~~commissioner~~ Commissioner reasonably suspects fraudulent or illegal activity by a health care provider. The licensing or certification authority may report the data that are the evidence for the suspected fraudulent or illegal activity to a ~~trained law enforcement officer~~ drug diversion investigator.

~~(6)(E)(i)~~ The commissioner of public safety Commissioner of Public Safety, personally, or the Deputy Commissioner of Public Safety, personally, if

~~the commissioner of health~~ Commissioner of Health, personally, or a Deputy Commissioner of Health, personally, makes the disclosure, and has consulted with at least one of the patient's health care providers, and believes that when the disclosure is necessary to avert a serious and imminent threat to a person or the public.

(ii) The Commissioner of Public Safety, personally, or the Deputy Commissioner of Public Safety, personally, when he or she requests data from the Commissioner of Health, and the Commissioner of Health believes, after consultation with at least one of the patient's health care providers, that disclosure is necessary to avert a serious and imminent threat to a person or the public.

(iii) The Commissioner or Deputy Commissioner of Public Safety may disclose such data received pursuant to this subdivision (E) as is necessary, in his or her discretion, to avert the serious and imminent threat.

~~(7) Personnel or contractors, as necessary for establishing and maintaining the VPMS.~~

(F) A prescription monitoring system or similar entity in another state pursuant to a reciprocal agreement to share prescription monitoring information with the Vermont Department of Health as described in section 4288 of this title.

(c) A person who receives data or a report from VPMS or from the ~~department~~ Department shall not share that data or report with any other person or entity not eligible to receive that data pursuant to subsection (b) of this section, except as necessary and consistent with the purpose of the disclosure and in the normal course of business. Nothing shall restrict the right of a patient to share his or her own data.

(d) ~~The commissioner~~ Commissioner shall offer health care providers and dispensers training in the proper use of information they may receive from VPMS. Training may be provided in collaboration with professional associations representing health care providers and dispensers.

(e) ~~A trained law enforcement officer~~ drug diversion investigator who may receive information pursuant to this section shall not have access to VPMS except for information provided to the officer by the licensing or certification authority.

(f) ~~The department~~ Department is authorized to use information from VPMS for research, trend analysis, and other public health promotion purposes provided that data are aggregated or otherwise de-identified. The Department shall post the results of trend analyses on its website for use by health care providers, dispensers, and the general public. When appropriate, the

Department shall send alerts relating to identified trends to health care providers and dispensers by electronic mail.

(g) Following consultation with the Unified Pain Management System Advisory Council and an opportunity for input from stakeholders, the Department shall develop a policy that will enable it to use information from VPMS to determine if individual prescribers and dispensers are using VPMS appropriately.

(h) Following consultation with the Unified Pain Management System Advisory Council and an opportunity for input from stakeholders, the Department shall develop a policy that will enable it to evaluate the prescription of regulated drugs by prescribers.

(i) Knowing disclosure of transmitted data to a person not authorized by subsection (b) of this section, or obtaining information under this section not relating to a bona fide specific investigation, shall be punishable by imprisonment for not more than one year or a fine of not more than \$1,000.00, or both, in addition to any penalties under federal law.

(j) All information and correspondence relating to the disclosure of information by the Commissioner to a patient's health care provider pursuant to subdivision (b)(2)(A) of this section shall be confidential and privileged, exempt from public inspection and copying under the Public Records Act, immune from subpoena or other disclosure, and not subject to discovery or introduction into evidence.

(k) Each request for disclosure of data pursuant to subdivision (b)(2)(B) of this section shall document a bona fide specific investigation and shall specify the case number of the investigation.

Sec. 9. 18 V.S.A. § 4287 is amended to read:

§ 4287. RULEMAKING

~~The department~~ Department shall adopt rules for the implementation of VPMS as defined in this chapter consistent with 45 C.F.R. Part 164, as amended and as may be amended, that limit the disclosure to the minimum information necessary for purposes of this act ~~and shall keep the senate and house committees on judiciary, the senate committee on health and welfare, and the house committee on human services advised of the substance and progress of initial rulemaking pursuant to this section.~~

Sec. 10. 18 V.S.A. § 4288 is added to read:

§ 4288. RECIPROCAL AGREEMENTS

The Department of Health may enter into reciprocal agreements with other states that have prescription monitoring programs so long as access under such agreement is consistent with the privacy, security, and disclosure protections in this chapter.

Sec. 11. 18 V.S.A. § 4289 is added to read:

§ 4289. STANDARDS AND GUIDELINES FOR HEALTH CARE PROVIDERS AND DISPENSERS

(a) Each professional licensing authority for health care providers shall develop evidence-based standards to guide health care providers in the appropriate prescription of Schedules II, III, and IV controlled substances for treatment of chronic pain and for other medical conditions to be determined by the licensing authority. The standards developed by the licensing authorities shall be consistent with rules adopted by the Department of Health.

(b)(1) Each health care provider who prescribes any Schedule II, III, or IV controlled substances shall register with the VPMS by November 15, 2013.

(2) If the VPMS shows that a patient has filled a prescription for a controlled substance written by a health care provider who is not a registered user of VPMS, the Commissioner of Health shall notify the applicable licensing authority and the provider by mail of the provider's registration requirement pursuant to subdivision (1) of this subsection.

(3) The Commissioner of Health shall develop additional procedures to ensure that all health care providers who prescribe controlled substances are registered in compliance with subdivision (1) of this subsection.

(c) Each dispenser who dispenses any Schedule II, III, or IV controlled substances shall register with the VPMS.

(d) Health care providers shall query the VPMS with respect to an individual patient in the following circumstances:

(1) at least annually for patients who are receiving ongoing treatment with an opioid Schedule II, III, or IV controlled substance;

(2) when starting a patient on a Schedule II, III, or IV controlled substance for nonpalliative, long-term pain therapy of 90 days or more; and

(3) prior to writing a replacement prescription for a Schedule II, III, or IV controlled substance pursuant to section 4290 of this title.

(e) The Commissioner of Health shall, after consultation with the Unified Pain Management System Advisory Council, adopt rules necessary to effect the purposes of this section. The Commissioner and the Council shall consider additional circumstances under which health care providers should be required to query the VPMS, including whether health care providers should be required to query the VPMS:

(1) the first time the provider prescribes an opioid Schedule II, III, or IV controlled substance written to treat chronic pain; and

(2) when a patient requests renewal of a prescription for an opioid Schedule II, III, or IV controlled substance written to treat acute pain.

(f) Each professional licensing authority for dispensers shall adopt standards, consistent with rules adopted by the Department of Health under this section, regarding the frequency and circumstances under which its respective licensees shall:

(1) query the VPMS; and

(2) report to the VPMS, which shall be no less than once every seven days.

(g) Each professional licensing authority for health care providers and dispensers shall consider the statutory requirements, rules, and standards adopted pursuant to this section in disciplinary proceedings when determining whether a licensee has complied with the applicable standard of care.

Sec. 11a. REPORTING OF DISPENSER STANDARDS

No later than March 31, 2014, each professional licensing authority for dispensers shall submit the standards required by 18 V.S.A. § 4289(e) to the VPMS Advisory Committee established in 18 V.S.A. § 4286.

Sec. 12. 18 V.S.A. § 4290 is added to read:

§ 4290. REPLACEMENT PRESCRIPTIONS AND MEDICATIONS

(a) As used in this section, “replacement prescription” means an unscheduled prescription request in the event that the document on which a patient’s prescription was written or the patient’s prescribed medication is reported to the prescriber as having been lost or stolen.

(b) When a patient or a patient’s parent or guardian requests a replacement prescription for a Schedule II, III, or IV controlled substance, the patient’s health care provider shall query the VPMS prior to writing the replacement prescription to determine whether the patient may be receiving more than a therapeutic dosage of the controlled substance.

(c) When a health care provider writes a replacement prescription pursuant to this section, the provider shall clearly indicate as much by writing the word "REPLACEMENT" on the face of the prescription. The health care provider shall document the writing of the replacement prescription in the patient's medical record.

Sec. 13. VPMS ADVISORY COMMITTEE

(a)(1) The Commissioner shall maintain an advisory committee to assist in the implementation and periodic evaluation of the Vermont Prescription Monitoring System (VPMS).

(2) The Committee shall make recommendations regarding ways to improve the utility of the VPMS and its data.

(3) The Committee shall have access to aggregated, deidentified data from the VPMS.

(b) The VPMS Advisory Committee shall be chaired by the Commissioner of Health or designee and shall include the following members:

(1) the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(2) a representative from the Vermont Medical Society;

(3) a representative from the American College of Emergency Physicians - Vermont Chapter;

(4) a representative from the Vermont State Nurses Association;

(5) a representative from the Vermont Board of Medical Practice;

(6) a representative from the Vermont Board of Pharmacy;

(7) a representative from the Vermont Pharmacists Association;

(8) a representative from the Vermont State Dental Society;

(9) the Commissioner of Public Safety;

(10) a representative of the Vermont Attorney General;

(11) a representative of the Vermont Substance Abuse Treatment Providers Association;

(12) a mental health provider or a certified alcohol and drug abuse counselor;

(13) a consumer in recovery from prescription drug abuse;

(14) a consumer receiving medical treatment for chronic pain; and

(15) any other member invited by the Commissioner.

(c) The Committee shall meet at least once annually but may be convened at any time by the Commissioner or the Commissioner's designee.

(d) On or before January 15, 2014, the Committee shall provide recommendations to the House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare regarding ways to maximize the effectiveness and appropriate use of the VPMS database, including adding new reporting capabilities, in order to improve patient outcomes and avoid prescription drug diversion. The Committee shall also report on the feasibility of obtaining real-time information from the VPMS and on its evaluation of whether increasing the frequency of dispenser reporting to the VPMS from at least once every seven days to at least once every 24 hours, or more frequently, would yield substantial benefits.

(e) The Committee shall cease to exist on July 1, 2014.

Sec. 13a. REPORT ON INTEGRATION OF ELECTRONIC MEDICAL RECORDS AND THE VERMONT PRESCRIPTION MONITORING SYSTEM

On or before December 1, 2014, the Department of Health shall provide to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary a report evaluating the potential for the integration of electronic medical records with the VPMS. The report shall include an assessment of the feasibility of the integration, identification of potential barriers to the integration, and an estimate of the costs associated with the integration.

Sec. 13b. REPORT ON PREVENTION ACTIVITIES

(a) The Agency of Education and the Department of Health shall use the School Health Profile to survey public and approved independent middle and high schools in Vermont to determine the quality and effectiveness of substance abuse prevention education in Vermont's schools.

(b) On or before January 15, 2015, the Secretary of Education and the Commissioner of Health shall report their evaluation of the quality and effectiveness of substance abuse prevention education in Vermont based on the results of the survey required by this section, as well as their recommendations for evidence-based and data-driven practices to be incorporated into school quality standards in the health education domain, to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Education and on Judiciary.

* * * Improving Access to Treatment and Recovery * * *

Sec. 14. UNIFIED PAIN MANAGEMENT SYSTEM ADVISORY COUNCIL

(a) There is hereby created a Unified Pain Management System Advisory Council for the purpose of advising the Commissioner of Health on matters relating to the appropriate use of controlled substances in treating chronic pain and addiction and in preventing prescription drug abuse.

(b) The Unified Pain Management System Advisory Council shall consist of the following members:

(1) the Commissioner of Health or designee, who shall serve as chair;

(2) the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs or designee;

(3) the Commissioner of Mental Health or designee;

(4) the Director of the Blueprint for Health or designee;

(5) the Chair of the Board of Medical Practice or designee, who shall be a clinician;

(6) a representative of the Vermont State Dental Society, who shall be a dentist;

(7) a representative of the Vermont Board of Pharmacy, who shall be a pharmacist;

(8) a faculty member of the academic detailing program at the University of Vermont's College of Medicine;

(9) a faculty member of the University of Vermont's College of Medicine with expertise in the treatment of addiction or chronic pain management;

(10) a representative of the Vermont Medical Society, who shall be a primary care clinician;

(11) a representative of the American Academy of Family Physicians, Vermont chapter, who shall be a primary care clinician;

(12) a representative from the Vermont Board of Osteopathic Physicians, who shall be an osteopath;

(13) a representative of the Federally Qualified Health Centers, who shall be a primary care clinician selected by the Bi-State Primary Care Association;

(14) a representative of the Vermont Ethics Network;

(15) a representative of the Hospice and Palliative Care Council of Vermont;

(16) a representative of the Office of the Health Care Ombudsman;

(17) the Medical Director for the Department of Vermont Health Access;

(18) a clinician who works in the emergency department of a hospital, to be selected by the Vermont Association of Hospitals and Health Systems in consultation with any nonmember hospitals;

(19) a member of the Vermont Board of Nursing Subcommittee on APRN Practice, who shall be an advanced practice registered nurse;

(20) a representative from the Vermont Assembly of Home Health and Hospice Agencies;

(21) a psychologist licensed pursuant to 26 V.S.A. chapter 55 who has experience in treating chronic pain, to be selected by the Board of Psychological Examiners;

(22) a drug and alcohol abuse counselor licensed pursuant to 33 V.S.A. chapter 8, to be selected by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(23) a retail pharmacist, to be selected by the Vermont Pharmacists Association;

(24) an advanced practice registered nurse full-time faculty member from the University of Vermont's Department of Nursing; and

(25) a consumer representative who is either a consumer in recovery from prescription drug abuse or a consumer receiving medical treatment for chronic noncancer-related pain.

(c) Advisory Council members who are not employed by the State or whose participation is not supported through their employment or association shall be entitled to a per diem and expenses as provided by 32 V.S.A. § 1010.

(d)(1) The Advisory Council shall provide advice to the Commissioner concerning rules for the appropriate use of controlled substances in treating chronic noncancer pain and addiction and in preventing prescription drug abuse.

(2) The Advisory Council shall evaluate the use of nonpharmacological approaches to treatment for chronic pain, including the appropriateness, efficacy, and cost-effectiveness of using complementary and alternative therapies such as chiropractic, acupuncture, and massage.

(e) The Commissioner of Health may adopt rules pursuant to 3 V.S.A. chapter 25 regarding the appropriate use of controlled substances after seeking the advice of the Council.

Sec. 14a. COMPLEMENTARY AND ALTERNATIVE TREATMENT REPORT

On or before January 15, 2014, the Commissioner of Health shall provide to the House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare the findings and recommendations of the Unified Pain Management System Advisory Council's initial evaluation of the use of nonpharmacological approaches to treatment for chronic pain, including the use of complementary and alternative therapies. The Commissioner shall provide the Committees with additional recommendations as appropriate as the Advisory Council continues to consider nonpharmacological approaches to treating chronic pain.

Sec. 14b. DEPARTMENT OF HEALTH; ACCESS TO OPIOID TREATMENT

(a) The prevalence of opioid addiction and the lack of sufficient access to opioid treatment in Vermont pose an imminent peril to the public health, welfare, and safety to our citizens.

(b) The Vermont Department of Health shall study how Vermont can increase access to opioid treatment, including methadone and suboxone, by establishing a program whereby state-licensed physicians who are affiliated with a licensed opioid maintenance treatment program may provide methadone or suboxone to opioid-dependent people.

(c) The Commissioner of Health shall consult with the following people:

(1) The Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(2) a representative from the Vermont Medical Society;

(3) a representative from the Vermont State Nurses Association;

(4) a representative from the Vermont Board of Medical Practice;

(5) a representative from the Vermont Board of Pharmacy;

(6) a representative from the Vermont Pharmacists Association;

(7) the Commissioner of Public Safety;

(8) a representative of the Vermont Attorney General;

(9) a representative of the Vermont Substance Abuse Treatment Providers Association;

(10) a mental health provider or a certified alcohol and drug abuse counselor;

(11) a consumer in recovery from prescription drug abuse;

(12) a representative from a clinical laboratory providing drug testing and clinical support services to addiction treatment programs;

(13) the Commissioner of Corrections;

(14) The Defender General; and

(15) any other member designated by the Commissioner of Health.

(d)(1) The Department of Health shall adopt rules establishing a program whereby state-licensed physicians who are affiliated with a licensed opioid maintenance treatment program may provide methadone or suboxone to opioid-dependent people. Such rules may be adopted as emergency rules in accordance with 3 V.S.A. chapter 25. The Department may adopt and enforce such reasonable rules and procedures as are deemed necessary to carry out the administration of the provisions of this section.

(2) The Commissioner of Health shall report its findings, including any recommendations or proposed legislation to the House Committees on Health Care and on Human Services and Senate Committees on Judiciary and on Health and Welfare on or before January 15, 2014.

Sec. 14c. 33 V.S.A. § 703 is amended to read:

§ 703. ALCOHOL AND DRUG ABUSE COUNCIL; CREATION; TERMS; PER DIEM

~~(a) The alcohol and drug abuse council~~ Alcohol and Drug Abuse Council is established within the ~~agency of human services~~ Agency of Human Services to promote the reduction of problems arising from alcohol and drug abuse by advising the Secretary on policy areas that can inform agency programs.

~~(b) The council~~ Council shall consist of ~~eleven~~ 11 members:

~~(1) the secretary of the agency of human services, commissioner of public safety, commissioner of education, commissioner of liquor control, and commissioner of motor vehicles~~ Secretary of Human Services, Commissioner of Public Safety, Secretary of Education, Commissioner of Liquor Control, and Commissioner of Motor Vehicles or their designees;

~~(2) one member shall be a member of a mental health or substance abuse agency who shall be appointed by the governor~~ Governor; and

~~(3) five members shall be appointed by the governor~~ Governor of which every consideration shall be given, if possible, to equal geographic

apportionment. ~~One of these~~ Consideration will be given for one of these members shall to be a certified practicing teacher and one of these members shall to be a school administrator.

(c) The term of office of members appointed pursuant to subdivisions (b)(2) and (b)(3) of this section shall be three years.

(d) ~~The secretary of the agency of human services~~ council membership shall annually elect a member to serve as chairperson.

(e) All members shall be voting members.

(f) At the expiration of the term of an appointed member, or in the event of a vacancy during an unexpired term, the new member shall be appointed in the same manner as his or her predecessor. Members of the ~~council~~ Council may be reappointed.

(g) Each member of the ~~council~~ Council not otherwise receiving compensation from the ~~state~~ State of Vermont or any political subdivision thereof shall be entitled to receive per diem compensation ~~of \$30.00 for each day as provided in 32 V.S.A. § 1010(b).~~ Each member shall be entitled to his or her actual and necessary expenses.

Sec. 15. OPIOID ADDICTION TREATMENT IN HOSPITALS

Pursuant to 18 V.S.A. § 4240(b)(5), the Department of Health, in collaboration with the Vermont Association of Hospitals and Health Systems, the Vermont Association for Mental Health and Addiction Recovery, and the Vermont Council of Developmental and Mental Health Services, shall, subject to available resources, develop evidence-based guidelines and training for hospitals regarding:

(1) screening for addiction;

(2) performing addiction interventions;

(3) making referrals to addiction treatment and recovery services for victims admitted to or treated in a hospital emergency department; and

(4) informing hospitals about the specific addiction treatment and recovery services available in the hospital's service area.

Sec. 15a. REPORT ON OPIOID ADDICTION TREATMENT PROGRAMS

(a) On or before December 15, 2013, the Commissioners of Health and of Vermont Health Access shall provide a written report to the House Committees on Health Care and on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary regarding opioid addiction treatment and recovery services being provided in Vermont.

(b) The report shall include:

(1) each program's capacity, including the number of persons currently served and the program's maximum capacity;

(2) the number of persons on the waiting list for each program, if applicable, and the average length of time a person spends on the program's waiting list before services become available;

(3) specific information regarding the number of persons served by each program that uses buprenorphine, buprenorphine/naloxone, or methadone for the treatment of opioid addiction and the number of persons on the waiting list for that program, if any;

(4) specific information about the implementation of the Hub and Spoke Opioid Integrated Treatment Initiative, including a description of specialty addiction treatment programs and general medical practices currently providing medication-assisted treatment (MAT) and the number of persons currently being served in specialty addiction treatment programs and in Blueprint primary care practices toward a goal of reducing current waiting lists statewide by 90 percent by January 15, 2015;

(5) how opioid addiction treatment services are integrated with existing recovery and counseling programs in Vermont; and

(6) the Department of Health's plans for addressing the need for additional opioid addiction treatment programs, including a description of the resources that the Department would need to meet the statewide demand for specialty services, of continued barriers to treatment, and of particular workforce needs.

* * * Safe Disposal of Prescription Medication * * *

Sec. 16. UNUSED DRUG DISPOSAL PROGRAM PROPOSAL

(a) On or before January 15, 2014, the Commissioners of Health and of Public Safety shall provide recommendations to the House and Senate Committees on Judiciary, the House Committees on Human Services and on Health Care, and the Senate Committee on Health and Welfare regarding the design and implementation of a voluntary statewide drug disposal program for unused over-the-counter and prescription drugs at no charge to the consumer. In preparing their recommendations, the Commissioners shall consider successful unused drug disposal programs in Vermont, including the Bennington County Sheriff's Department's program, and programs in other states.

(b) On or before July 1, 2014, the Commissioners of Health and of Public Safety shall implement the voluntary unused drug disposal program developed

pursuant to subsection (a) of this section and shall take steps to publicize the program and to make all Vermont residents aware of opportunities to avail themselves of it.

* * * Preventing Deaths from Opioid Overdose * * *

Sec. 17. 18 V.S.A. § 4240 is added to read:

§ 4240. PREVENTION AND TREATMENT OF OPIOID-RELATED OVERDOSES

(a) As used in this section:

(1) “Health care professional” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a physician’s assistant certified to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 31, or an advanced practice registered nurse authorized to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 28.

(2) “Opioid antagonist” means a drug that, when administered, negates or neutralizes in whole or part the pharmacological effects of an opioid in the body.

(3) “Victim” means the person who has overdosed on an opioid drug or who is believed to have overdosed on an opiate drug.

(b) For the purpose of addressing prescription and nonprescription opioid overdoses in Vermont, the Department shall develop and implement a prevention, intervention, and response strategy, depending on available resources, that shall:

(1) provide educational materials on opioid overdose prevention to the public free of charge, including to substance abuse treatment providers, health care providers, opioid users, and family members of opioid users;

(2) increase community-based prevention programs aimed at reducing risk factors that lead to opioid overdoses;

(3) increase timely access to treatment services for opioid users, including medication-assisted treatment;

(4)(A) educate substance abuse treatment providers on methods to prevent opioid overdoses;

(B) provide education and training on overdose prevention, intervention, and response to individuals living with addiction and participating in opioid treatment programs, syringe exchange programs, residential drug treatment programs, or correctional services;

(5) facilitate overdose prevention, drug treatment, and addiction recovery services by implementing and expanding hospital referral services for individuals treated for an opioid overdose; and

(6) develop a statewide opioid antagonist pilot program that emphasizes access to opioid antagonists to and for the benefit of individuals with a history of opioid use.

(c)(1) A health care professional acting in good faith may directly or by standing order prescribe, dispense, and distribute an opioid antagonist to the following persons, provided the person has been educated about opioid-related overdose prevention and treatment in a manner approved by the Department:

(A) a person at risk of experiencing an opioid-related overdose; or

(B) a family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(2) A health care professional who prescribes, dispenses, or distributes an opioid antagonist in accordance with subdivision (1) of this subsection shall be immune from civil or criminal liability with regard to the subsequent use of the opioid antagonist, unless the health professional's actions with regard to prescribing, dispensing, or distributing the opioid antagonist constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(d)(1) A person may administer an opioid antagonist to a victim if he or she believes, in good faith, that the victim is experiencing an opioid-related overdose.

(2) After a person has administered an opioid antagonist pursuant to subdivision (1) of this subsection (d), he or she shall immediately call for emergency medical services if medical assistance has not yet been sought or is not yet present.

(3) A person shall be immune from civil or criminal liability for administering an opioid antagonist to a victim pursuant to subdivision (1) of this subsection unless the person's actions constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(e) A person acting on behalf of a community-based overdose prevention program shall be immune from civil or criminal liability for providing education on opioid-related overdose prevention or for purchasing, acquiring,

distributing, or possessing an opioid antagonist unless the person's actions constituted recklessness, gross negligence, or intentional misconduct.

(f) Any health care professional who treats a victim and who has knowledge that the victim has been administered an opioid antagonist within the preceding 30 days shall refer the victim to professional substance abuse treatment services.

Sec. 18. STATEWIDE OPIOID ANTAGONIST PILOT PROGRAM

(a) The Department of Health shall develop and administer a statewide pilot program for the purpose of distributing opioid antagonists to:

(1) individuals at risk of an opioid overdose;

(2) the family and friends of an individual at risk of experiencing an opioid overdose; and

(3) others who may be in a position to assist individuals experiencing an opioid overdose.

(b) In developing and implementing the pilot program, the Department shall collaborate with community-based substance abuse organizations that have experience delivering opioid-related prevention and treatment services as determined by the Commissioner.

(c) The pilot program shall be in effect from July 1, 2013 through June 30, 2016. During the term of the pilot program, the Department shall purchase, provide for the distribution of, and monitor the use of opioid antagonists distributed in accordance with this section.

(d) On or before January 15, 2016, the Department of Health shall submit a report to the House Committees on Human Services, on Health Care, and on Judiciary and to the Senate Committees on Health and Welfare and on Judiciary evaluating the statewide opioid antagonist pilot program. The report shall include findings that pertain to the cost and effectiveness of the program and recommendations as to whether the program should be continued after June 30, 2016.

Sec. 18a. 18 V.S.A. § 5208 is amended to read:

§ 5208. HEALTH DEPARTMENT; REPORT ON STATISTICS

(a) ~~Beginning~~ Notwithstanding the provisions of 2 V.S.A. § 20(d), ~~beginning~~ October 1, 2011 and every two years thereafter, the Vermont ~~department of health~~ Department of Health shall report to the ~~house committee on human services and the senate committee on health and welfare~~ House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare regarding the number of persons who died during the

preceding two calendar years in hospital emergency rooms, other hospital settings, in their own homes, in a nursing home, in a hospice facility, and in any other setting for which information is available, as well as whether each decedent received hospice care within the last 30 days of his or her life. Beginning with the 2013 report, the ~~department~~ Department shall include information on the number of persons who died in hospital intensive care units, assisted living facilities, or residential care homes during the preceding two calendar years.

(b) In addition to the report required by subsection (a) of this section and notwithstanding the provisions of 2 V.S.A. § 20(d), beginning March 1, 2014 and annually thereafter, the Department shall report to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary regarding the number of persons who died during the preceding calendar year from an overdose of a Schedule II, III, or IV controlled substance. The report shall list separately the number of deaths specifically related to opioids, including for each death whether an opioid antagonist was administered and whether it was administered by persons other than emergency medical personnel, firefighters, or law enforcement officers. Beginning in 2015, the report shall include similar data from prior years to allow for comparison.

* * * Protecting Communities from
Methamphetamine Abuse * * *

Sec. 19. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(b) Sale.

(1) A drug product containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base shall not be distributed at retail to the general public unless it is maintained in a locked display case or behind the counter out of the public's reach.

(2)(A) A retail establishment shall not knowingly ~~sell~~ complete a sale to a person within a calendar day any if the drug product or combination of drug products ~~containing~~ purchased would surpass a total of more than 3.6 grams within a 24-hour period or nine grams within a 30-day period of ephedrine base, pseudoephedrine base, or phenylpropanolamine base or their isomers.

(B) This subdivision shall not apply to drug products dispensed pursuant to a valid prescription.

(3) A person or business which violates this subdivision shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second and subsequent violation be assessed a civil penalty of not more than \$500.00.

(c) Electronic registry system.

(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.

(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.

(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont's electronic registry system.

(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government-issued identification document. The retail establishment shall record in the electronic registry system:

(i) the name and address of the purchaser;

(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;

(iii) the date and time of purchase;

(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and

(v) the name of the person selling or furnishing the drug product.

(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until the retail establishment is able to comply fully with this subsection (c).

(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until broadband Internet access becomes accessible to that region. At that time, the retail establishment shall come into compliance with this subsection (c).

(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.

(3) A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:

(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and

(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).

(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00.

(d) This section shall not apply to a manufacturer ~~which~~ that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

~~(d)~~(e) As used in this section:

(1) "Distributor" means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) "Knowingly" means having actual knowledge of the relevant facts.

(3) "Manufacturer" means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) “Wholesaler” means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 19a. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(c) ~~Electronic registry system.~~

~~(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to a co-worker if the transaction is not completed. The system shall create a record of each use of the override mechanism.~~

~~(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.~~

~~(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.~~

~~(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont’s electronic registry system.~~

~~(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government issued identification document. The retail establishment shall record in the electronic registry system:~~

~~(i) the name and address of the purchaser;~~

~~(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;~~

~~(iii) the date and time of purchase;~~

~~(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and~~

~~(v) the name of the person selling or furnishing the drug product.~~

~~(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record keeping mechanism until the retail establishment is able to comply fully with this subsection (c).~~

~~(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record keeping mechanism until broadband Internet access becomes accessible to that region. At that time, the retail establishment shall come into compliance with this subsection (c).~~

~~(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.~~

~~(3) A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:~~

~~(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and~~

~~(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).~~

~~(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:~~

~~(A) for a first violation be assessed a civil penalty of not more than \$100.00; and~~

~~(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00. [Repealed]~~

(d) This section shall not apply to a manufacturer that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

(e) As used in this section:

(1) "Distributor" means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) "Knowingly" means having actual knowledge of the relevant facts.

(3) “Manufacturer” means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) “Wholesaler” means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 20. THE EFFECT OF METHAMPHETAMINE PRODUCTION ON HOUSING

(a) The Commissioner of Health shall recommend guidance for reoccupancy of a structure that was used in the production of methamphetamine.

(b) The Commissioner shall examine:

(1) Approaches for identifying housing that is or has been used for methamphetamine production and methods for making such housing safe, including:

(A) standards for reoccupancy;

(B) whether purchasers or tenants of housing that has been affected by methamphetamine production should be provided with notification of such, and if so, how; and

(C) methods taken by other states in identifying, quarantining, and cleaning such housing as well as methods used by other states to notify affected parties.

(2) The public health effects of long-term exposure to housing that is or has been contaminated by by-products resulting from production of methamphetamine.

(c) The Commissioner shall report his or her findings, including any recommendations or proposed legislation to the House Committees on General, Housing and Military Affairs, on Judiciary, on Health Care, and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs, on Judiciary, and on Health and Welfare on or before June 15, 2014.

* * * Community Safety * * *

Sec. 21. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the

person in lawful possession, he or she enters or remains on any land or in any place as to which notice against trespass is given by:

~~(1)~~(A) ~~Actual~~ actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent; ~~or~~

~~(2)~~(B) ~~Signs~~ signs or placards so designed and situated as to give reasonable notice; or

(C) in the case of abandoned property:

(i) signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or

(ii) actual communication by a law enforcement officer.

(2) As used in this subsection, "abandoned property" means:

(A) Real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first class mail to the owner's last known address provided the owner with notice and an opportunity to be heard; and

(i) property taxes have been delinquent for six months or more; or

(ii) one or more utility services have been disconnected.

(B) A railroad car that for the previous 60 days has been unmoved and unoccupied by a person with the legal right to occupy it.

(b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

(c) A person who enters a building other than a residence, whose ~~normal~~ access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this ~~state~~ State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

(d) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

Sec. 22. [DELETED]

Sec. 22a. 9 V.S.A. chapter 97 is amended to read:

CHAPTER 97. PAWNBROKERS

* * *

§ 3865. RECORDS OF A PAWNBROKER OR SECONDHAND DEALER

(a) In each year a pawnbroker or secondhand dealer resells over ~~\$500.00~~ \$2,500.00 of items pawned, pledged, or sold to the pawnbroker or secondhand dealer, he or she shall maintain the following records for each transaction in that year:

(1) a legible statement written at the time of the transaction stating the amount of money lent or paid for the items pawned, pledged, or sold, the time of the transaction, and the rate of interest to be paid on the loan, as applicable;

(2) a legible statement of the name, current address, telephone number, and vehicle license number of the person pawning, pledging, or selling the items;

(3) a legible written description and photograph, or alternatively a video, of the items pawned, pledged, or sold;

(4) a photocopy of a government-issued identification card issued to the person pawning, pledging, or selling the items, if available.

(b) At all reasonable times, the records required under subsection (a) of this section shall be open to the inspection of law enforcement. A law enforcement agency shall make a reasonable effort to notify a dealer before conducting an inspection pursuant to this section unless providing notice would interfere with a criminal investigation or any other legitimate law enforcement purpose.

(c) In this section:

(1) "Precious metal" means gold, silver, platinum, or palladium.

(2) "Secondhand dealer" means a person engaged in the business of purchasing used or estate precious metal, coins, ~~antiques, furniture,~~ jewelry, or similar items for the purpose of resale.

* * *

§ 3871. PENALTIES

(a) A licensee who violates a provision of sections ~~3863-3870~~ 3863-3864 or 3866-3870 of this title, shall be fined not more than \$100.00 nor less than \$10.00 for each offense.

(b) A pawnbroker or precious metal dealer who violates a provision of section 3865 or 3872 of this chapter:

(1) may be assessed a civil penalty not to exceed \$1,000.00 for a first violation; and

(2) shall be fined not more than \$25,000.00 for a second or subsequent violation.

* * *

Sec. 22b. PUBLIC OUTREACH TO VERMONT PRECIOUS METAL DEALERS

The Department of Public Safety shall design and implement a public outreach campaign to inform and educate pawnbrokers, precious metal dealers, and others affected by 9 V.S.A. chapter 97 of the current statutory provisions governing the purchase and sale of precious metals, including:

(1) the items that should be regulated as “precious metal” or other secondhand goods;

(2) the type of transactions governed by the chapter;

(3) the recordkeeping requirements of the chapter;

(4) the 10-day holding period requirement;

(5) methods for increasing communication with the Department of Public Safety regarding possible suspicious activity within their business transactions; and

(6) other information supporting the purpose of the campaign.

Sec. 22c. INTERIM STUDY COMMITTEE ON THE REGULATION OF PRECIOUS METAL DEALERS

(a) Creation of committee. There is created an Interim Study Committee on the Regulation of Precious Metal Dealers, the purpose of which shall be to examine the current practices in the trade of precious metals in Vermont, the nexus of that trade to drug-related and other illegal activity, and to provide recommendations to the General Assembly on the most effective means of regulating the trade to decrease the amount of related illegal activity and promote the recovery of stolen property.

(b) Membership. The Committee shall be composed of the following members:

(1) a Vermont-based representative from the New England Jewelers Association;

(2) a representative from the Vermont Antique Dealers Association;

(3) a Vermont-based coin dealer appointed by the Governor;

(4) a representative of local law enforcement from the Vermont Police Association;

(5) a Vermont-based auctioneer appointed by the Governor;

(6) a private citizen who has been affected by the theft of precious metals appointed by the Governor;

(7) a representative from a Vermont-based business that uses precious metal for manufacturing or industrial purposes appointed by the Governor;

(8) a representative from the jewelry manufacturing industry appointed by the Governor;

(9) a representative from the Vermont State's Attorneys and Sheriffs' Association;

(10) the Commissioner of Public Safety or designee, who shall serve as Chair of the Committee, and

(11) the Vermont Attorney General or designee.

(c) Powers and duties.

(1) The Committee shall study methods for increasing cooperation between law enforcement and precious metal dealers in an effort to prevent the theft of these items and retrieve stolen goods, including the following:

(A) the advisability, cost, and effectiveness of creating and maintaining a stolen property database and website for the purpose of posting pictures and information about stolen items;

(B) the creation of a licensing system for precious metal dealers, including what information would be required of applicants, who would be eligible for a license, and how the licensing program would be implemented;

(C) refinement of the recordkeeping requirements for precious metal dealers, including the possibility of requiring sales of a certain amount to be recorded electronically; and

(D) any other issues related to precious metal as the Committee deems appropriate.

(2) For purposes of its study of these issues, the Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(d) Report. On or before January 1, 2014, the Committee shall report to the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary, and the House Committees on Commerce and Economic Development and on Judiciary its findings and any recommendations for legislative action.

(e) Meetings.

(1) Seven members of the Committee shall be physically present at the same location to constitute a quorum.

(2) Action shall be taken only if there is both a quorum and an affirmative vote of the members physically present and voting.

(3) The Committee may meet no more than five times, and shall cease to exist on January 2, 2014.

(4) Members of the Committee who are not state employees and who are not otherwise compensated for their participation by their employer or association shall be entitled to per diem compensation as provided in 32 V.S.A. § 1010(b).

* * * Effective Dates * * *

Sec. 23. EFFECTIVE DATES; SUNSET

(a) This section and Secs. 2a (emergency rules), 3a (board of pharmacy; rulemaking), 11(e) (Health Department rules), 11(f) (licensing authority standards), 13 (VPMS Advisory Committee), 13b (prevention report), 20 (study committee on the effects of the production of methamphetamine and other illegal drugs on housing), 22a (9 V.S.A. chapter 97A; secondhand dealers), 22b (public outreach; precious metal dealers), and 22c (interim study; precious metal dealers) of this act shall take effect on passage.

(b) Secs. 10 (18 V.S.A. § 4288; reciprocal agreements), 12 (18 V.S.A. § 4290; replacement prescriptions), and 19 (18 V.S.A. § 4234b; ephedrine and pseudoephedrine), and Sec. 8(b)(2)(G) (18 V.S.A. § 4284(b)(2)(G); interstate data sharing) of this act shall take effect on October 1, 2013.

(c) Sec. 11(d) (VPMS query requirements) of this act shall take effect on November 15, 2013.

(d) Sec. 19a (18 V.S.A. § 4234b; ephedrine and pseudoephedrine) of this act shall take effect on September 30, 2016.

(e) The remaining sections of this act shall take effect on July 1, 2013.

Thereupon, **Rep. Pugh of South Burlington** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 11, 18 V.S.A. § 4289, by striking subsections (d) and (e) in their entirety and inserting in lieu thereof the following:

(d) Health care providers shall query the VPMS with respect to an individual patient in the following circumstances:

(1) at least annually for patients who are receiving ongoing treatment with an opioid Schedule II, III, or IV controlled substance;

(2) when starting a patient on a Schedule II, III, or IV controlled substance for nonpalliative long-term pain therapy of 90 days or more;

(3) the first time the provider prescribes an opioid Schedule II, III, or IV controlled substance written to treat chronic pain; or

(4) when starting a patient on nonpalliative long-term pain therapy of 90 days or more.

(e) The Commissioner of Health shall, after consultation with the Unified Pain Management System Advisory Council, adopt rules necessary to effect the purposes of this section. The Commissioner and the Council shall consider additional circumstances under which health care providers should be required to query the VPMS, including whether health care providers should be required to query the VPMS when a patient requests renewal of a prescription for an opioid Schedule II, III, or IV controlled substance written to treat acute pain.

Second: In Sec. 14b, in subdivision (d)(2), after “Human Services” by inserting “and on Judiciary”

Third: By striking Sec. 22c in its entirety and inserting in lieu thereof a new Sec. 22c to read:

Sec. 22c. INTERIM STUDY COMMITTEE ON THE REGULATION OF
PRECIOUS METAL DEALERS

(a) Creation of committee. There is created an Interim Study Committee on the Regulation of Precious Metal Dealers, the purpose of which shall be to examine the current practices in the trade of precious metals in Vermont and the nexus of that trade to drug-related and other illegal activity, and to provide recommendations to the General Assembly on the most effective means of regulating the trade to decrease the amount of related illegal activity and promote the recovery of stolen property.

(b) Membership. The Committee shall be composed of the following members:

(1) three members of the House of Representatives, not all of the same party, appointed by the Speaker of the House, one each from the Committees on Judiciary, on Commerce and Economic Development, and on Government Operations; and

(2) three members of the Senate, not all of the same party, appointed by the Committee on Committees, one each from the Committees on Judiciary, on Economic Development, Housing and General Affairs, and on Government Operations.

(c) Powers and duties.

(1) The Committee shall study methods for increasing cooperation between law enforcement and dealers in precious metals and other secondhand items in an effort to prevent the theft of these items and retrieve stolen property, including the following:

(A) the types of items that should be included in a regulatory scheme;

(B) the advisability, cost, and effectiveness of creating and maintaining a stolen property database and website for the purpose of posting pictures and information about stolen items;

(C) the creation of a licensing system for precious metal dealers and others, including what information would be required of applicants, who would be eligible for a license, and how the licensing program would be implemented;

(D) the appropriate recordkeeping requirements for precious metal dealers and others, including the possibility of requiring sales of a certain volume to be recorded electronically; and

(E) any other related issues that the Committee deems appropriate.

(2) The Committee shall consult with the following people during its deliberations:

(A) a Vermont-based representative from the New England Jewelers Association;

(B) a representative from the Vermont Antique Dealers Association;

(C) Vermont-based coin dealers;

(D) Vermont-based auctioneers;

(E) a private citizen who has been affected by the theft of precious metals;

(F) a representative from a Vermont-based business that uses precious metals for manufacturing or industrial purposes;

(G) a representative from the jewelry manufacturing industry;

(H) a representative from the Vermont Department of State's Attorneys and Sheriffs;

(I) a representative of local law enforcement from the Vermont Police Association;

(J) the Commissioner of Public Safety; and

(K) the Vermont Attorney General.

(3) For purposes of its study of these issues, the Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(d) Report. On or before January 15, 2014, the Committee shall report its findings and any recommendations for legislative action to the Senate Committees on Economic Development, Housing and General Affairs, on Judiciary, and on Government Operations, and the House Committees on Commerce and Economic Development, on Judiciary, and on Government Operations.

(e) Meetings.

(1) Four members of the Committee shall be physically present at the same location to constitute a quorum.

(2) Action shall be taken only if there is both a quorum and an affirmative vote of the majority of members physically present and voting.

(3) The Committee may meet no more than five times and shall cease to exist on January 16, 2014.

Fourth: By adding Secs. 22d–22f to read as follows:

Sec. 22d. Sec. 1 of H.200 of 2013, as enacted, is amended in 18 V.S.A. § 4230(a), in subdivision (2), after “two ounces or more of marijuana” by adding “or 10 grams or more of hashish” and in subdivision (3), after “one pound or more of marijuana” by adding “or 2.8 ounces or more of hashish” and in subdivision (4), after “10 pounds or more of marijuana” by adding “or one pound or more of hashish”

Sec. 22e. Sec. 1 of H.200 of 2013, as enacted, is amended in 18 V.S.A. § 4230 by striking “* * *” and inserting in lieu thereof the following:

(b) Selling or dispensing.

(1) A person knowingly and unlawfully selling marijuana or hashish shall be imprisoned not more than two years or fined not more than \$10,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-half ounce or more containing any of~~ marijuana or 2.5 grams or more of hashish shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or~~

~~substances of an aggregate weight of one pound or more containing any of marijuana or 2.8 ounces of hashish~~ shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(c) Trafficking. A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of 50 pounds or more containing any of~~ marijuana or five pounds or more of hashish with the intent to sell or dispense the marijuana or hashish shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of 50 pounds or more containing any of~~ marijuana or five pounds or more of hashish intends to sell or dispense the marijuana or hashish.

Sec. 22f. Sec. 13 of H.200 of 2013, as enacted, is amended in subsection (a) (effective dates) by striking "Secs. 12 and 13" where it appears and inserting in lieu thereof "Sec. 11" and in subsection (b) by striking "Sec. 6" and inserting in lieu thereof "Sec. 5"

Fifth: In Sec. 23 in subsection (a) by striking "and 22c (interim study; precious metal dealers)" and inserting in lieu thereof "22c (interim study; precious metal dealers), and 22f (H.200 effective dates)" and by adding a subsection (d) to read as follows:

(d) Secs. 22d (possession of marijuana) and 22e (selling or dispensing marijuana) shall take effect on July 2, 2013.

Which was agreed to.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended the following bills was ordered messaged to the Senate forthwith.

H. 515

House bill, entitled

An act relating to miscellaneous agricultural subjects

H. 522

House bill, entitled

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

S. 150

Senate bill, entitled

An act relating to miscellaneous amendments to laws related to motor vehicles

Adjournment

At seven o'clock and twenty minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until Monday, May 13, 2013, at ten o'clock in the forenoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 141

House concurrent resolution honoring Dr. Kevin Daniel Crowley;

H.C.R. 142

House concurrent resolution honoring Bennington College President Elizabeth Coleman for her visionary academic leadership and scholarship;

H.C.R. 143

House concurrent resolution congratulating the Brattleboro Museum & Art Center on its 40th anniversary;

H.C.R. 144

House concurrent resolution honoring the military valor of the Shores brothers in defending the Union during the Civil War;

H.C.R. 145

House concurrent resolution recognizing the importance for U.S. military personnel of the award-winning documentary film *The Invisible War*;

H.C.R. 146

House concurrent resolution honoring Dianne Jaquith for her exemplary career at the Barstow Memorial School in Chittenden;

H.C.R. 147

House concurrent resolution honoring Stafford Technical Center Director Lyle Jepson on being named the 2013 Technical Director of the Year;

H.C.R. 148

House concurrent resolution commemorating the opening of the new Adult Intensive Unit at the Brattleboro Retreat in partnership with the Department of

Mental Health;

H.C.R. 149

House concurrent resolution in memory of retired Vermont State Police Sgt. Harold Ackerman;

H.C.R. 150

House concurrent resolution congratulating Mikaela Shiffrin on her international alpine ski racing achievements;

H.C.R. 151

House concurrent resolution congratulating the Bennington Rural Fire Department on its 60th anniversary;

H.C.R. 152

House concurrent resolution congratulating the Green Street School 2012 Vermont State Spelling Bee championship team;

H.C.R. 153

House concurrent resolution congratulating the Bennington Children's Chorus on its silver anniversary;

H.C.R. 154

House concurrent resolution congratulating the 2013 South Burlington High School Rebels Division I championship boys' ice hockey team ;

H.C.R. 155

House concurrent resolution congratulating the Vermont Shamrocks on winning the New England and National 2013 USA Hockey Tier II-U16 championships;

H.C.R. 156

House concurrent resolution congratulating the Lake Champlain Committee on its 50th anniversary;

H.C.R. 157

House concurrent resolution commemorating the bicentennial anniversary of the birth of Stephen A. Douglas, Brandon's most famous native son;

H.C.R. 158

House concurrent resolution designating the week of May 5–11 as Vermont Organ Donor Awareness Week in honor of Jason Perry and Christian Stromberg;

H.C.R. 159

House concurrent resolution congratulating the Puffer United Methodist Church of Morrisville on its bicentennial anniversary;

H.C.R. 160

House concurrent resolution honoring John Hasen on his outstanding career as an attorney dedicated to serving the public;

H.C.R. 161

House concurrent resolution honoring the civic and community leadership of the Montagne family of St. Albans;

H.C.R. 162

House concurrent resolution designating May 13–19, 2013 as American Craft Beer Week in Vermont and celebrating Gregfest;

H.C.R. 163

House concurrent resolution honoring Patricia Rocheleau Harper for her outstanding work on the restoration of the House committee rooms;

H.C.R. 164

House concurrent resolution congratulating the Plainfield Fire Department on its centennial anniversary;

H.C.R. 165

House concurrent resolution honoring the retiring educators and support staff in the Southwest Vermont Supervisory Union;

H.C.R. 166

House concurrent resolution honoring the Civil War-era musical drama *Ransom* on its professional premiere as the opening production of Lost Nation Theater's 25th anniversary season;

H.C.R. 167

House concurrent resolution honoring Robert Stannard on his retirement as a legislative lobbyist;

H.C.R. 168

House concurrent resolution commemorating the placement of an historic marker at the Rutland fairgrounds honoring aviation pioneer George Schmitt;

H.C.R. 169

House concurrent resolution congratulating the Pittsford Fire Department on its 65th anniversary;

H.C.R. 170

House concurrent resolution honoring the Giancola family for their foresight in the transformation of the Howe Scale Company to the Howe Center;

H.C.R. 171

House concurrent resolution congratulating Windsor High School boys' Basketball Coach Harry Ladue on his induction into the New England Basketball Hall of Fame;

H.C.R. 172

House concurrent resolution honoring the Joslin Memorial Library in Waitsfield on the occasion of its 100th anniversary;

S.C.R. 25

Senate concurrent resolution designating May 7, 2013 as Senior Center Awareness Day;

S.C.R. 26

Senate concurrent resolution honoring Charles Browne for his extraordinary leadership of the Fairbanks Museum & Planetarium.;

S.C.R. 27

Senate concurrent resolution honoring Hanford Biron for exemplary public service in the town of Norton;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2013, seventy-second Adjourned session.]