

# Journal of the House

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**Tuesday, May 12, 2015**

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

## **Devotional Exercises**

Devotional exercises were conducted by Paula Gills from Brookfield, Vt.

## **Pledge of Allegiance**

**Page Liam Fisher of Halifax** led the House in the Pledge of Allegiance.

## **Committee of Conference Appointed**

### **S. 93**

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 lobbying disclosures

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

**Rep. Townsend of South Burlington**

**Rep. LaClair of Barre Town**

**Rep. Martin of Wolcott**

## **Resolution Amended; Third Reading Ordered**

### **J.R.S. 9**

**Rep. Miller of Shaftsbury**, for the committee on Education, to which had been referred Joint resolution, entitled

Joint resolution encouraging public high schools to explore recruiting and enrolling international students on F-1 student visas in order to promote tuition based income while also exposing F-1 students and our public school K-12 Vermont students to enriched cross cultural learning experiences

Reported in favor of its passage when amended as follows:

In the second *Resolved* clause as follows:

First: After "Secretary of Education," by striking out ", and" and inserting in lieu thereof ";

Second: After “a public high school” by inserting “; to the members of the Vermont Congressional Delegation; and to the U.S. Secretaries of State and of Education”

The resolution, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Education agreed to and third reading ordered.

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

**S. 138**

Senate bill, entitled

An act relating to promoting economic development;

Was taken up and pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the House proposal of amendment as follows:

First: By adding Sec. F.10 to read as follows:

Sec. F.10 REPORT ON WATER QUALITY COMPLIANCE AS

CONDITION OF ELIGIBILITY FOR STATE ECONOMIC ASSISTANCE

(a) On or before January 15, 2016, the Secretary of Administration, after consultation with the Secretary of Natural Resources and the Secretary of Commerce and Community Development, shall submit to the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Commerce, the Senate Committee on Natural Resources, and the House Committee on Fish, Wildlife and Water Resources a report regarding whether compliance with water quality requirements should be a condition of eligibility for the award of any or all State economic development assistance. The report shall include:

(1) a recommendation of whether any or all State economic development assistance should be conditioned on an applicant’s good standing with the State with regard to State water quality requirements;

(2) a recommendation of whether any or all State economic development assistance should be conditioned on an applicant’s history of compliance with State or federal water quality requirements;

(3) a recommendation of whether any or all State economic development assistance should be conditioned on compliance with State or

federal water quality requirements if the applicant is located in a watershed of the State that is listed by the Agency of Natural Resources under 33 U.S.C. § 1313 as impaired due to phosphorus, nutrients, or sediment;

(4) a summary of how conditioning eligibility for economic development assistance on good standing with water quality requirements, compliance history, or location in an impaired watershed would be implemented by State agencies, including how an applicant will certify good standing, how a State agency shall determine an applicant's compliance history, and how a State agency shall determine the location of the applicant; and

(5) any other factors or issues that the Secretary determines relevant to the report.

(b) As used in this section:

(1) "Economic development assistance" includes grants or loans from a water quality program administered by the Agency of Agriculture, Food and Markets, the Agency of Commerce and Community Development, or the Agency of Natural Resources.

(2) "Good standing" means the applicant:

(i) does not have an active enforcement violation that has reached a final order with the Secretary of Natural Resources or the Secretary of Agriculture, Food and Markets; or

(ii) is in compliance with all terms of a current permit, license, grant agreement, or contract with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets.

Second: In Sec H.1, by adding subdivision (b)(13) to read as follows:

(13) Sec. F.10 (report on economic development assistance; water quality).

Thereupon, **Rep. Browning of Arlington** asked and was granted leave of the House to withdraw her proposal of amendment.

Pending third reading of the bill, **Rep. Deen of Westminster** moved to amend the House proposal of amendment as follows:

First: By striking out Sec. A.2 in its entirety (manufacture of gun suppressors) and inserting in lieu thereof Secs. A.2.A, A.2.B, and A.2.C to read:

Sec. A.2.A. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS SUPPRESSORS

~~A person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:~~

~~(1) a Level III certified law enforcement officer or Department of Fish and Wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer's or employee's agency or department; or~~

~~(2) the Vermont National Guard in connection with its duties and responsibilities.~~

(a) As used in this section, "gun suppressor" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

(b)(1) Except as provided in subsection (c) of this section, a person shall not manufacture, make, or import a gun suppressor.

(2) A person who violates subdivision (1) of this subsection shall be fined not less than \$500.00.

(c) Subsection (b) of this section shall not apply to:

(1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is registered as a manufacturer pursuant to 26 U.S.C. § 5802;

(2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered as an importer pursuant to 26 U.S.C. § 5802; or

(3) a person who makes a gun suppressor in compliance with the requirements of 26 U.S.C. § 5822.

Sec. A.2.B. 10 V.S.A. § 4704 is amended to read:

§ 4704. USE OF MACHINE GUNS AND, AUTOLOADING RIFLES, AND GUN SUPPRESSORS

(a) A person engaged in hunting for wild animals shall not use, carry, or have in his or her possession:

(1) a machine gun of any kind or description or;

(2) an autoloading rifle with a magazine capacity of over six cartridges, except a .22 caliber rifle using rim fire cartridges; or

(3) a gun suppressor.

(b) As used in this section, "gun suppressor" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

Sec. A.2.C. 10 V.S.A. § 4502 is amended to read:

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

(a) A uniform point system which assigns points to those convicted of a violation of a provision of this part is established. The conviction report from the ~~court~~ Court shall be prima facie evidence of the points assessed. In addition to other penalties assessed for violation of fish and wildlife statutes, the Commissioner shall suspend licenses issued under this part which are held by a person who has accumulated ten or more points in accordance with the provisions of subsection (c) of this section.

(b) A person violating provisions of this part shall receive points for convictions in accordance with the following schedule (all sections are in Title 10 of Vermont Statutes Annotated):

\* \* \*

(2) Ten points shall be assessed for:

\* \* \*

(G) § 4704. Use of machine guns ~~and~~, autoloading rifles, and gun suppressors

\* \* \*

Second: In Sec. H.1 (effective dates), in subsection (b), by striking out subdivision (2) in its entirety (manufacture of gun suppressors) and inserting in lieu thereof the following:

(2) [Reserved.]

Third: In Sec. H.1 (effective dates), by adding a new subsection to be subsection (i) to read:

(i) Secs. A.2.A, A.2.B, and A.2.C (gun suppressors) shall take effect on July 2, 2015.

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Botzow of Pownal** 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, 141. Nays, 2.

Those who voted in the affirmative are:

Ancel of Calais	Ellis of Waterbury	Lenes of Shelburne
Bancroft of Westford	Emmons of Springfield	Lewis of Berlin
Bartholomew of Hartland	Evans of Essex	Lippert of Hinesburg
Baser of Bristol	Fagan of Rutland City	Long of Newfane
Batchelor of Derby	Feltus of Lyndon	Lucke of Hartford
Beck of St. Johnsbury	Fields of Bennington	Macaig of Williston
Berry of Manchester	Fiske of Enosburgh	Manwaring of Wilmington
Beyor of Highgate	Forguites of Springfield	Marcotte of Coventry
Bissonnette of Winooski	Frank of Underhill	Martel of Waterford
Botzow of Pownal	French of Randolph	Martin of Wolcott
Branagan of Georgia	Gage of Rutland City	Masland of Thetford
Brennan of Colchester	Gamache of Swanton	McCormack of Burlington
Briglin of Thetford	Gonzalez of Winooski	McCoy of Poultney
Browning of Arlington	Grad of Moretown	McCullough of Williston
Burke of Brattleboro	Graham of Williamstown	McFaun of Barre Town
Buxton of Tunbridge	Greshin of Warren	Miller of Shaftsbury
Canfield of Fair Haven	Haas of Rochester	Morris of Bennington
Carr of Brandon	Head of South Burlington	Morrissey of Bennington
Chesnut-Tangerman of	Hebert of Vernon	Mrowicki of Putney
Middletown Springs	Helm of Fair Haven	Murphy of Fairfax
Christie of Hartford	Higley of Lowell	Myers of Essex
Clarkson of Woodstock	Hooper of Montpelier	Nuovo of Middlebury
Cole of Burlington	Huntley of Cavendish	Olsen of Londonderry
Condon of Colchester	Jerman of Essex	O'Sullivan of Burlington
Connor of Fairfield	Jewett of Ripton	Parent of St. Albans City
Conquest of Newbury	Johnson of South Hero	Partridge of Windham
Copeland-Hanzas of	Juskiewicz of Cambridge	Patt of Worcester
Bradford	Keenan of St. Albans City	Pearce of Richford
Corcoran of Bennington	Kitzmiller of Montpelier	Pearson of Burlington
Cupoli of Rutland City	Klein of East Montpelier	Poirier of Barre City
Dakin of Chester	Komline of Dorset	Potter of Clarendon
Dame of Essex	Krebs of South Hero	Pugh of South Burlington
Deen of Westminster	Krowinski of Burlington	Purvis of Colchester
Devereux of Mount Holly	LaClair of Barre Town	Quimby of Concord
Dickinson of St. Albans	Lalonde of South Burlington	Rachelson of Burlington
Town	Lanpher of Vergennes	Ram of Burlington
Donahue of Northfield	Lawrence of Lyndon	Ryerson of Randolph
Eastman of Orwell	Lefebvre of Newark	Savage of Swanton

Scheuermann of Stowe	Tate of Mendon	Viens of Newport City
Sharpe of Bristol	Terenzini of Rutland Town	Walz of Barre City
Shaw of Pittsford	Till of Jericho	Webb of Shelburne
Shaw of Derby	Toleno of Brattleboro	Willhoit of St. Johnsbury
Sheldon of Middlebury	Toll of Danville	Woodward of Johnson
Sibilia of Dover	Townsend of South	Wright of Burlington
Smith of New Haven	Burlington	Yantachka of Charlotte
Stevens of Waterbury	Trieber of Rockingham	Young of Glover
Strong of Albany	Troiano of Stannard	Zagar of Barnard
Sullivan of Burlington	Turner of Milton	
Sweaney of Windsor	Van Wyck of Ferrisburgh	

Those who voted in the negative are:

Davis of Washington	Donovan of Burlington
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Those members absent with leave of the House and not voting are:

Burditt of West Rutland	Hubert of Milton	Russell of Rutland City
Dakin of Colchester	O'Brien of Richmond	Stuart of Brattleboro

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

### **Third Reading; Bill Passed**

#### **H. 434**

House bill, entitled

An act relating to law enforcement and fire service training safety

Was taken up, read the third time and passed.

#### **Read Third Time and Passed in Concurrence**

The following titles were taken up, read the third time and passed in concurrence.

#### **S. 7**

Senate bill, entitled

An act relating to bail determinations concerning a defendant charged with lewd and lascivious conduct with a child;

#### **J.R.S. 20**

Joint resolution, entitled

Joint resolution relating to the Vermont Student Assistance Corporation's lending authority.

**Bill Read Third Time and Passed in Concurrence  
with Proposal of Amendment**

**S. 29**

Senate bill, entitled

An act relating to election day registration

**Senate Proposal of Amendment Not Concurred in;  
Committee of Conference Requested and Appointed**

**H. 477**

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

An act relating to miscellaneous amendments to election law

First: By striking Sec. 6 (17 V.S.A. § 2386 (time for filing statements) in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. 17 V.S.A. § 2386 is amended to read:

§ 2386. TIME FOR FILING STATEMENTS

(a) ~~Statements pursuant to this subchapter, except for vacancies created by the death or withdrawal of a candidate after the~~ In the case of the failure of a major political party to nominate a candidate by primary, a statement shall be filed as set forth in section 2356 of this title not later than 5:00 p.m. on the third day following the primary.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the death or withdrawal to nominate a candidate. In no event, shall a statement be filed later than 60 days prior to the election.

(c) In the case of a nomination by a minor political party, a statement shall be filed as set forth in section 2356 of this chapter.

(d) In the case of a nomination for the office of justice of the peace, a statement shall be filed as set forth in section 2413 of this chapter.

Second: By adding two new sections under the “Campaign Finance” reader assistance heading to be Secs. 29a and 29b to read as follows:

Sec. 29a. 17 V.S.A. § 2903 is amended to read:

§ 2903. PENALTIES

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months, or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund ~~the unspent balance of Vermont campaign finance grants received under subchapter 5 of this chapter, if any, calculated as of the date of the violation~~ to the Secretary of State an amount equivalent to any contributions or expenditures that violate subdivision 2983(b)(1) of this chapter.

(c) In addition to the other penalties provided in this section, a State's Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

Sec. 29b. APPLICABILITY OF SEC. 29a

It is the intent of the General Assembly that the provisions of 1 V.S.A. § 214(c) shall apply to Sec. 29a of this act.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Cole of Burlington** 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. Cole of Burlington**

**Rep. Martin of Wolcott**

**Rep. Higley of Lowell**

**Action on Bill Postponed**

**H. 480**

House bill, entitled

An act relating to making miscellaneous technical and other amendments to education laws

Was taken up and on motion of **Rep. Beck of St. Johnsbury**, action on the bill was postponed until the next legislative day.

**Action on Bill Postponed**

**H. 492**

House bill, entitled

An act relating to capital construction and State bonding

Was taken up and on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until the next legislative day.

**Recess**

At ten o'clock and forty-six minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

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

**Message from the Senate No. 64**

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:

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

**S. 139.** An act relating to pharmacy benefit managers and hospital observation status.

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

Senator Ayer  
Senator Kitchel  
Senator Ashe.

**Senate Proposal of Amendment Concurred in  
with a Further Amendment Thereto****H. 98**

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

An act relating to reportable disease registries and data

First: by adding two new sections to be numbered Secs. 3 and 4 to read as follows:

Sec. 3. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

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

(1) If the person or, in the case of a minor, the person's parent or guardian presents a form created by the ~~department~~ Department and signed by

a licensed health care practitioner authorized to prescribe vaccines or a health clinic stating that the person is in the process of being immunized. The person may continue to attend school or ~~the~~ a child care facility for up to six months while the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; ~~or,~~

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

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

(B) has reviewed ~~and understands~~ evidence-based educational material provided by the ~~department of health~~ Department regarding immunizations, including:

(i) information about the risks of adverse reactions to immunization;

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

~~(D)~~(iii) ~~understands~~ information that there are persons with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

\* \* \*

Sec. 4. 18 V.S.A. § 1124 is amended to read:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

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

number of medical, ~~philosophical~~, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

\* \* \*

And by renumbering the existing Secs. 3 and 4 to be Secs. 5 and 6, respectively.

Second: In renumbered Sec. 5, 18 V.S.A. § 1129, in subsection (b), in the fourth sentence, by striking out the phrase "as defined in 16 V.S.A. § 1691a".

Third: In renumbered Sec. 5, 18 V.S.A. § 1129, by inserting a new subsection to be subsection (g) to read as follows:

(g) As used in this section, "administrator" means an individual licensed under 16 V.S.A. chapter 5, the majority of whose employed time in a public school, school district, or supervisory union is assigned to developing and managing school curriculum, evaluating and disciplining personnel, or supervising and managing a school system or school program. "Administrator" also means an individual employed by an approved or recognized independent school the majority of whose assigned time is devoted to those duties.

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

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

Sec. 1. 18 V.S.A. chapter 4 is amended to read:

#### CHAPTER 4. CANCER REGISTRY

\* \* \*

#### § 153. PARTICIPATION IN PROGRAM

(a) Any health care facility diagnosing or providing treatment to ~~cancer~~ patients with cancer shall report each case of cancer to the ~~commissioner~~ Commissioner or his or her authorized representative in a format prescribed by the ~~commissioner~~ Commissioner within ~~120~~ 180 days of admission or diagnosis. If the facility fails to report in a format prescribed by the ~~commissioner~~ Commissioner, the ~~commissioner's~~ Commissioner's authorized representative may enter the facility, obtain the information, and report it in the appropriate format. In these cases, the facility shall reimburse the ~~commissioner~~ Commissioner or the authorized representative for the cost of obtaining and reporting the information.

(b) Any health care provider diagnosing or providing treatment to ~~cancer~~ patients with cancer shall report each cancer case to the ~~commissioner~~ Commissioner or his or her authorized representative within ~~120~~ 180 days of diagnosis. Those cases diagnosed or treated at a Vermont facility or previously admitted to a Vermont facility for diagnosis or treatment of that instance of cancer are exceptions and do not need to be reported by the health care provider.

(c) All health care facilities and health care providers who provide diagnostic or treatment services to patients with cancer shall report to the ~~commissioner~~ Commissioner any further demographic, diagnostic, or treatment information requested by the ~~commissioner~~ Commissioner concerning any person now or formerly receiving services, diagnosed as having or having had a malignant tumor. Additionally, the ~~commissioner~~ Commissioner or his or her authorized representative shall have physical access to all records ~~which~~ that would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified ~~cancer~~ patient with cancer. Willful failure to grant access to such records shall be punishable by a fine of up to \$500.00 for each day access is refused. Any fines collected pursuant to this subsection shall be deposited in the ~~general fund~~ General Fund.

\* \* \*

#### § 155. DISCLOSURE

(a) The ~~commissioner~~ Commissioner may enter into agreements to exchange confidential information with other cancer registries in order to obtain complete reports of Vermont residents diagnosed or treated in other states and to provide information to other states regarding their residents diagnosed or treated in Vermont.

(b) The ~~commissioner~~ Commissioner may furnish confidential information to the National Breast and Cervical Cancer Early Detection Program, other states' cancer registries, federal cancer control agencies, or health researchers in order to collaborate in a national cancer registry or to collaborate in cancer control and prevention research studies. However, before releasing confidential information, the ~~commissioner~~ Commissioner shall first obtain from such state registries, agencies, or researchers an agreement in writing to keep the identifying information confidential and privileged. In the case of researchers, the ~~commissioner~~ Commissioner shall also first obtain evidence of the approval of their academic committee for the protection of human subjects established in accordance with ~~part 46 of Title 45 of the Code of Federal Regulations~~ 45 C.F.R. part 46.

\* \* \*

Sec. 2. 18 V.S.A. § 1001 is amended to read:

§ 1001. REPORTS TO COMMISSIONER OF HEALTH

(a) When a physician, health care provider, nurse practitioner, nurse, physician assistant, or school health official has reason to believe that a person is sick or has died of a diagnosed or suspected disease, identified by the Department of Health as a reportable disease and dangerous to the public health, or if a laboratory director has evidence of such sickness or disease, he or she shall transmit within 24 hours a report thereof and identify the name and address of the patient and the name of the patient's physician to the Commissioner of Health or designee. In the case of the human immunodeficiency virus (HIV), "reason to believe" shall mean personal knowledge of a positive HIV test result. The Commissioner, with the approval of the Secretary of Human Services, shall by rule establish a list of those diseases dangerous to the public health that shall be reportable. Nonmedical community-based organizations shall be exempt from this reporting requirement. All information collected pursuant to this section and in support of investigations and studies undertaken by the ~~commissioner~~ Commissioner for the purpose of determining the nature or cause of any disease outbreak shall be privileged and confidential. The ~~Health~~ Department of Health shall, by rule, require that any person required to report under this section has in place a procedure that ensures confidentiality. ~~In addition, in relation to the reporting of HIV and the acquired immune deficiency syndrome (AIDS), the Health Department shall, by rule:~~

~~(1) develop procedures, in collaboration with individuals living with HIV or AIDS and with representatives of the Vermont AIDS service organizations, to ensure confidentiality of all information collected pursuant to this section; and~~

~~(2) develop procedures for backing up encrypted, individually identifying information, including procedures for storage, location, and transfer of data.~~

~~(b)(1) Public health records that relate to HIV or AIDS that contain any personally identifying information, or any information that may indirectly identify a person and was developed or acquired by state or local public health agencies, shall be confidential and shall only be disclosed following notice to the individual subject of the public health record or the individual's legal representative and pursuant to a written authorization voluntarily executed by the individual or the individual's legal representative. Except as provided in subdivision (2) of this subsection, notice and authorization is required prior to~~

~~all disclosures, including disclosures to other states, the federal government, and other programs, departments, or agencies of state government.~~

~~(2) Notwithstanding the provisions of subdivision (1) of this subsection, disclosure without notification shall be permitted to other states' infectious disease surveillance programs for the sole purpose of comparing the details of case reports identified as possibly duplicative, provided such Public health records developed or acquired by State or local public health agencies that relate to HIV or AIDS and that contain either personally identifying information or information that may indirectly identify a person shall be confidential and only disclosed following notice to and written authorization from the individual subject of the public health record or the individual's legal representative. Notice otherwise required pursuant to this section shall not be required for disclosures to the federal government; other departments, agencies, or programs of the State; or other states' infectious disease surveillance programs if the disclosure is for the purpose of comparing the details of potentially duplicative case reports, provided the information shall be shared using the least identifying information first so that the individual's name shall be used only as a last resort.~~

~~(c) A disclosure made pursuant to subsection (b) of this section shall include only the information necessary for the purpose for which the disclosure is made. The disclosure shall be made only on agreement that the information shall remain confidential and shall not be further disclosed without additional notice to the individual and written authorization by the individual subject as required by subsection (b) of this section. [Repealed.]~~

(d) A confidential public health record, including any information obtained pursuant to this section, shall not be:

(1) disclosed or discoverable in any civil, criminal, administrative, or other proceeding;

(2) used to determine issues relating to employment or insurance for any individual;

(3) used for any purpose other than public health surveillance, and epidemiological follow-up.

(e) Any person who:

(1) Willfully or maliciously discloses the content of any confidential public health record without written authorization or other than as authorized by law or in violation of subsection (b), (c), or (d) of this section shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$25,000.00, costs and attorney's fees as determined by the court, compensatory

and punitive damages, or equitable relief, including restraint of prohibited acts, costs, reasonable attorney's fees, and other appropriate relief.

(2) Negligently discloses the content of any confidential public health record without written authorization or other than as authorized by law or in violation of subsection (b), (c), or (d) of this section shall be subject to a civil penalty in an amount not to exceed \$2,500.00 plus court costs, as determined by the court, which penalty and costs shall be paid to the subject of the confidential information.

(3) Willfully, maliciously, or negligently discloses the results of an HIV test to a third party in a manner that identifies or provides identifying characteristics of the person to whom the test results apply without written authorization or other than as authorized by law or in violation of subsection (b), (c), or (d) of this section and that results in economic, bodily, or psychological harm to the subject of the test is guilty of a misdemeanor, punishable by imprisonment for a period not to exceed one year or a fine not to exceed \$25,000.00, or both.

(4) Commits any act described in subdivision (1), (2), or (3) of this subsection shall be liable to the subject for all actual damages, including damages for any economic, bodily, or psychological harm that is a proximate result of the act. Each disclosure made in violation of this chapter is a separate and actionable offense. Nothing in this section shall limit or expand the right of an injured subject to recover damages under any other applicable law.

~~(f) Except as provided in subdivision (a)(2) of this section, the Health Department is prohibited from collecting, processing, or storing any individually identifying information concerning HIV/AIDS on any networked computer or server, or any laptop computer or other portable electronic device. On rare occasion, not as common practice, the Department may accept HIV/AIDS individually identifying information electronically. Once that information is collected, the Department shall, in a timely manner, transfer the information in compliance with this subsection. [Repealed.]~~

(g) Health care providers must, prior to performing an HIV test, inform the individual to be tested that a positive result will require reporting of the result and the individual's name to the Department, and that there are testing sites that provide anonymous testing that are not required to report positive results. The Department shall develop and make widely available a model notification form.

(h) Nothing in this section shall affect the ongoing availability of anonymous testing for HIV. Anonymous HIV testing results shall not be required to be reported under this section.

~~(i) No later than November 1, 2007, the Health Department shall conduct an information and security audit in relation to the information collected pursuant to this section, including evaluation of the systems and procedures it developed to implement this section and an examination of the adequacy of penalties for disclosure by state personnel. No later than January 15, 2008, the Department shall report to the Senate Committee on Health and Welfare and the House Committee on Human Services concerning options available, and the costs those options would be expected to entail, for maximizing protection of the information collected pursuant to this section. That report shall also include the Department's recommendations on whether the General Assembly should impose or enhance criminal penalties on health care providers for unauthorized disclosures of medical information. The Department shall solicit input from AIDS service organizations and the community advisory group regarding the success of the Department's security measures and their examination of the adequacy of penalties as they apply to HIV/AIDS and include this input in the report to the Legislature. The Department shall annually evaluate the systems and confidentiality procedures developed to implement networked and non-networked electronic reporting, including system breaches and penalties for disclosure to State personnel. The Department shall provide the results of this evaluation to and solicit input from the Vermont HIV/AIDS Community Advisory Group.~~

~~(j) No later than January 1, 2008, the Department shall plan and commence a public campaign designed to educate the general public about the value of obtaining an HIV test. The Department shall collaborate with community-based organizations to educate the public and health care providers about the benefits of HIV testing and the use of current testing technologies.~~

(k) The Commissioner shall maintain a separate database of reports received pursuant to subsection 1141(i) of this title for the purpose of tracking the number of tests performed pursuant to ~~subchapter 5~~ of chapter 21, subchapter 5 of this title and ~~such~~ other information as the Department of Health ~~determines to be~~ finds necessary and appropriate. The database shall not include any information that personally identifies a patient.

Sec. 3. 18 V.S.A. § 1121(c) is amended to read:

(c)(1) To the extent permitted under 20 U.S.C. § 1232g (family educational and privacy rights), and any regulations adopted thereunder, all schools and child care facilities shall make publicly available the aggregated immunization rates of the student body for each required ~~vaccine~~ immunization using a standardized form that shall be created by the Department of Health. Each school and child care facility shall provide the information on the school and

child care facility's aggregated immunization rate for each required immunization to students, or in the case of a minor to parents and guardians, at the start of each academic year and to any student, or in the case of a minor to the parent or guardian of any student, who transfers to the school or child care facility after the start of the academic year. A student attending a postsecondary school shall directly receive information on the school's aggregated immunization rate at the start of the academic year or upon transfer to the school, regardless of whether the student is a minor.

(2) Each school and child care facility shall annually, on or before January 1, submit its standardized form containing the student body's aggregated immunization rates to the Department of Health.

(3) Notwithstanding section 1120 of this title, ~~for the purposes as used in~~ of this subsection only, the term "child care facility" shall exclude a family day care home licensed or registered under 33 V.S.A. chapter 35.

Sec. 4. 18 V.S.A. § 1122 is amended to read:

#### § 1122. EXEMPTIONS

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

(1) If the person or, in the case of a minor, the person's parent or guardian presents a form created by the ~~department~~ Department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic stating that the person is in the process of being immunized. The person may continue to attend school or ~~the~~ a child care facility for up to six months while the immunization process is being accomplished;

(2) If a licensed health care practitioner, ~~licensed to practice in Vermont and who is~~ authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health ~~or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; or.~~ A certifying health care practitioner shall specify the required immunization in question as well as the probable duration of the condition or circumstance that is or may be detrimental to the person's health. Any exemption certified under this subdivision shall terminate when the condition or circumstance cited no longer applies.

(3) If the person or, in the case of a minor, the person's parent or guardian annually provides a signed statement to the school or child care

facility on a form created by the ~~Vermont department of health~~ Department that the person, parent, or guardian:

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

(B) has reviewed ~~and understands~~ evidence-based educational material provided by the ~~department of health~~ Department regarding immunizations, including:

(i) information about the risks of adverse reactions to immunization;

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

~~(D)(iii)~~ understands information that there are persons with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

\* \* \*

(d) As used in this section, “health care practitioner” means a person licensed by law to provide professional health care services to an individual during the course of that individual’s medical care or treatment.

Sec. 5. 18 V.S.A. § 1123 is amended to read:

#### § 1123. IMMUNIZATION RULES AND REGULATIONS

The ~~Department of Health~~ shall adopt rules for administering this subchapter. Such rules shall be developed in consultation with the Agency of Education with respect to immunization requirements for Vermont schools, and in consultation with the Department for Children and Families with respect to immunization requirements for child care facilities. Such rules shall ~~establish~~ list which immunizations shall be required and the manner and frequency of their administration, and may provide for exemptions as authorized by this subchapter.

Sec. 6. 18 V.S.A. § 1124 is amended to read:

#### § 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

(a) In addition to any data collected in accordance with the requirements of the Centers for Disease Control and Prevention, the ~~Vermont department of health~~ Department shall annually collect from schools the immunization rates for at least those students in the first and eighth grades for each required

vaccine. The data collected by the ~~department~~ Department shall include the number of medical, ~~philosophical~~, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

\* \* \*

Sec. 7. 18 V.S.A. § 1125 is added to read:

§ 1125. QUALITY IMPROVEMENT MEASURES

The Department may implement quality improvement initiatives in any school that has a provisional admittance rate or an exemption rate above the State average.

Sec. 8. 18 V.S.A. § 1129 is amended to read:

§ 1129. IMMUNIZATION REGISTRY

(a) A health care provider shall report to the ~~department~~ Department all data regarding immunizations of adults and of children ~~under the age of~~ 18 years of age within seven days of the immunization, provided that required reporting of immunizations of adults shall commence within one month after the health care provider has established an electronic health records system and data interface pursuant to the e-health standards developed by the Vermont ~~information technology leaders~~ Information Technology Leaders. A health insurer shall report to the ~~department~~ Department all data regarding immunizations of adults and of children ~~under the age of~~ 18 years of age at least quarterly. All data required pursuant to this subsection shall be reported in a ~~form~~ format required by the ~~department~~ Department.

(b) The ~~department~~ Department may use the data to create a registry of immunizations. Registry information shall remain confidential and privileged, except as provided in subsections (c) and (d) of this section. Registry information regarding a particular adult shall be provided, upon request, to the adult, the adult's health care provider, and the adult's health insurer. ~~A minor child's record also~~ Registry information regarding a particular minor child may be provided, upon request, to school nurses, or in the absence of a nurse on staff, administrators, and upon request and with written parental consent, to licensed day care providers, to document compliance with Vermont immunization laws. Registry information regarding a particular child shall be provided, upon request, ~~to the child after the child reaches the age of majority~~ and to the minor child's parent, or guardian, health insurer, and health care provider, ~~or to the child after the child reaches the age of majority.~~ Registry information shall be kept confidential and privileged and may be shared only in summary, statistical, or other form in which particular individuals are not identified.

(c) The Department may exchange confidential registry information with the immunization registries of other states in order to obtain comprehensive immunization records.

(d) The Department may provide confidential registry information to health care provider networks serving Vermont patients and, with the approval of the Commissioner, to researchers who present evidence of approval from an institutional review board in accordance with 45 C.F.R. § 164.512.

(e) Prior to releasing confidential information pursuant to subsections (c) and (d) of this section, the Commissioner shall obtain from state registries, health care provider networks, and researchers a written agreement to keep any identifying information confidential and privileged.

(f) The Department may share registry information for public health purposes in summary, statistical, or other form in which particular individuals are not identified, except as provided in subsections (c) and (d) of this section.

(g) As used in this section, "administrator" means an individual licensed under 16 V.S.A. chapter 5, the majority of whose employed time in a public school, school district, or supervisory union is assigned to developing and managing school curriculum, evaluating and disciplining personnel, or supervising and managing a school system or school program. "Administrator" also means an individual employed by an approved or recognized independent school, the majority of whose assigned time is devoted to those duties.

Sec. 9. 18 V.S.A. § 1131 is added to read:

§ 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

(a) Creation. There is created a Vermont Immunization Advisory Council for the purpose of providing education policy, medical, and epidemiological expertise and advice to the Department with regard to the safety of immunizations and immunization schedules.

(b) Membership. The Council shall be composed of the following members:

(1) a representative of the Vermont Board of Medical Practice, appointed by the Governor;

(2) the Secretaries of Human Services and of Education or their designees;

(3) the State epidemiologist;

(4) a practicing pediatrician, appointed by the Governor;

(5) a representative of both public and independent schools, appointed by the Governor; and

(6) any other persons deemed necessary by the Commissioner.

(c) Powers and duties. The Council shall:

(1) review and make recommendations regarding the State's immunization schedule for attendance in schools and child care facilities; and

(2) provide any other advice and expertise requested by the Commissioner.

(d) Assistance. The Council shall have the administrative, technical, and legal assistance of the Department.

(e) Meetings.

(1) The Council shall convene at the call of the Commissioner, but no less than once each year.

(2) The Council shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

#### Sec. 10. REPORT; MANDATORY IMMUNIZATION OF SCHOOL

##### PERSONNEL

(a) On or before January 15, 2016, the Department, in consultation with the Agency of Education, shall submit a report to the Senate Committee on Health and Welfare and the House Committee on Health Care assessing whether it is appropriate from a legal, policy, and medical perspective to require school personnel to be immunized against those diseases addressed by the Department's list of required immunizations for school attendance.

(b) As used in this section, "school" means the same as in 18 V.S.A. § 1120.

#### Sec.11. EFFECTIVE DATES

(a) Except for Secs. 4 (exemptions) and 6 (access to and reporting of immunization records), this act shall take effect on July 1, 2015.

(b) Secs. 4 (exemptions) and 6 (access to and reporting of immunization records) shall take effect on July 1, 2016.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment as offered by Rep. Poirier of Barre City?  
**Reps. Donahue of Northfield, Burditt of West Rutland, Chesnut-**

**Tangerman of Middletown Springs, Dame of Essex, Woodward of Johnson and Zagar of Barnard** moved to amend the proposal of amendment offered by Rep. Poirier of Barre City, as follows:

First: By striking Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 as follows:

Sec. 4. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

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

(1) If the person or, in the case of a minor, the person's parent or guardian presents a form created by the ~~department~~ Department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic stating that the person is in the process of being immunized. The person may continue to attend school or ~~the~~ a child care facility for up to six months while the immunization process is being accomplished;

(2) If a licensed health care practitioner, ~~licensed to practice in Vermont and who is~~ authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health ~~or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; or.~~ A certifying health care practitioner shall specify the required immunization in question as well as the probable duration of the condition or circumstance that is or may be detrimental to the person's health. Any exemption certified under this subdivision shall terminate when the condition or circumstance cited no longer applies.

(3) If the person or, in the case of a minor, the person's parent or guardian annually provides a signed ~~statement~~ and notarized statement under the pains and penalty of perjury to the a school or child care facility on a form created by the ~~Vermont department of health~~ Department affirming that the person, parent, or guardian:

(A) ~~holds religious beliefs or philosophical convictions opposed to immunization~~ seeks a nonmedical exemption in order to follow health care practices that support his or her moral, ethical, or religious convictions specifically related to these practices;

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

immunizations, including information about the risks of adverse reactions to immunization;

(C) ~~understands that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease~~ has completed a verifiable education immunization video module provided by the Department; and

(D) ~~understands that there are persons with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening~~ has received an in-person consultation on the subject of the required immunization with a licensed health care practitioner who is authorized to prescribe vaccines. The statement shall also include the health care practitioner's signature verifying that the consultation took place.

\* \* \*

(d) As used in this section, "health care practitioner" means a person licensed by law to provide professional health care services to an individual during the course of that individual's medical care or treatment.

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

Sec. 6. 18 V.S.A. § 1124 is amended to read:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

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

Pending the question, Shall the proposal offered by Rep. Poirier of Barre City be amended as proposed by Rep. Donahue of Northfield and others? **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 proposal offered by Rep. Poirier of Barre City be amended as proposed by Rep. Donahue of Northfield and others? was decided in the negative. Yeas, 71. Nays, 73.

Those who voted in the affirmative are:

Ancel of Calais	Gamache of Swanton	Morrissey of Bennington
Bartholomew of Hartland	Gonzalez of Winooski	Mrowicki of Putney
Baser of Bristol	Grad of Moretown	Murphy of Fairfax
Batchelor of Derby	Graham of Williamstown	Partridge of Windham
Beck of St. Johnsbury	Greshin of Warren	Pearce of Richford
Berry of Manchester	Haas of Rochester	Ram of Burlington
Beyor of Highgate	Hebert of Vernon	Ryerson of Randolph
Branagan of Georgia	Helm of Fair Haven	Scheuermann of Stowe
Browning of Arlington	Higley of Lowell	Shaw of Pittsford
Canfield of Fair Haven	Hooper of Montpelier	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Huntley of Cavendish	Strong of Albany
Conquest of Newbury	Jewett of Ripton	Tate of Mendon
Copeland-Hanzas of Bradford	Kitzmiller of Montpelier	Toleno of Brattleboro
Cupoli of Rutland City	Komline of Dorset	Troiano of Stannard
Dame of Essex	LaClair of Barre Town	Turner of Milton
Davis of Washington	Lawrence of Lyndon	Viens of Newport City
Devereux of Mount Holly	Lefebvre of Newark	Webb of Shelburne
Donahue of Northfield	Lewis of Berlin	Willhoit of St. Johnsbury
Eastman of Orwell	Lippert of Hinesburg	Woodward of Johnson
Feltus of Lyndon	Lucke of Hartford	Wright of Burlington
Fiske of Enosburgh	Marcotte of Coventry	Yantachka of Charlotte
Forguites of Springfield	Martel of Waterford	Young of Glover
Gage of Rutland City	Martin of Wolcott	Zagar of Barnard
	Masland of Thetford	
	Morris of Bennington	

Those who voted in the negative are:

Bancroft of Westford	Ellis of Waterbury	Manwaring of Wilmington
Bissonnette of Winooski	Emmons of Springfield	McCormack of Burlington
Botzow of Pownal	Evans of Essex	McCoy of Poultney
Brennan of Colchester	Fagan of Rutland City	McCullough of Williston
Briglin of Thetford	Fields of Bennington	McFaun of Barre Town
Burke of Brattleboro	Frank of Underhill	Miller of Shaftsbury
Buxton of Tunbridge	French of Randolph	Myers of Essex
Carr of Brandon	Head of South Burlington	Nuovo of Middlebury
Christie of Hartford	Jerman of Essex	O'Brien of Richmond
Clarkson of Woodstock	Johnson of South Hero	Olsen of Londonderry
Cole of Burlington	Juskiewicz of Cambridge	O'Sullivan of Burlington
Condon of Colchester	Keenan of St. Albans City	Parent of St. Albans City
Connor of Fairfield	Klein of East Montpelier	Patt of Worcester
Corcoran of Bennington	Krebs of South Hero	Pearson of Burlington
Dakin of Chester	Krowinski of Burlington	Poirier of Barre City
Dakin of Colchester	Lalonde of South Burlington	Potter of Clarendon
Deen of Westminster	Lanpher of Vergennes	Pugh of South Burlington
Dickinson of St. Albans Town	Lenes of Shelburne	Purvis of Colchester
Donovan of Burlington	Long of Newfane	Quimby of Concord
	Macaig of Williston	Rachelson of Burlington

Savage of Swanton	Stevens of Waterbury	Toll of Danville
Sharpe of Bristol	Sullivan of Burlington	Townsend of South
Shaw of Derby	Sweaney of Windsor	Burlington
Sibilia of Dover	Terenzini of Rutland Town	Trieber of Rockingham
Smith of New Haven	Till of Jericho	Walz of Barre City

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

Burditt of West Rutland	Russell of Rutland City	Van Wyck of Ferrisburgh
Hubert of Milton	Stuart of Brattleboro	

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment as offered by Rep. Poirier of Barre City? **Rep. Yantachka of Charlotte** moved that the proposal of amendment offered by Representative Poirier of Barre City be amended as follows:

By inserting a new Sec. 10 to read as follows:

Sec. 10. 18 V.S.A. § 1132 is added to read:

§ 1132. VACCINE ADVERSE EVENT REPORTING SYSTEM

A health care practitioner administering vaccinations shall report to the Vaccine Adverse Event Reporting System, in consultation with the patient, or if a minor, the patient's parent or guardian, all significant adverse events that occur after vaccination of adults and children, even if the practitioner is unsure whether a vaccine caused the adverse event.

and by renumbering existing Secs. 10 and 11 to be Secs. 11 and 12, respectively

Which was agreed to.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment as offered by Rep. Poirier of Barre City? **Rep. Poirier of Barre City** asked that the question be divided and that Secs. 1, 2 and 8 be taken up first and Secs. 3, 4, 5, 6, 7, 9, 10, 11 and 12 be taken up second.

Thereupon, the first instance of amendment was agreed to. (Secs. 1, 2 and 8).

Pending the question, Shall the recommendation of amendment offered by Rep. Poirier of Barre City be amended in the second instance of amendment? (Secs. 3, 4, 5, 6, 7, 9, 10, 11 and 12)

**Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Thereupon, **Rep. Dame of Essex** asked that the question be further divided and Secs. 3, 7, 9, 10, 11 and 12(a) be taken up first and 4, 6, and 12(b) be taken up second.

Thereupon, the first instance of amendment (Secs. 3, 7, 9, 10, 11 and 12(a)) was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as proposed by Rep. Poirier of Barre City, as amended, in the Second instance of amendment (Secs. 4, 6, 12(b))? **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 House propose to the Senate to amend the bill as proposed by Rep. Poirier of Barre City, as amended, in the Second instance of amendment (Secs. 4, 6, 12(b))? was decided in the affirmative. Yeas, 85. Nays, 57.

Those who voted in the affirmative are:

Ancel of Calais	French of Randolph	O'Sullivan of Burlington
Bancroft of Westford	Gonzalez of Winooski	Parent of St. Albans City
Beck of St. Johnsbury	Head of South Burlington	Patt of Worcester
Bissonnette of Winooski	Huntley of Cavendish	Pearson of Burlington
Botzow of Pownal	Jerman of Essex	Poirier of Barre City
Brennan of Colchester	Johnson of South Hero	Potter of Clarendon
Briglin of Thetford	Juskiewicz of Cambridge	Pugh of South Burlington
Burke of Brattleboro	Keenan of St. Albans City	Purvis of Colchester
Buxton of Tunbridge	Klein of East Montpelier	Quimby of Concord
Carr of Brandon	Krebs of South Hero	Rachelson of Burlington
Christie of Hartford	Krowinski of Burlington	Savage of Swanton
Clarkson of Woodstock	Lalonde of South Burlington	Sharpe of Bristol
Cole of Burlington	Lanpher of Vergennes	Shaw of Pittsford
Condon of Colchester	Lenes of Shelburne	Shaw of Derby
Connor of Fairfield	Lewis of Berlin	Sibilia of Dover
Corcoran of Bennington	Long of Newfane	Smith of New Haven
Cupoli of Rutland City	Macaig of Williston	Stevens of Waterbury
Dakin of Chester	Manwaring of Wilmington	Sullivan of Burlington
Dakin of Colchester	McCormack of Burlington	Sweaney of Windsor
Deen of Westminster	McCoy of Poultney	Terenzini of Rutland Town
Dickinson of St. Albans Town	McCullough of Williston	Till of Jericho *
Donovan of Burlington	McFaun of Barre Town	Toll of Danville
Ellis of Waterbury	Miller of Shaftsbury	Townsend of South Burlington
Emmons of Springfield	Morris of Bennington	Trieber of Rockingham
Evans of Essex	Murphy of Fairfax	Turner of Milton
Fields of Bennington	Myers of Essex	Walz of Barre City
Forguites of Springfield	Nuovo of Middlebury	Webb of Shelburne
Frank of Underhill	O'Brien of Richmond	Willhoit of St. Johnsbury
	Olsen of Londonderry	

Those who voted in the negative are:

Bartholomew of Hartland	Gage of Rutland City	Masland of Thetford
Baser of Bristol	Gamache of Swanton	Morrissey of Bennington
Batchelor of Derby	Grad of Moretown	Mrowicki of Putney *
Berry of Manchester *	Greshin of Warren	Partridge of Windham
Beyor of Highgate	Haas of Rochester	Pearce of Richford
Branagan of Georgia	Hebert of Vernon	Ram of Burlington
Browning of Arlington	Helm of Fair Haven	Ryerson of Randolph
Canfield of Fair Haven	Higley of Lowell	Scheuermann of Stowe
Chesnut-Tangerman of	Hooper of Montpelier	Sheldon of Middlebury
Middletown Springs	Jewett of Ripton	Strong of Albany *
Copeland-Hanzas of	Kitzmiller of Montpelier *	Tate of Mendon
Bradford *	Komline of Dorset	Toleno of Brattleboro
Dame of Essex *	LaClair of Barre Town	Troiano of Stannard *
Davis of Washington	Lawrence of Lyndon	Viens of Newport City
Devereux of Mount Holly	Lefebvre of Newark	Woodward of Johnson
Donahue of Northfield *	Lippert of Hinesburg	Wright of Burlington *
Eastman of Orwell	Lucke of Hartford	Yantachka of Charlotte *
Fagan of Rutland City	Marcotte of Coventry	Young of Glover
Feltus of Lyndon	Martel of Waterford	Zagar of Barnard
Fiske of Enosburgh	Martin of Wolcott	

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

Burditt of West Rutland	Hubert of Milton	Van Wyck of Ferrisburgh
Conquest of Newbury	Russell of Rutland City	
Graham of Williamstown	Stuart of Brattleboro	

**Rep. Berry of Manchester** explained his vote as follows:

“Mr. Speaker:

I voted no. We live in a culture where we give over our power to experts. We trust experts in finance and banking, with religion with education, with food production, and on and on. We have just given away our power again, trusting the medical establishment and their “experts” to make our choices.”

**Rep. Copeland-Hanzas of Bradford** explained her vote as follows:

“Mr. Speaker:

The debate we have had here today has centered around increasing our vaccination rates. We all want to improve our vaccination rates for the good of all Vermonters.

We narrowly missed the finest and best opportunity we would have to do that and have instead chosen the blunt instrument of eliminating the philosophical exemption.

Current law allows doctors and school nurses an annual check in with fearful or misinformed parents and allows for education and understanding to bring more children towards full vaccination.

Isolating fearful parents into home schooling or choosing the religious exemption does nothing to protect an unvaccinated person.”

**Rep. Dame of Essex** explained his vote as follows:

“Mr. Speaker:

If the final barrier between me and the government is not this thin layer of skin - then what is?”

**Rep. Donahue of Northfield** explained her vote as follows:

“Mr. Speaker:

Three years ago I voted yes, because we very much need to protect our children by maximizing our immunization levels. This year I realized that there was a better way to achieve this critical goal. We should not be taking this more heavy-handed method unnecessarily and in haste.”

**Rep/ Kitzmiller of Montpelier** explained his vote as follows:

“Mr. Speaker:

I have listened carefully to the voices of my constituents, who seem to be split nearly evenly on the philosophical exemption. If I were in a debate contest, I could argue either position equally well.

There is something deep in the core of my being, though, and it simply will not allow me to vote to remove a parent’s right to make this serious decision on what is in the best interest of their child.

Thus, I must vote ‘No’.”

**Rep. Mrowicki of Putney** explained his vote as follows:

“Mr. Speaker:

I voted no to maintain the right to judiciously choose and because for many, like me, the philosophical is no different from a religious choice and deserves commensurate respect.”

**Rep. Strong of Albany** explained her vote as follows:

“Mr. Speaker:

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As my constituent said, ‘Where there is risk there must be choice. In a body that prides itself on choice, we just took away this precious option of choice from concerned parents who are seeking the best interests of their children.’”

**Rep. Till of Jericho** explained his vote as follows:

“Mr. Speaker:

I vote yes. Nothing in this amendment forces a parent to vaccinate their child. I vote to protect children and adults in our schools who are especially vulnerable to these dangerous vaccine preventable diseases as well as to protect younger siblings at home who are too young to be vaccinated and who are at extreme risk from these diseases.”

**Rep. Troiano of Stannard** explained his vote as follows:

.”Mr. Speaker:

I voted no. Virtually all of the people who contacted me were in favor of protection choice. These were people I know for years, friends. They wanted choice. I voted no.”

**Rep. Wright of Burlington** explained his vote as follows:

“Mr. Speaker:

I voted no. Vaccination rates do need to come up. But elimination of the philosophical exemption does not guarantee that. Many Vermont schools’ immunization rates are where we need them to be, including most Burlington schools. We needed to focus our efforts on the schools’ rates that are too low. We also needed to listen to all voices and concerns. We failed at that today.”

**Rep. Yantachka of Charlotte** explained his vote as follows:

“Mr. Speaker:

I have been torn to the very last second on how to vote. But we had an opportunity to chart a middle course but rejected it narrowly. I vote no because I feel like I need to support those parents whose children have had adverse reactions but have not been sufficiently heard in terms of medical exemptions.”

### **Message from the Senate No. 65**

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 bills originating in the House of the following titles:

**H. 11.** An act relating to the membership of the Commission on Alzheimer's Disease and Related Disorders.

**H. 35.** An act relating to improving the quality of State waters.

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

The Senate has considered joint resolution originating in the House of the following title:

**J.R.H. 16.** Joint resolution relating to the approval of State land transactions.

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

### **Adjournment**

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