

VERMONT GENERAL ASSEMBLY

The Vermont Statutes Online

Title 01 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 003 : Access To Public Records

§ 317. Definitions; public agency; public records and documents

(a) As used in this subchapter:

(1) "Business day" means a day that a public agency is open to provide services.

(2) "Public agency" or "agency" means any agency, board, department, commission, committee, branch, instrumentality, or authority of the State or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the State.

(b) As used in this subchapter, "public record" or "public document" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying.

(c) The following public records are exempt from public inspection and copying:

(1) Records which by law are designated confidential or by a similar term.

(2) Records which by law may only be disclosed to specifically designated persons.

(3) Records which, if made public pursuant to this subchapter, would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State.

(4) Records which, if made public pursuant to this subchapter, would cause the custodian to violate any statutory or common law privilege other than the common law deliberative process privilege as it applies to the General Assembly and the Executive Branch agencies of the State of Vermont.

(5)(A) Records dealing with the detection and investigation of crime, but only to the extent that the production of such records:

(i) could reasonably be expected to interfere with enforcement proceedings;

(ii) would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law;

(vi) could reasonably be expected to endanger the life or physical safety of any individual.

(B) Notwithstanding subdivision (A) of this subdivision (5), records relating to management and direction of a law enforcement agency; records reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. § 2302; and records reflecting the charge of a person shall be public.

(C) It is the intent of the General Assembly that in construing subdivision (A) of this subdivision (5), the courts of this State will be guided by the construction of similar terms contained in 5 U.S.C. § 552(b)(7) (Freedom of Information Act) by the courts of the United States.

(D) It is the intent of the General Assembly that, consistent with the manner in which courts have interpreted subdivision (A) of this subdivision (5), a public agency shall not reveal information that could be used to facilitate the commission of a crime or the identity of a private individual who is a witness to or victim of a crime, unless withholding the identity or information would conceal government wrongdoing. A record shall not be withheld in its entirety because it contains identities or information that have been redacted pursuant to this subdivision.

(6) A tax return and related documents, correspondence and certain types of substantiating forms which include the same type of information as in the tax return itself filed with or maintained by the Vermont Department of Taxes or submitted by a person to any public agency in connection with agency business.

(7) Personal documents relating to an individual, including information in any files maintained to hire, evaluate, promote, or discipline any employee of a public agency, information in any files relating to personal finances, medical or psychological facts concerning any individual or corporation; provided, however, that all information in personnel files of an individual employee of any public agency shall be made available to that individual employee or his or her designated representative.

(8) Test questions, scoring keys, and other examination instruments or data used to administer a license, employment, or academic examination.

(9) Trade secrets, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it, except that the disclosures required by 18 V.S.A. § 4632 shall not be included in this subdivision.

(10) Lists of names compiled or obtained by a public agency when disclosure would violate a person's right to privacy or produce public or private gain; provided, however, that this section does not apply to lists which are by law made available to the public, or to lists of professional or occupational licensees.

(11) Student records, including records of a home study student, at educational institutions or agencies funded wholly or in part by State revenue; provided, however, that such records shall be made available upon request under the provisions of the Federal Family Educational Rights and Privacy Act of 1974 (P.L. 93-380) and as amended.

(12) Records concerning formulation of policy where such would constitute a clearly unwarranted invasion of personal privacy, if disclosed.

(13) Information pertaining to the location of real or personal property for public agency purposes prior to public announcement of the project and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts thereof.

(14) Records which are relevant to litigation to which the public agency is a party of record, provided all such matters shall be available to the public after ruled discoverable by the court before which the litigation is pending, but in any event upon final termination of the litigation.

(15) Records relating specifically to negotiation of contracts including collective bargaining agreements with public employees.

(16) Any voluntary information provided by an individual, corporation, organization, partnership, association, trustee, estate, or any other entity in the State of Vermont, which has been gathered prior to the enactment of this subchapter, shall not be considered a public document.

(17) Records of interdepartmental and intradepartmental communications in any county, city, town, village, town school district, incorporated school district, union school district, consolidated water district, fire district, or any other political subdivision of the State to the extent that they cover other than primarily factual materials and are preliminary to any determination of policy or action or precede the presentation of the budget at a meeting held in accordance with section 312 of this title.

(18) Records of the Office of Internal Investigation of the Department of Public Safety, except as provided in 20 V.S.A. § 1923.

(19) Records relating to the identity of library patrons or the identity of library patrons in regard to library patron registration records and patron transaction records in accordance with 22 V.S.A. chapter 4.

(20) Information which would reveal the location of archaeological sites and underwater historic properties, except as provided in 22 V.S.A. § 762.

(21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability, and is exercised pursuant to specific guidelines adopted by the editor of the magazine.

(22) Any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit), except that all such documents shall become public records under this subchapter when a tax credit certification has been granted by the Secretary of Administration, and provided that the disclosure of such documents does not otherwise violate any provision of Title 32.

(23) Any data, records, or information developed, discovered, collected, or received by or on behalf of faculty, staff, employees, or students of the University of Vermont or the Vermont State Colleges in the conduct of study, research, or creative efforts on medical, scientific, technical, scholarly, or artistic matters, whether such activities are sponsored alone by the institution or in conjunction with a governmental body or private entity, until such data, records, or information are published, disclosed in an issued patent, or publicly released by the institution or its authorized agents. This subdivision applies to, but is not limited to, research notes and laboratory notebooks, lecture notes, manuscripts, creative works, correspondence, research proposals and agreements, methodologies, protocols, and the identities of or any personally identifiable information about participants in research.

(24) Records of, or internal materials prepared for, the deliberations of any public agency acting in a judicial or quasi-judicial capacity.

(25) Passwords, access codes, user identifications, security procedures, and similar information the disclosure of which would threaten the safety of persons or the security of public property.

VERMONT **GENERAL ASSEMBLY**

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Title 03 : Executive

Chapter 013 : Classification Of State Personnel

§ 316. Records of the department of human resources

The records of the department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to reasonable regulations as to the time and manner of inspection as may be prescribed by the commissioner. (Amended 1959, No. 331 (Adj. Sess.), § 8, eff. Feb. 9, 1960; 2003, No. 156 (Adj. Sess.), § 15.)

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 04 : Judiciary

Chapter 017 : Clerks Of Court; Court And Other Records And Accounts

Subchapter 003 : Court Records Generally

§ 740. Court records; dockets; certified copies

The Supreme Court by administrative order or directive shall provide for the preparation, maintenance, recording, indexing, docketing, preservation, and storage of all court records and the provision, subject to confidentiality requirements of law or court rules, of certified copies of those records to persons requesting them. (Added 1989, No. 221 (Adj. Sess.), § 3, eff. Oct. 1, 1990; amended 2009, No. 154 (Adj. Sess.), § 43; 2013, No. 67, § 8.)

VERMONT GENERAL ASSEMBLY

The Vermont Statutes Online**Title 09 : Commerce And Trade****Chapter 062 : Protection Of Personal Information****Subchapter 003 : Social Security Number Protection Act****§ 2440. Social Security number protection**

(a) This section shall be known as the Social Security Number Protection Act.

(b) Except as provided in subsection (c) of this section, a business may not do any of the following:

(1) intentionally communicate or otherwise make available to the general public an individual's Social Security number;

(2) intentionally print or imbed an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity;

(3) require an individual to transmit his or her Social Security number over the Internet unless the connection is secure or the Social Security number is encrypted;

(4) require an individual to use his or her Social Security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the internet website;

(5) print an individual's Social Security number on any materials that are mailed to the individual, unless State or federal law requires the Social Security number to be on the document to be mailed;

(6) sell, lease, lend, trade, rent, or otherwise intentionally disclose an individual's Social Security number to a third party without written consent to the disclosure from the individual, when the party making the disclosure knows or in the exercise of reasonable diligence would have reason to believe that the third party lacks a legitimate purpose for obtaining the individual's Social Security number.

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

(1) When a Social Security number is included in an application or in documents related to an enrollment process, or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number for the purpose of obtaining a credit report pursuant to 15 U.S.C. § 1681(b)(2). A Social Security number that is permitted to be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on an envelope without the envelope having been opened.

(2) To the collection, use, or release of a Social Security number reasonably necessary for administrative purposes or internal verification.

(3) To the opening of an account or the provision of or payment for a product or service authorized by an individual.

(4) To the collection, use, or release of a Social Security number to investigate or prevent fraud; conduct background checks; conduct social or scientific research; collect a debt; obtain a credit report from or furnish data to a consumer reporting agency pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.; undertake a permissible purpose enumerated under Gramm Leach Bliley, 12 C.F.R. § 216.13-15; or locate an individual who is missing, is a lost relative, or is due a benefit, such as a pension, insurance, or unclaimed property benefit.

(5) To a business acting pursuant to a court order, warrant, subpoena, or when otherwise required by law, or in response to a facially valid discovery request pursuant to rules applicable to a court or administrative body that has jurisdiction over the disclosing entity.

(6) To a business providing the Social Security number to a federal, State, or local government entity, including a law enforcement agency, the department of Public Safety, and a court, or their agents or assigns.

(7) To a Social Security number that has been redacted.

(8)(A) To a business that has used, prior to January 1, 2007, an individual's Social Security number in a manner inconsistent with subsection (b) of this section, which may continue using that individual's Social Security number in that manner on or after January 1, 2007, if all of the following conditions are met:

(i) The use of the Social Security number is continuous. If the use is stopped for any reason, subsection (b) of this section shall apply.

(ii) The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by subsection (b) of this section.

(iii) A written request by an individual to stop the use of his or her Social Security number in a manner prohibited by subsection (b) of this section is implemented within 30 days of the receipt of the request. There shall not be a fee or charge for implementing the request.

(iv) The person or entity does not deny services to an individual because the individual makes a written request pursuant to this subsection.

(B) Nothing in this subdivision (8) is intended to apply to the collection, use, or dissemination of Social Security numbers collected prior to January 1, 2007 and exempted from the provisions of subsection (b) of this section pursuant to subdivisions (1) through (7) or (9) and (10) of this subsection.

(9) To information obtained from a recorded document in the official records of the town clerk or municipality.

(10) To information obtained from a document filed in the official records of the courts.

(d) Except as provided in subsection (e) of this section, the State and any State agency, political subdivision of the State, an agent or employee of the State, a State agency, or a political subdivision of the State, may not do any of the following:

(1) Collect a Social Security number from an individual unless authorized or required by law, State or federal regulation, or grant agreement to do so or unless the collection of the Social Security number or records containing the Social Security number is related to the performance of that agency's duties and responsibilities as prescribed by law.

(2) Fail, when collecting a Social Security number from an individual in a hard copy format, to segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the Social Security number can be more easily redacted pursuant to a valid public records request.

(3) Fail, when collecting a Social Security number from an individual, to provide, at the time of or prior to the actual collection of the Social Security number by that agency, that individual, upon request, with a statement of the purpose or purposes for which the Social Security number is being collected and used.

(4) Use the Social Security number for any purpose other than the purpose set forth in the statement required under subdivision (3) of this subsection.

(5) Intentionally communicate or otherwise make available to the general public a person's Social Security number.

(6) Intentionally print or imbed an individual's Social Security number on any card required for the individual to access government services.

(7) Require an individual to transmit the individual's Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.

(8) Require an individual to use the individual's Social Security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the Internet website.

(9) Print an individual's Social Security number on any materials that are mailed to the individual, unless a State or federal law, regulation, or grant agreement requires that the Social Security number be on the document to be mailed. A Social Security number that is permitted to be mailed under this subdivision may not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on an envelope, without the envelope having been opened.

(e) Subsection (d) of this section does not apply to:

(1) Social Security numbers disclosed to another governmental entity or its agents, employees, contractors, grantees, or grantors of a governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of such numbers. As used in this subsection, "necessary" means reasonably needed to promote the efficient, accurate, or economical conduct of an entity's duties and responsibilities.

(2) Social Security numbers disclosed pursuant to a court order, warrant, or subpoena, or in response to a facially valid discovery request pursuant to rules applicable to a court or administrative body that has jurisdiction over the disclosing entity.

(3) Social Security numbers disclosed for public health purposes pursuant to and in compliance with requirements of the Department of Health under Title 18.

(4) The collection, use, or release of a Social Security number reasonably necessary for administrative purposes or internal verification. Internal verification includes the sharing of information for internal verification between and among governmental entities and their agents, employees, contractors, grantees, and grantors.

(5) Social Security numbers that have been redacted.

(6)(A) A State agency or State political subdivision that has used, prior to January 1, 2007, an individual's Social Security number in a manner inconsistent with subsection (d) of this section, which may continue using that individual's Social Security number in that manner on or after January 1, 2007, if all of the following conditions are met:

(i) The use of the Social Security number is continuous. If the use is stopped for any reason, subsection (d) of this section shall apply.

(ii) The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by subsection (d) of this section.

(iii) A written request by an individual to stop the use of his or her Social Security number in a manner prohibited by subsection (d) of this section is implemented within 30 days of the receipt of the request. There shall not be a fee or charge for implementing the request.

(iv) The State agency or State political subdivision does not deny services to an individual because the individual makes a written request pursuant to this subdivision.

(B) Nothing in this subdivision (e)(6) is intended to apply to the collection, use, or dissemination of Social Security numbers collected prior to January 1, 2007 and exempted from the provisions of subsection (d) of this section pursuant to subdivisions (1) through (5) or (7) through (11) of this subsection.

(7) Certified copies of vital records issued by the Department of Health and other authorized officials pursuant to 18 V.S.A. part 6.

(8) A recorded document in the official records of the town clerk or municipality.

(9) A document filed in the official records of the courts.

(10) The collection, use, or dissemination of Social Security numbers by law enforcement agencies and the Department of Public Safety in the execution of their duties and responsibilities.

(11) The collection, use, or release of a Social Security number to investigate or prevent fraud; conduct background checks; conduct social or scientific research; collect a debt; obtain a credit report from or furnish data to a consumer reporting agency pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.; undertake a permissible purpose enumerated under Gramm Leach Bliley, 12 C.F.R. § 216.13-15; or locate an individual who is missing, is a lost relative, or is due a benefit, such as a pension, insurance, or unclaimed property benefit.

(f) Any person has the right to request that a town clerk or clerk of court remove from an image or copy of an official record placed on a town's or court's Internet website available to the general public or an Internet website available to the general public to display public records by the town clerk or clerk of court, the person's Social Security number, employer taxpayer identification number, driver's license number, State identification number, passport number, checking account number, savings account number, credit card or debit card number, or personal identification number (PIN) code or passwords contained in that official record. A town clerk or clerk of court is authorized to redact the personal information identified in a request submitted under this section. The request must be made in writing, legibly signed by the requester, and delivered by mail, facsimile, or electronic transmission, or delivered in person to the town clerk or clerk of court. The request must specify the personal information to be redacted, information that identifies the document that contains the personal information and unique information that identifies the location within the document that contains the Social Security number, employer taxpayer identification number, driver's license number, State identification number, passport number, checking account number, savings account number, credit card number, or debit card number, or personal identification number (PIN) code or passwords to be redacted. The request for redaction shall be considered a public record with access restricted to the town clerk, the clerk of court, their staff, or upon order of the court. The town clerk or clerk of court shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction and shall have no duty to remove redaction for any reason upon subsequent request by an individual or by order of the court, if

impossible to do so. No fee will be charged for the redaction pursuant to such request. Any person who requests a redaction without proper authority to do so shall be guilty of an infraction, punishable by a fine not to exceed \$500.00 for each violation.

(g) Enforcement.

(1) With respect to businesses, the State, State agencies, political subdivisions of the State, and agents or employees of the State, a State agency, or a political subdivision of the State, subject to this subchapter, other than a person or entity licensed or registered with the Department of Financial Regulation under Title 8 or this title, the Attorney General and State's Attorney shall have sole and full authority to investigate potential violations of this subchapter, to enforce, prosecute, obtain, and impose remedies for a violation of this subchapter, or any rules made pursuant to this subchapter, and to adopt rules under this subchapter, as the Attorney General and State's Attorney have under chapter 63 of this title. The Attorney General may refer the matter to the State's Attorney in an appropriate case. The Superior Courts shall have jurisdiction over any enforcement matter brought by the Attorney General or a State's Attorney under this subsection.

(2) With respect to a person or entity licensed or registered with the Department of Financial Regulation under Title 8 or this title, the Department shall have full authority to investigate potential violations of this subchapter, and to prosecute, obtain, and impose remedies for a violation of this subchapter or any rules adopted pursuant to this subchapter as the Department has under Title 8 or this title, or any other applicable law or regulation.

(3) With respect to the information provided by the Vermont Department of Public Safety and law enforcement agencies, and any agent or employee thereof, to the Vermont Attorney General or State's Attorney pursuant to subdivision (1) of this subsection, the information provided or made available by the agency or Department to the Attorney General may be designated by the agency or Department as confidential, and shall not be released under the provisions of 1 V.S.A. § 317. (Added 2005, No. 162 (Adj. Sess.), § 1, eff. July 1, 2007; amended 2011, No. 78 (Adj. Sess.), § 2, eff. April 2, 2012.)

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Title 13 : Crimes And Criminal Procedure

Chapter 076 : Weapons Of Mass Destruction

§ 3504. Reporting illnesses, diseases, injuries and deaths associated with weapons of mass destruction

(a)(1) Illness, disease, injury or death. A health care provider shall report all cases of persons who exhibit any illness, disease, injury or death identified by the department of health as likely to be caused by a weapon of mass destruction, which may include illnesses, diseases, injuries or deaths which:

(A) can result from bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins, and might pose a risk of a significant number of human fatalities or incidents of permanent or long-term disability; or

(B) may be caused by the biological agents listed in 42 C.F.R. Part 72, Appendix A.

(2) This section does not authorize, nor shall it be interpreted to authorize, unreasonable searches and seizures by public health care employees; nor does this section authorize performance of diagnostic tests or procedures for the specific purpose of incriminating patients, unless the patient consents to such specific tests or procedures after notice of his or her constitutional rights and knowing waiver of them.

(3) Health care providers who make good faith reports to the department of health under this section shall be immune from prosecution, suit, administrative or regulatory sanctions for defamation, breach of confidentiality or privacy, or any other cause of action based on such reports or errors contained in such reports.

(b) Pharmacists. A pharmacist shall report any unusual or increased prescription requests, unusual types of prescriptions, or unusual trends in pharmacy visits that may result from bioterrorist acts, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins, and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Prescription-related events that require a report include, but are not limited to:

(1) an unusual increase in the number of prescriptions to treat fever, respiratory or gastrointestinal complaints;

(2) an unusual increase in the number of prescriptions for antibiotics;

(3) an unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory or gastrointestinal complaints; and

(4) any prescription that treats a disease that is relatively uncommon and may be the result of bioterrorism.

(c)(1) Manner of reporting. A report made pursuant to subsection (a) or (b) of this section shall be made in writing within 24 hours to the commissioner of health, or designee.

(2) The report shall include as much of the following information as is available:

(A) The patient's name, date of birth, sex, race and current address (including city and county).

(B) The name and address of the health care provider, and of the reporting individual, if different.

(C) Any other information as determined by the commissioner of health.

(3) The department of health shall establish a form, which may be filed electronically, for use in filing the reports required by this subsection.

(d)(1) Animal diseases. Every veterinarian, livestock owner, veterinary diagnostic laboratory director or other person having the care of animals, shall report animals having or suspected of having any disease that can result from bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins, and might pose a risk of a significant number of human and animal fatalities or incidents of permanent or long-term disability.

(2) A report made pursuant to this subsection shall be made, in writing, within 24 hours to the commissioner of health or designee, and shall include as much of the following information as is available: the location or suspected location of the animal, the name and address of any known owner, and the name and address of the reporting individual.

(e) Laboratories. For purposes of this section only, the term "health care provider" shall also include out-of-state medical laboratories that have agreed to the reporting requirements of this state. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results.

(f) Enforcement. The department of health may enforce the provisions of this section in accordance with chapters 3 and 11 of Title 18.

(g) Disclosure. Information collected pursuant to this section and in support of investigations and studies undertaken by the commissioner in response to reports made pursuant to this section shall be privileged and confidential. This subsection shall not apply to the disclosure of information to a law enforcement agency for a legitimate law enforcement purpose.

(h) Rulemaking. The commissioner of health shall, after consultation with the commissioner of public safety, adopt rules to implement this section. The rules adopted pursuant to this subsection shall include methods to ensure timely communication from the department of health to the department of public safety. (Added 2001, No. 137 (Adj. Sess.), § 3, eff. June 12, 2002.)

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The Vermont Statutes Online**Title 13 : Crimes And Criminal Procedure****Chapter 076 : Weapons Of Mass Destruction****§ 3501. Definitions**

(a) As used in this chapter:

(1) "Chemical warfare agents" means:

(A) Any weaponized toxic or poisonous chemical, including the following agents or any analog of the following agents:

(i) Nerve agents, including Tabun (GA), Sarin (GB), Soman (GD), GF, and VX.

(ii) Choking agents, including Phosgene (CG) and Diphosgene (DP).

(iii) Blood agents, including Hydrogen Cyanide (AC), Cyanogen Chloride (CK), and Arsine (SA).

(iv) Blister agents, including mustards (H, HD (sulfur mustard), HN-1, HN-2, HN-3 (nitrogen mustard)), arsenicals, such as Lewisite (L), urticants, such as CX, and incapacitating agents, such as BZ.

(B) A dangerous chemical or hazardous material generally utilized in an industrial or commercial process when a person knowingly and intentionally utilizes the material with the intent to cause harm, and the use places persons at risk of serious bodily injury or death, or endangers the environment.

(2) "Health care provider" means a person, partnership, corporation, facility or institution, licensed, certified or authorized, by law, to provide professional health care service in this state to an individual during that individual's medical care, treatment or confinement.

(3) "Hoax weapon" means any substance, compound, or other item intended to convey the physical appearance or chemical properties of a weapon of mass destruction or asserted to contain a weapon of mass destruction, which is not a weapon of mass destruction or does not contain a weapon of mass destruction.

(4) "Law enforcement agency" means:

(A) A federal law enforcement agency, including the Bureau of Alcohol, Tobacco and Firearms, the Federal Bureau of Investigation, Military Police or Military Criminal Investigative Division, United States Marshals Service, Secret Service, Federal Emergency Management Agency, or the Department of Defense Threat Reduction Agency.

(B) One of the following Vermont law enforcement agencies:

(i) The department of public safety.

(ii) A municipal police department.

(iii) A sheriff's department.

(iv) The attorney general's office.

(v) A state's attorney's office.

(vi) The capitol police department.

(5) "Nuclear or radiological agents" means any improvised nuclear device (IND) which is any explosive device designed to cause a nuclear yield, any radiological dispersal device (RDD) which is any explosive device utilized to spread radioactive material, or a simple radiological dispersal device (SRDD) which is any container designed to release radiological material as a weapon without an explosion.

(6) "Vector" means a living organism or a molecule, including a recombinant molecule, or a biological product that may be engineered as a result of biotechnology, that is capable of carrying a biological agent or toxin to a host.

(7) "Weapon of mass destruction" means a chemical warfare agent, weaponized biological or biologic warfare agent, nuclear agent, or radiological agent.

(8) "Weaponization" means the deliberate processing, preparation, packaging, or synthesis of any substance or agent for use as a weapon or munition. "Weaponized agents" means those agents or substances that have been prepared for dissemination through any explosive, thermal, pneumatic, mechanical or other means.

(9) "Weaponized biological or biologic warfare agents" means:

(A) weaponized pathogens, including bacteria, viruses, rickettsia, yeasts, or fungi;

(B) genetically-engineered pathogens;

(C) weaponized toxins;

(D) weaponized vectors; and

(E) weaponized endogenous biological regulators (EBRs).

(b) The lawful use of chemicals for legitimate mineral extraction, industrial, agricultural, or commercial purposes is not proscribed by this chapter. (Added 2001, No. 137 (Adj. Sess.), § 3, eff. June 12, 2002.)