

# Senate Calendar

MONDAY, APRIL 17, 2017

SENATE CONVENES AT: 3:00 P.M.

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF FRIDAY, APRIL 14, 2017**

**Second Reading**

**Favorable with Proposal of Amendment**

**H. 507.**

An act relating to Next Generation Medicaid ACO pilot project reporting requirements.

**Reported favorably with recommendation of proposal of amendment by Senator Lyons for the Committee on Health and Welfare.**

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), following “Health Reform Oversight Committee,” by inserting the Green Mountain Care Board,

Second: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), at the end subdivision (3), by adding before the semicolon, for which quarterly data is available

Third: By adding a new section to be Sec. 3, to read as follows:

Sec. 3. 2016 Acts and Resolves No. 165, Sec. 6 is amended to read:

Sec. 6. OUT-OF-POCKET PRESCRIPTION DRUG LIMITS; 2018  
PILOT; REPORTS

(a) The Department of Vermont Health Access shall convene an advisory group to develop options for bronze-level qualified health benefit plans to be offered on the Vermont Health Benefit Exchange for the 2018 and 2019 plan ~~year~~ years, including:

(1) one or more plans with a higher out-of-pocket limit on prescription drug coverage than the limit established in 8 V.S.A. § 4089i; and

(2) two or more plans with an out-of-pocket limit at or below the limit established in 8 V.S.A. § 4089i.

\* \* \*

(c)(1) The advisory group shall meet at least six times prior to the Department submitting plan designs to the Green Mountain Care Board for

approval.

(2) In developing the standard qualified health benefit plan designs for the 2018 ~~and 2019 plan year~~ years, the Department of Vermont Health Access shall present the recommendations of the advisory committee established pursuant to subsection (a) of this section to the Green Mountain Care Board.

(d)(1) Prior to the date on which qualified health plan forms must be filed with the Department of Financial Regulation pursuant to 8 V.S.A. § 4062, a health insurer offering qualified health benefit plans on the Vermont Health Benefit Exchange shall seek approval from the Green Mountain Care Board to modify the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more nonstandard bronze-level plans. In considering an insurer's request, the Green Mountain Care Board shall provide an opportunity for the advisory group established in subsection (a) of this section, and any other interested party, to comment on the recommended modifications.

(2)(A) Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Green Mountain Care Board may approve modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more bronze-level plans for the 2018 ~~and 2019 plan year~~ years only.

(B) For the 2018 ~~and 2019 plan year~~ years, the Department of Vermont Health Access shall certify at least two standard bronze-level plans that include the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, as long as the plans comply with federal requirements. Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Department may certify one or more bronze-level qualified health benefit plans with modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for the 2018 ~~and 2019 plan year~~ years only.

(e)(1)(A) For each individual enrolled in a bronze-level qualified health benefit plan for plan years 2016 and 2017 who had out-of-pocket prescription drug expenditures during the 2016 plan year that met the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, the health insurer shall, absent an alternative plan selection or plan cancellation by the individual, automatically reenroll the individual in a bronze-level qualified health benefit plan for plan year 2018 with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i.

(B) For each individual enrolled in a bronze-level qualified health benefit plan for plan years 2017 and 2018 who had out-of-pocket prescription drug expenditures during the 2017 plan year that met the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, the health insurer shall, absent an alternative plan selection or plan cancellation by the individual, automatically reenroll the individual in a bronze-level qualified health benefit

plan for plan year 2019 with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i.

(2) Prior to reenrolling the individual in a plan pursuant to subdivision (1) of this subsection, the health insurer shall notify the individual of the insurer's intent to reenroll automatically the individual in a bronze-level plan for plan year 2018 or 2019 with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i and of the availability of bronze-level plans with higher out-of-pocket prescription drug limits.

(f)(1) The Director of Health Care Reform in the Agency of Administration, in consultation with the Department of Vermont Health Access and the Office of Legislative Council, shall determine whether the Secretary of the U.S. Department of Health and Human Services has the authority under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152 (ACA), to waive annual limitations on out-of-pocket expenses or actuarial value requirements for bronze-level plans, or both. On or before October 1, 2016, the Director shall present information to the Health Reform Oversight Committee regarding the authority of the Secretary of the U.S. Department of Health and Human Services to waive out-of-pocket limits and actuarial value requirements, the estimated costs of applying for a waiver, and alternatives to a waiver for preserving the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

(2) If the Director of Health Care Reform determines that the Secretary has the necessary authority, then on or before March 1, ~~2017~~ 2019, the Commissioner of Vermont Health Access, with the Director's assistance, shall apply for a waiver of the cost-sharing or actuarial value limitations, or both, in order to preserve the availability of bronze-level qualified health benefit plans that meet Vermont's out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

(g) On or before February 15, 2017, the Department of Vermont Health Access shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) an overview of the cost-share increase trend for bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange for the 2014 through 2017 plan years that were subject to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i;

(2) detailed information regarding lower cost-sharing amounts for selected services that will be available in bronze-level qualified health benefit plans in the 2018 and 2019 plan ~~year~~ years due to the flexibility to increase the

out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i pursuant to subdivision (d)(2) of this section;

(3) a comparison of the bronze-level qualified health benefit plans offered in the 2018 and 2019 plan ~~year~~ years in which there will be flexibility in the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i with the plans in which there will not be flexibility;

(4) information about the process engaged in by the advisory group established in subsection (a) of this section and the information considered to determine modifications to the cost-sharing amounts in all bronze-level qualified health benefit plans for the 2018 and 2019 plan ~~year~~ years, including prior year utilization trends, feedback from consumers and health insurers, Health Benefit Exchange outreach and education efforts, and relevant national studies;

(5) cost-sharing information for standard bronze-level qualified health benefit plans from states with federally facilitated exchanges compared to those on the Vermont Health Benefit Exchange; and

(6) an overview of the outreach and education plan for enrollees in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange.

(h) On or before February 1, 2018, the Department of Vermont Health Access shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) enrollment trends in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange; and

(2) recommendations from the advisory group established pursuant to subsection (a) of this section regarding:

(A) continuation of the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i; and

(B) options for statutory or regulatory changes to ensure the continued availability of bronze-level plans on the Vermont Health Benefit Exchange.

And by renumbering the remaining section (effective date) to be numerically correct.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2017, page 500.)

**Proposal of amendment to H. 507 to be offered by Senators Sirotkin, Ashe and Mullin**

Senators Sirotkin, Ashe and Mullin move that the Senate propose to the House that the report of the Committee on Health and Welfare be amended as follows:

First: In Sec. 3, 2016 Acts and Resolves No. 165, Sec. 6, by striking out “2018 and 2019 plan year years” wherever it appears and inserting in lieu thereof the following: 2018 plan year

Second: In Sec. 3, 2016 Acts and Resolves No. 165, Sec. 6, in subdivision (e)(1), by striking out the subparagraph (A) designation and by striking out subparagraph (B) in its entirety.

Third: In Sec. 3, 2016 Acts and Resolves No. 165, Sec. 6, in subdivision (e)(2), following “2018”, by striking out the following: or 2019

**NEW BUSINESS**

**Third Reading**

**H. 265.**

An act relating to the State Long-Term Care Ombudsman.

**Second Reading**

**Favorable with Proposal of Amendment**

**H. 3.**

An act relating to burial depth in cemeteries.

**Reported favorably with recommendation of proposal of amendment by Senator Balint for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the Senate propose to the House to amend the bill as follows:

In Sec. 1, 18 V.S.A. § 5319(b), in subdivision (1), by inserting after the first sentence, a second sentence to read as follows:

Nothing in this subdivision shall be construed to prohibit the interment of a human body at a depth greater than three and one-half feet below the surface of the ground.

(Committee vote: 5-0-0)

(No House amendments.)

## H. 136.

An act relating to accommodations for pregnant employees.

**Reported favorably with recommendation of proposal of amendment by Senator Sirotkin for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

\* \* \*

(14) “Pregnancy-related condition” means a limitation of an employee’s ability to perform the functions of a job caused by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

Sec. 2. 21 V.S.A. § 495k is added to read:

§ 495k. ACCOMMODATIONS FOR PREGNANCY-RELATED CONDITIONS

(a)(1) It shall be an unlawful employment practice for an employer to fail to provide a reasonable accommodation for an employee’s pregnancy-related condition, unless it would impose an undue hardship on the employer.

(2) An employee with a pregnancy-related condition, regardless of whether the employee is an “individual with a disability” as defined in subdivision 495d(5) of this subchapter, shall have the same rights and be subject to the same standards with respect to the provision of a reasonable accommodation, pursuant to this subchapter, as a qualified individual with a disability as defined in subdivision 495d(6) of this subchapter.

(b) Nothing in this section shall be construed to diminish the rights, privileges, or remedies of an employee pursuant to federal or State law, a collective bargaining agreement, or an employment contract.

(c) An employer shall post notice of the provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer’s place of business.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2018.



(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 21, 2017, page 469.)

#### **H. 145.**

An act relating to establishing the Mental Health Crisis Response Commission.

**Reported favorably with recommendation of proposal of amendment by Senator Cummings for the Committee on Health and Welfare.**

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 18 V.S.A. § 7257a, by striking out subdivision (b)(2) in its entirety and inserting in lieu thereof as follows:

(2) The review process shall not commence until any criminal prosecution arising out of the incident is concluded or the Attorney General and State’s Attorney provide written notice to the Commission that no criminal charges shall be filed.

Second: In Sec. 1, 18 V.S.A. § 7257a, in subsection (i), in the first sentence, by striking out “on or before January 15 of the first year of the biennium” and inserting in lieu thereof as the Commission deems necessary, but no less frequently than once per calendar year

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 21, 2017, page 459.)

#### **H. 230.**

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity.

**Reported favorably with recommendation of proposal of amendment by Senator McCormack for the Committee on Health and Welfare.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 196 is amended to read:

CHAPTER 196. ~~CONVERSION THERAPY~~ OUTPATIENT MENTAL HEALTH TREATMENT FOR MINORS

Subchapter 1. Consent by Minors for Mental Health Care

§ 8350. CONSENT BY MINORS FOR MENTAL HEALTH TREATMENT

A minor may give consent to receive any legally authorized outpatient treatment from a mental health professional, as defined in section 7101 of this title. Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of a parent or legal guardian shall not be necessary to authorize outpatient treatment. As used in this section, “outpatient treatment” means psychotherapy and supportive counseling, but not prescription drugs.

Subchapter 2. Prohibition of Conversion Therapy

\* \* \*

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

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

An act relating to consent by minors for mental health treatment.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 22, 2017, page 485.)

**H. 497.**

An act relating to health requirements for animals used in agriculture.

**Reported favorably with recommendation of proposal of amendment by Senator Brooks for the Committee on Agriculture.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. chapter 63 is amended to read:

**CHAPTER 63. ~~LIVESTOCK DEALERS~~ LIVESTOCK-RELATED  
BUSINESSES, AUCTIONS, AND SALES RINGS**

§ 761. DEFINITIONS

As used in this chapter:

(1) “Livestock” means cattle, horses, sheep, swine, goats, camelids, fallow deer, red deer, reindeer, and American bison.

(2) “Livestock dealer” means a person going from place to place buying, selling, or transporting livestock, or operating a livestock auction or sales ring, either on ~~their~~ the person’s own account or on commission, except ~~state-breed associations recognized as such by the secretary of agriculture, food and markets;~~

(A) a federal agency, including any department, division, or authority within the agency; or

(B) a nonprofit association approved by the Secretary.

(3) “Packer” means a livestock dealer who is solely involved in the purchase of livestock for purpose of slaughter at his or her own slaughter facility.

(4) “Person” means any individual, partnership, unincorporated association, or corporation.

(5) “Transporter” means a livestock dealer who limits his or her activity to transporting livestock for remuneration. A transporter cannot buy or sell livestock and is not required to be bonded.

#### § 762. LICENSE; FEE

(a) A person shall not carry on the business of a livestock dealer, packer, or transporter without first obtaining a license from the Secretary of Agriculture, Food and Markets. Before the issuance of ~~such a~~ license, ~~such dealer a person~~ shall file with the Secretary an application for ~~such a~~ license on forms provided by the Agency. Each application shall be accompanied by a fee of \$175.00 for ~~persons who buy and sell or auction livestock,~~ livestock dealers and packers and \$100.00 for ~~persons who only transport livestock commercially~~ livestock transporters.

(b) The Secretary may deny any application for a livestock ~~dealer's~~ dealer, packer, or transporter license, after notice and an opportunity for a hearing, whenever the applicant is a person or a representative of a person who has had a livestock ~~dealer's~~ dealer, packer, or transporter license suspended or revoked by any state, including Vermont, or any foreign country during the preceding five years or who has been convicted of violating statutes, rules, or regulations of any state or the federal government pertaining to the sale or transportation of livestock or the control of livestock disease. The applicant shall be informed of any denial by letter, which shall include the specific reasons for the denial. The applicant shall have 15 days in which to petition the Secretary for reconsideration. The petition shall be submitted in writing, and the Secretary, in his or her discretion may hold a further hearing on the petition for reconsideration. Thereafter, the Secretary shall issue or deny the license and shall inform the applicant in writing of his or her decision and the reasons therefor.

(c) The Livestock Special Fund is established under and shall be administered pursuant to 32 V.S.A. chapter 7, subchapter 5. All funds received under this section shall be deposited in the Livestock Special Fund for use by the Agency for administration of livestock programs.

§ 763. EXEMPTIONS FROM LICENSE

The provisions of section 762 of this title relative to requiring a license shall not apply to a farmer going from place to place buying or selling livestock in the regular operation of his or her farm business.

§ 764. BOND

~~(a) Each livestock dealer~~ Before the Secretary issues a livestock dealer or packer license under this chapter, an applicant shall furnish the secretary Secretary with a surety bond in the amount of not less than \$10,000.00; executed by a surety company authorized to do business in this state, ~~and a like surety bond in a like sum for each agent listed on the dealer's license application~~ State.

~~(b) Before a license shall be issued to an applicant who conducts one or more livestock commission sales or auctions, such applicant shall furnish the secretary, in addition to any other bond required by this section, a surety bond, executed by a surety company authorized to do business in this state, covering all business in each location at which such applicant conducts a livestock auction or sales ring, in a principal amount to be determined by the secretary based on the volume of his purchases, but not to exceed \$150,000.00. [Repealed.]~~

~~(c) All livestock dealers' and livestock auction bonds required under this section shall be in such the form as the secretary shall prescribe and shall be conditioned for compliance with the provisions of this chapter and for payment of all obligations of the licensee for purchases of livestock within this state. Any resident of this state injured by a harmful act of the licensee, his agents, servants, or operators shall have a cause of action in his own name on such bond for the damage sustained; provided, however, that the aggregate liability of the surety to all residents of this state shall in no event exceed the principal amount of the bond. required under 9 C.F.R. § 201.30, as amended over time. In lieu of a surety bond required under this section, the Secretary may accept a financial instrument or alternate form of surety authorized under 9 C.F.R. § 201.30.~~

~~(d) Before a license shall be issued to an applicant whose residence is outside Vermont, or to an applicant whose employer is not a resident of Vermont, such applicant shall furnish the secretary of agriculture, food and markets in addition to any other bond required by this section, a bond in the principal amount to be determined by the secretary based on the volume of his purchases, but not to exceed \$150,000.00 executed by a surety company authorized to do business in this state. [Repealed.]~~

~~(e) The secretary may accept a livestock dealer surety bond issued under the Federal Packers and Stockyard Act instead of the bonds required under~~

~~subsections (a), (b), and (c) of this section, provided that a copy of such bond is filed with the secretary and in an amount considered by the secretary to be sufficient. Where the coverage is considered insufficient the secretary may require additional bonding to the extent authorized under subsections (a), (b), and (c) of this section. [Repealed.]~~

~~(f) The secretary may accept, in lieu of a surety bond, a federal packers and stockyards administration trust fund agreement, or a packers and stockyards administration trust agreement that includes an irrevocable letter of credit. [Repealed.]~~

~~(g) The secretary may accept a federal packers and stockyards packers surety bond in lieu of a livestock dealers bond, but only on the condition that all livestock purchased by the packer in this state shall be slaughtered at the packer's facility. [Repealed.]~~

#### § 764a. CLAIMS

~~Any claims on the licensee under section 764 of this title shall be filed by the claimant with the secretary of agriculture, food and markets within 120 days of date of sale. [Repealed.]~~

#### § 765. EXEMPTIONS FROM BOND

~~A nonprofit cooperative association, organized under chapter 1 or 7 of Title 11, or similar laws of other states, shall not be required to furnish a bond as required in section 764 of this title. [Repealed.]~~

#### § 767. POSSESSION OF LICENSE; FEES FOR COPIES; EXPIRATION DATE; LICENSES NOT TRANSFERABLE

~~(a) A livestock dealer, packer, or transporter shall keep a copy of such the license required under this chapter in his or her possession and ~~one number plate of suitable design which shall be issued to such dealer by the secretary at the time of the issuance of such license shall be attached to each truck or other conveyance used by such dealer for the transportation of livestock. The number plate shall be attached to the vehicle as regulated by the agency of agriculture, food and markets. At the time of the initial issuance of the license, the Secretary shall issue to the dealer, packer, or transporter a unique vehicle plate for each applicable conveyance used by the licensee to contain or transport livestock. The dealer, packer, or transporter shall attach the vehicle plate to each applicable conveyance. All such plates shall be removed from the vehicles conveyance immediately after expiration of the license.~~~~

~~(b) Copies of licenses shall be obtained from the secretary of agriculture, food and markets and he or she shall charge a fee of \$2.50 for each copy. [Repealed.]~~

(c) ~~All licenses issued under section 762 of this title shall take effect July 1, and expire on June 30, following. They may~~ A livestock dealer license, packer license, or transporter license shall not be transferred.

#### § 768. DUTIES OF DEALERS, TRANSPORTERS, AND PACKERS

A livestock dealer, transporter, or packer licensed under section 762 of this title shall:

(1) Maintain in a clean and sanitary condition all premises, buildings, and conveyances used in the business of ~~dealing in~~ buying, selling, or transporting livestock or operating a livestock auction or sales ring;

(2) Submit premises, buildings, and conveyances to inspection and livestock to inspection and test at any and such times as the ~~secretary~~ Secretary may deem it necessary and advisable;

(3) Allow no livestock on livestock dealer's premises from herds or premises quarantined by the ~~secretary of agriculture, food and markets;~~ Secretary of Agriculture, Food and Markets.

(4) Maintain, subject to inspection by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets or his or her agent, a proper record in which all livestock purchased, repossessed, sold, or loaned are to be listed, giving breed, date purchased, repossessed, sold, or loaned and complete names and addresses from whom obtained and to whom delivered. Such record shall also show the individual identification of each livestock by a method prescribed for each species by rule by the secretary, except that for equine such record and method of individual identification shall be as prescribed under subchapter 2 of chapter 102 of this title compliant with applicable State and federal statutes, rules, and regulations specified by the Secretary, including the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86.

(5) Abide by ~~such~~ other reasonable rules ~~and regulations which~~ that may be issued adopted by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets to prevent the spread of disease. A copy of ~~such~~ all applicable rules ~~and regulations~~ shall be provided to all livestock dealers, packers, and transporters licensed under the terms of section 762 of this title, at the time they first obtain a license.

(6) Pay the seller within 72 hours following the sale of the animal or animals.

(7) ~~Not simultaneously transport brucellosis free and diseased and suspect cattle, except when all the animals are being transported directly to a slaughtering facility. [Repealed.]~~

#### § 769. CANCELLATION OF LICENSE

Failure of any livestock dealer, transporter, or packer to abide by the terms of this chapter, or of any of the State or federal laws, rules, or regulations relating to livestock, or of ~~such a procedure as that the secretary of agriculture, food and markets deems~~ Secretary of Agriculture, Food and Markets adopts as necessary to prevent the spread of disease, shall be deemed sufficient cause after notice and hearing for the cancellation of a license issued under section 762 of this title.

#### § 770. PENALTY

Any livestock dealer, transporter, or packer who buys, sells, or transports livestock in this state State or operates a livestock auction or sales ring without having a license so to do, issued either to such person or to the firm or corporation ~~which that he or she~~ represents in conducting such business, as herein required, shall be fined not less than \$100.00 nor more than \$500.00 or be imprisoned not less than 30 days nor more than 90 days, or both assessed an administrative penalty under section 15 of this title.

#### § 772. ~~SALE OF FOALS~~

~~(a) A person shall not buy, sell, transfer ownership of, or transport any equine foal less than six months old, except with its dam, unless such foal is naturally weaned or unless for immediate slaughter. For purposes of this section, a colt shall be considered "naturally weaned" if it is capable of subsisting apart from its dam.~~

~~(b) Failure to comply with this section is a violation of 13 V.S.A. § 352(3). [Repealed.]~~

Sec. 2. 6 V.S.A. chapter 64 is amended to read:

### CHAPTER 64. LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

#### § 791. DEFINITIONS

As used in this chapter:

(1) "Agency" means the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets.

(2) "Council" means the ~~livestock care standards advisory council~~ Livestock Care Standards Advisory Council.

(3) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats, fallow deer, American bison, poultry, and any other animal that can or may be used in and for the preparation of meat, fiber, or poultry products.

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

§ 792. ESTABLISHMENT OF LIVESTOCK CARE STANDARDS  
ADVISORY COUNCIL

(a) There is established a ~~livestock care standards advisory council~~ the Livestock Care Standards Advisory Council for the purposes of evaluating the laws of the ~~state~~ State and of providing policy recommendations regarding the care, handling, and well-being of livestock in the ~~state~~ State. The ~~livestock care standards advisory council~~ Livestock Care Standards Advisory Council shall be composed of the following members, all of whom shall be residents of Vermont:

(1) The ~~secretary of agriculture, food and markets~~ Secretary, who shall serve as the ~~chair~~ Chair of the ~~council~~ Council.

(2) The ~~state veterinarian~~ State Veterinarian.

(3) The following six members appointed by the ~~governor~~ Governor:

(A) A person with knowledge of food safety and food safety regulation in the ~~state~~ State.

(B) A person from a statewide organization that represents the beef industry.

(C) A Vermont licensed livestock or poultry veterinarian.

(D) A representative of an agricultural department of a Vermont college or university.

(E) A representative of the Vermont slaughter industry.

(F) A representative of the Vermont livestock dealer, hauler, or auction industry.

(4) The following three members appointed by the ~~committee on committees~~ Committee on Committees:

(A) A producer of species other than bovidae.

(B) An operator of a medium farm or large farm permitted by the ~~agency~~ Agency.

(C) A professional in the care and management of equines and equine facilities.

(5) The following three members appointed by the ~~speaker of the house~~ Speaker of the House:

(A) An operator of a small Vermont dairy farm.

(B) A representative of a local humane society ~~or organization~~ from Vermont ~~registered with the agency~~ and organized under ~~state~~ State law.



(C) A person with experience investigating charges of animal cruelty involving livestock, provided that no such person who has received or is receiving compensation from a national humane society or organization may be appointed under this subdivision.

(b) Members of the ~~board~~ Council shall be appointed for staggered terms of three years. Except for the ~~chair~~ Chair, the ~~state veterinarian~~ State Veterinarian, and the representative of the agricultural department of a Vermont college or university, no member of the ~~council~~ Council may serve for more than ~~six~~ two consecutive ~~years~~ full terms. Eight members of the ~~council~~ Council shall constitute a quorum. If a vacancy on the Council occurs, a new member shall be appointed, in the same manner that his or her predecessor was appointed, to fill the unexpired term.

(c) With the concurrence of the ~~chair~~ Chair, the ~~council~~ Council may use the services and staff of the ~~agency~~ Agency in the performance of its duties.

#### § 793. POWERS AND DUTIES OF LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

(a) The Council shall:

(1) Review and evaluate the laws and rules of the State applicable to the care and handling of livestock. In conducting the evaluation required by this section, the Council shall consider the following:

- (A) the overall health and welfare of livestock species;
- (B) agricultural best management practices;
- (C) biosecurity and disease prevention;
- (D) animal morbidity and mortality data;
- (E) food safety practices;
- (F) the protection of local and affordable food supplies for consumers; and
- (G) humane transport and slaughter practices.

(2) Submit policy recommendations to the Secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the Secretary shall be provided to the House Committee on Agriculture and ~~Forest Products~~ Forestry and the Senate Committee on Agriculture. Recommendations may be in the form of proposed legislation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(3) Meet at least annually and at such other times as the Chair determines to be necessary.

(4) Submit minutes of the Council annually, on or before January 15, to the House Committee on Agriculture and ~~Forest Products~~ Forestry and the Senate Committee on Agriculture. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(b) The Council may engage in education and outreach activities related to the laws and regulations for the care and handling of livestock. The Council may accept funds from public or private sources in compliance with 32 V.S.A. § 5.

Sec. 3. 6 V.S.A. chapter 102 is amended to read:

CHAPTER 102. CONTROL OF CONTAGIOUS  
LIVESTOCK DISEASES

Subchapter 1. General Provisions

§ 1151. DEFINITIONS

As used in this part:

(1) “Accredited veterinarian” means a veterinarian approved by the ~~United States~~ U.S. Department of Agriculture and the ~~state veterinarian~~ State Veterinarian to perform functions specified by cooperative state-federal disease control programs.

(2) “Animal” or “domestic animal” means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured ~~trout~~ fish propagated by commercial ~~trout~~ fish farms.

(3) “Approved slaughterhouse” means an establishment maintained by a slaughterer under ~~state~~ State or federal law.

(4) “Camelids” means any animal of the family camelidae, including, ~~but not limited to,~~ guanacos, vicunas, camels, alpacas, and llamas.

(5) “Coggins test” means the agar gel immunodiffusion blood test conducted in a laboratory approved by the ~~United States~~ U.S. Department of Agriculture and the ~~secretary~~ Secretary.

(6) ~~“Secretary” means the Vermont secretary of agriculture, food and markets, or his or her designee.~~

(7) “Contagious disease,” ~~“communicable disease,”~~ “infectious disease,” or “disease” means any disease found in domestic animals ~~which~~ that is capable of directly or indirectly spreading from one domestic animal to another

~~with or without actual contact. “Contagious disease” includes, but is not limited to, all reportable diseases.~~

~~(8)(7) “Deer” means any member of the family cervidae except for white-tailed deer and moose.~~

~~(8) “Domestic fowl” or “poultry” means all domesticated birds of all ages that may be used as human food, or which produce eggs that may be used as human food, excluding those birds protected by 10 V.S.A. part 4.~~

~~(9) “Equine animal” means any member of the family equidae, including, but not limited to, horses, ponies, mules, asses, and zebra zebras.~~

~~(10) “Equine infectious anemia” means swamp fever, the disease of equine animals spread by blood sucking insects and unsterile surgical instruments or equipment that produces cuts or abrasions.~~

~~(11) “Red deer” means domesticated deer of the family cervidae, subfamily cervinae, genus Cervus, species elaphus.~~

~~(12) “Fallow deer” means domesticated deer of the genus Dama, species dama.~~

~~(13) “Ferret” means only the European ferret Mustela putorius furo.~~

~~(11) “Red deer” means domesticated deer of the family cervidae, subfamily cervidae, genus Cervus, species elaphus.~~

~~(12) “Reactor” means an animal that tests positive to any official test required under this chapter.~~

~~(14)(13) “Reportable disease” means any disease determined included in the National List of Reportable Animal Diseases and any disease required by the secretary Secretary by rule to be a reportable disease or contained in the following list:~~

~~(A) Poultry Diseases:~~

~~(B) Avian Influenza~~

~~(C) Fowl Cholera~~

~~(D) Infectious laryngotracheitis~~

~~(E) Mycoplasma Gallisepticum~~

~~(F) Newcastle disease~~

~~(G) Mycoplasma Synoviae~~

~~(H) Psittacosis (Chlamydiosis)~~

~~(I) Salmonella:~~

- ~~(i) pullorum~~
- ~~(ii) typhimurium~~
- ~~(iii) other salmonellas~~
- ~~(J) Livestock Diseases:~~
- ~~(K) African Swine Fever~~
- ~~(L) Anaplasmosis~~
- ~~(M) Anthrax~~
- ~~(N) Any Vesicular Disease:~~
  - ~~(i) foot and mouth disease~~
  - ~~(ii) swine vesicular disease~~
  - ~~(iii) vesicular stomatitis~~
  - ~~(iv) vesicular exanthema~~
- ~~(O) Bluetongue~~
- ~~(P) Brucellosis~~
- ~~(Q) Cysticercosis~~
- ~~(R) Dourine~~
- ~~(S) Equine Encephalomyelitis~~
- ~~(T) Equine Infectious Anemia~~
- ~~(U) Hog Cholera~~
- ~~(V) Paratuberculosis (Johne's disease), positive organism detection~~
- ~~(W) Piroplasmiasis~~
- ~~(X) Pleuropneumonia~~
- ~~(Y) Pseudorabies~~
- ~~(Z) Rabies~~
- ~~(AA) Rinderpest~~
- ~~(BB) Scabies:~~
  - ~~(i) sarcoptic (cattle)~~
  - ~~(ii) psoroptic (cattle and sheep)~~
- ~~(CC) Scrapie (sheep)~~
- ~~(DD) Screwworms~~

~~(EE) Bovine Tuberculosis~~

~~(FF) Malignant Catarrhal Fever~~

~~(GG) Transmissible spongiform encephalopathies~~

~~(15) "Deer" means any member of the family cervidae except for white-tailed deer and moose to be reportable.~~

~~(14) "Secretary" means the Secretary of Agriculture, Food and Markets or designee.~~

§ 1152. ADMINISTRATION; INSPECTION; TESTING

(a) The ~~secretary~~ Secretary shall be responsible for the administration and enforcement of the livestock disease control program. The ~~secretary~~ Secretary may appoint the ~~state veterinarian~~ State Veterinarian to manage the program, and other personnel as are necessary for the sound administration of the program.

(b) The ~~secretary~~ Secretary shall maintain a public record of all permits issued and of all animals tested by the Agency of Agriculture, Food and Markets under this chapter for a period of ~~three~~ five years.

(c) The ~~secretary~~ Secretary may conduct any inspections, investigations, tests, diagnoses, or other reasonable steps necessary to discover and eliminate contagious diseases existing in domestic animals ~~or cultured trout~~ in this ~~state~~ State. The Secretary shall investigate any reports of diseased animals, provided there are adequate resources. In carrying out the provisions of this part, the Secretary or his or her authorized agent may enter any real estate, premises, buildings, enclosures, or areas where animals may be found for the purpose of making reasonable inspections and tests. A livestock owner or the person in possession of the animal to be inspected, upon request of the Secretary, shall restrain the animal and make it available for inspection and testing.

(d) The ~~secretary~~ Secretary may contract and cooperate with the ~~United States~~ U.S. Department of Agriculture ~~and~~, other federal agencies or ~~other states,~~ and accredited veterinarians for the control and eradication of contagious diseases of animals. The ~~secretary~~ Secretary shall consult and cooperate, as appropriate, with the ~~commissioner of fish and wildlife and the commissioner of health~~ Commissioners of Fish and Wildlife and of Health regarding the control of contagious diseases.

(e) If necessary, the ~~secretary~~ Secretary shall set priorities for the use of the funds available to operate the program established by this chapter.

~~(f) The taking and possessing of an animal which is imported, possessed, or confined for the purpose of hunting shall be regulated by the fish and wildlife~~

~~board and commissioner of fish and wildlife under the provisions of part 4 of Title 10. However, the secretary shall have jurisdiction over the animal for the purposes described in section 1153 of this title~~ Records produced or acquired by the Secretary under this chapter shall be available to the public, except that the Secretary may withhold or redact a record to the extent needed to avoid disclosing directly or indirectly the identity of individual persons, households, or businesses.

#### § 1153. RULES

(a) The Secretary shall adopt rules necessary for the discovery, control, and eradication of contagious diseases and for the slaughter, disposal, quarantine, vaccination, and transportation of animals found to be diseased or exposed to a contagious disease. The Secretary may also adopt rules requiring the disinfection and sanitation of real estate, buildings, vehicles, containers, and equipment ~~which~~ that have been associated with diseased livestock.

(b) The Secretary shall adopt rules establishing fencing and transportation requirements for deer.

(c) The Secretary shall adopt rules necessary for the inventory, registration, tracking, and testing of deer.

#### § 1154. ~~INSPECTION AND TESTING~~

~~(a) The secretary may routinely inspect all domestic animals in the state for contagious diseases.~~

~~(b) The secretary shall investigate any reports of diseased animals, provided there are adequate resources.~~

~~(c) In carrying out the provisions of this part, the secretary, or his or her authorized agent, may enter any real estate, premises, buildings, enclosures, or areas where animals may be found for the purpose of making reasonable inspections and tests.~~

~~(d) A livestock owner or the person in possession of the animal to be inspected, upon request of the secretary, shall restrain the animal and make it available for inspection and testing. [Repealed.]~~

#### § 1154a. TESTING OF CULTURED FISH AND FEE FISHING BUSINESSES

(a) Health testing of cultured fish ~~shall~~ may be provided to commercial fish farms and fee fishing businesses through an aquaculture inspection program conducted jointly by the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets and the ~~department of fish and wildlife~~ Department of Fish and Wildlife, in accordance with any memorandum of understanding between the ~~agency~~ Agency and ~~department~~ Department

prepared for this purpose as required by ~~Sec. 88 of No. 50 of the Acts of 1991 Acts and Resolves No. 50, Sec. 88~~. Such testing shall be at no charge to the commercial fish farm or fee fishing business. The testing shall be funded jointly from the operating budgets of the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets and the ~~department of fish and wildlife~~ Department of Fish and Wildlife.

~~(b) A commercial fish farm shall, before commencing operation obtain a breeder's license from the commissioner of fish and wildlife as required by 10 V.S.A. § 5207.~~

#### § 1155. ~~TUBERCULOSIS TESTING~~

~~All cattle, red deer, fallow deer, and reindeer within the state shall be tested for tuberculosis on a periodic basis. The secretary shall annually designate a list of towns within which all test eligible cattle are to be tested. [Repealed.]~~

\* \* \*

#### § 1157. QUARANTINE

(a) The ~~secretary~~ Secretary may order any domestic animals, the premises upon which they are or have been located, any animal products derived from those domestic animals, and any equipment, materials, or products to which they have been exposed to be placed in quarantine if the animals:

- (1) are affected with a contagious disease;
- (2) have been exposed to a contagious disease;
- (3) may be infected with or have been exposed to a contagious disease;
- (4) are suspected of having biological or chemical residues, including antibiotics, in their tissues ~~which that~~ that would cause the carcasses of the animals, if slaughtered, to be adulterated within the meaning of chapter 204 of this title; or

(5) are owned or controlled by a person who has violated any provision of this part, and the ~~secretary~~ Secretary finds that a quarantine is necessary to protect the public welfare.

(b) Once a quarantine has been ordered, no animal under quarantine shall be removed from the premises where it is located. The ~~secretary~~ Secretary may limit or prevent other animals from being brought onto the same premises as the quarantined animal.

(c) A verbal quarantine order shall be effective immediately. ~~Notice~~ Written notice of quarantine shall be delivered by certified mail, registered mail, or in person to the owner of the animals or to the person in possession of

the animals, or if the owner or person in possession is unknown, by publication in a newspaper of general circulation in the area. The notice shall include:

- (1) a description of the subject of the quarantine;
- (2) an explanation of why the quarantine is necessary;
- (3) the duration of the quarantine, or what condition must be met to lift the quarantine, including conditions for the repopulation of the premises and disinfection of equipment, materials, and products;
- (4) the terms of the quarantine;
- (5) the name and address of the person to be contacted for further information; and
- (6) a statement that the person may request a hearing on the quarantine order.

(d) The ~~secretary~~ Secretary may use placards or any other method deemed necessary to give notice or warning to the general public of the quarantine.

(e) Within 15 days of receiving notice, a person subject to a quarantine order may request a hearing to be held by the ~~secretary~~ Secretary. The hearing shall be held within 60 days from the date of the request unless the ~~secretary~~ Secretary has determined that a longer period is necessary because of the extent of the outbreak of disease, in which case the hearing shall be held as soon as practicable. A request for a hearing shall not stay the quarantine order.

(f) It shall be unlawful to violate the terms of a quarantine order issued pursuant to this section. Any person who knowingly violates a quarantine order shall be subject to a fine of not more than \$5,000.00, or imprisonment for not more than six months, or both. Any person who knowingly violates a quarantine order and causes the spread of a contagious disease beyond the quarantined premises shall be subject to a fine of not more than \$15,000.00, or imprisonment ~~of~~ for not more than two years, or both.

#### § 1158. QUARANTINE ~~DISTRICT~~ ZONE

(a) The ~~secretary~~ Secretary may establish a quarantine ~~district zone~~ whenever it is determined that a contagious disease is widely spread throughout an area of the ~~state~~ State and that a quarantine ~~district zone~~ is necessary to contain or prevent the further spread of the disease.

(b) In establishing a quarantine ~~district zone~~, the ~~secretary~~ Secretary may, by order:

- (1) regulate, restrict, or restrain movements of animals, animal products, or vehicles and equipment associated with animals or animal products into, out of, or within the ~~district zone~~;



(2) detain all animals within the ~~district~~ zone that might be infected with or have been exposed to the disease for examination at any place specified by the quarantine order; and

(3) take other necessary steps to prevent the spread of and eliminate the disease within the quarantine ~~district~~ zone.

(c) The ~~secretary~~ Secretary shall notify the public of the existence, location, and terms of a quarantine ~~district~~ zone, in a manner deemed appropriate under the circumstances. ~~To the extent that such notice is possible, the secretary shall~~ The Secretary may also notify by certified mail or in person, the owner or person in possession of any animal or animals which must be detained or otherwise regulated within the ~~district~~ zone.

(d) It shall be unlawful to violate the terms of a quarantine ~~district~~ zone order issued pursuant to this section. Any person who knowingly violates a quarantine ~~district~~ zone order shall be subject to a fine of not more than \$5,000.00; or imprisonment for not more than six months, or both. Any person who knowingly violates a quarantine ~~district~~ zone order and causes the spread of a contagious disease beyond the quarantine ~~district~~ zone shall be subject to a fine of not more than \$15,000.00; or imprisonment ~~of~~ for not more than two years, or both.

#### § 1159. DISPOSAL OF DISEASED ANIMALS

(a) The ~~secretary~~ Secretary may condemn and order destroyed any animal that is infected with or has been exposed to a contagious disease. An order to destroy an animal shall be based on a determination that the destruction of the animal is necessary to prevent or control the spread of the disease. The ~~secretary~~ Secretary shall order any condemned animal to be destroyed and disposed of in accordance with approved methods ~~as specified by rule~~. The ~~secretary's~~ Secretary's order may extend to some or all of the animals on the affected premises.

(b) The ~~secretary~~ Secretary may order that any real property, building, vehicle, piece of equipment, container, or other article associated with a diseased animal be disinfected and sanitized. Any cost of disinfection incurred by the ~~secretary~~ Secretary shall be deducted from any compensation paid to an animal owner under this section.

(c) The ~~secretary~~ Secretary may compensate the owner of any ~~eattle~~ domestic animal destroyed pursuant to this chapter because of exposure to or infection with ~~brucellosis or tuberculosis~~ contagious disease. ~~Payment shall not exceed two thirds of the difference between the salvage value and the appraised value of the animal, and in no event exceed \$250.00 for each purebred or \$200.00 for each grade animal~~ The Secretary, after consultation

with the U.S. Department of Agriculture, shall determine the necessity for and amount of compensation on a case-by-case basis.

~~(d) The secretary may compensate the owner of any swine destroyed pursuant to this chapter because of exposure to or infection with brucellosis or tuberculosis. Payment shall not exceed two thirds of the difference between the salvage value and the appraised value of the animal, and in no event exceed \$40.00 for each purebred or \$20.00 for each grade swine.~~

~~(e) The secretary may compensate the owner of deer destroyed pursuant to this chapter because of exposure to or infection with brucellosis, tuberculosis, or transmissible spongiform encephalopathies. Payment shall not exceed two thirds of the difference between the salvage value and the appraised value of the animal, and in no event shall exceed \$250.00 per animal.~~

~~(f) Compensation under this section shall only be paid where when:~~

~~(1) the owner of an animal destroyed for brucellosis is in compliance with the recommended uniform methods and rules of the state and federal cooperative brucellosis program;~~

~~(2) the agency Agency of Agriculture, Food and Markets has determined the origin of all animals on the premises containing the condemned animal;~~

~~(3)(2) all other state applicable State or federal livestock laws statutes, rules, or regulations have been complied with by the owner or person in possession of the animal;~~

~~(4)(3) there are sufficient state State funds appropriated for this purpose; and~~

~~(5)(4) in the case of a person who has made a claim for compensation under this section within the previous two years, the secretary Secretary determines that adequate measures were taken to prevent the reintroduction of contagious diseases into that person's herd or flock.~~

~~(g) Payments made pursuant to this section shall be in addition to any compensation paid to the owner by the federal government. The secretary may make additional payments for destroyed animals where federal regulations do not provide for compensation. Additional payments shall not exceed \$100.00 for each purebred animal and \$50.00 for each grade animal.~~

~~(h)(e) It shall be unlawful to violate the terms of an order issued pursuant to subsection (a) or (b) of this section. Any person who knowingly violates an order issued pursuant to subsection (a) or (b) of this section shall be subject to a fine of not more than \$5,000.00; or imprisonment for not more than six months, or both. Any person who knowingly violates an order issued pursuant to subsection (a) or (b) of this section and causes the spread of a contagious~~

disease shall be subject to a fine of not more than \$15,000.00; ~~or~~ imprisonment ~~of~~ for not more than two years, or both.

~~(i)~~(f) A destruction order, whether verbal or written, shall take effect immediately on notice to the owner or the person in possession of the animal or animals, if the owner or person in possession is known. The notice shall be given by certified mail or in person. Within 15 days of receiving the notice, the owner or person in possession may request a hearing to be held by the ~~secretary~~ Secretary. The hearing shall be held within 60 days from the date of the request unless the ~~secretary~~ Secretary has determined that a longer period is necessary because of the extent of the outbreak of disease, in which case the hearing shall be held as soon as practicable. A request for a hearing shall not stay the destruction order.

#### § 1160. ~~APPROPRIATIONS;~~ EMERGENCY OUTBREAK OF CONTAGIOUS DISEASE

~~(a) In addition to funds appropriated to carry out the purposes of this chapter, all fees and charges collected under this chapter and any amount received by the state from the sale of condemned animals shall be used to carry out the provisions of this chapter.~~

~~(b) In case of the outbreak within this state~~ State of some contagious disease of domestic animals, or whenever there is reason to believe that there is danger of the introduction into the ~~state~~ State of any contagious disease prevailing among domestic animals outside the ~~state~~ State, the ~~secretary~~ Secretary may take ~~such~~ action and ~~issue such~~ adopt emergency rules as ~~are~~ necessary to prevent the introduction or spread of the disease.

#### § 1161. FEES FOR TESTING

~~(a) The secretary~~ Secretary may assess fees necessary to cover the cost of testing ~~poultry~~ domestic animals for contagious diseases.

~~(b) The secretary may negotiate appropriate compensation with those licensed veterinarians acting at his or her request. At minimum, these fees shall be \$5.00 for each farm at which the veterinarian performs a tuberculosis test on an animal, \$.75 for each animal tested in a stanchion barn, and \$1.50 for each animal tested in a loose housing barn.~~

~~(c) The secretary may negotiate appropriate compensation with those licensed veterinarians acting at his or her request to test red deer, fallow deer, or reindeer for tuberculosis. At minimum, these fees shall be \$25.00 for each farm at which the veterinarian performs a tuberculosis test on such deer and \$5.00 for each deer tested.~~

#### § 1162. REPORT OF DISEASE

~~(a) All accredited veterinarians and persons operating animal disease diagnostic laboratories~~ shall immediately report the discovery of any domestic animal within this ~~state~~ State that is infected with, is suspected of being infected with, or has been exposed to a reportable disease as specified by this chapter. A veterinarian shall immediately report any sudden unexplained morbidity or mortality in a herd or flock located within the State. The report shall be made to the ~~state veterinarian~~ State Veterinarian and shall specify the ~~location~~ physical address where the animal is located; identification and description of the animal; the disease involved, or condition suspected or diagnosed; and the name and, mailing address, and telephone number of the owner or person in possession of the animal.

(b) All persons operating diagnostic laboratories shall immediately report the diagnosis of any domestic animal within this State that has a reportable disease as specified by this chapter. The report shall be made to the State Veterinarian and, in addition to the information required under subsection (a) of this section, shall include a copy of the test chart pertaining to the animal in question.

#### § 1163. ADDITIONAL VIOLATIONS

~~(a) A person who knowingly commits any of the following acts shall be imprisoned not more than six months, or fined not more than \$5,000.00, or both~~ assessed an administrative penalty under section 15 of this title for:

~~(1) to transport~~ transporting an animal affected with, or exposed to, a contagious disease without first obtaining the permission of the ~~secretary~~ Secretary;

~~(2) to interfere~~ interfering with any animal disease test conducted pursuant to this chapter;

~~(3) to advertise, sell, or offer for sale as accredited tuberculosis free or certified brucellosis free, any cattle which do not come from herds officially accredited or certified by the secretary or the United States Department of Agriculture;~~

~~(4) to advertise, sell, or offer~~ advertising, selling, or offering for sale as tested under ~~state~~ State or federal supervision any ~~cattle which do~~ domestic animal that does not come from herds that are under ~~state~~ State or federal supervision;

~~(5)~~(4) ~~to fail~~ failing to report the discovery of a reportable disease as required by section 1162 of this title;

~~(6)~~(5) ~~to interfere~~ interfering with or ~~hinder~~ hindering the work of the ~~secretary~~ Secretary or his or her agents pursuant to this chapter.

(b) A person who knowingly commits any of the following acts shall be imprisoned not more than two years; or fined not more than \$15,000.00, or both for:

(1) ~~to import~~ importing into this ~~state~~ State any animal infected with or exposed to a contagious disease;

(2) ~~to sell, or offer~~ selling or offering for sale for food purposes any animal, or animal carcass, condemned under the provisions of this chapter, unless the animal is inspected and approved for use as human food by an agent of the Secretary or the ~~United States~~ U.S. Department of Agriculture.

#### § 1164. CIVIL PENALTIES

(a) A person who violates any provision of this chapter or the rules adopted under this chapter, or who commits any of the acts described in section 1163 of this title shall ~~in addition to any other penalty be subject to a civil penalty of not more than \$5,000.00~~ be assessed an administrative penalty under section 15 of this title. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense. ~~In no event shall the cumulative penalty exceed \$25,000.00 per occurrence.~~

(b) The ~~secretary~~ Secretary may, in the name of the ~~agency~~ Agency of Agriculture, Food and Markets, obtain a temporary or permanent injunction to restrain a violation of this chapter.

(c) After notice and opportunity for hearing, the ~~secretary~~ Secretary may suspend or revoke any license issued pursuant to chapters 63 and 65 of this title for any violation of this chapter.

#### § 1165. TESTING OF CAPTIVE DEER

(a) Definitions. As used in this section:

(1) "Captive deer operation" means a place where deer are privately or publicly maintained, in an artificial manner, or held for economic or other purposes within a perimeter fence or confined space.

(2) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy.

(b) Testing. A person operating a captive deer operation under the jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the Secretary when a captive deer in his or her control dies or is sent to slaughter. The person operating the captive deer operation shall make the carcass of a deceased or slaughtered animal available to the Secretary for testing for CWD.

(c) Cost. The cost of CWD testing required under this section shall be paid by the Secretary, and shall not be assessed to the person operating the captive deer operation from which a tested captive deer originated.

#### Subchapter 2. Equine Infectious Anemia

##### § 1181. CERTIFICATION REQUIRED

(a) Any equine animal imported into the ~~state~~ State or transported through the ~~state~~ State shall be accompanied by a ~~certificate of veterinarian inspection~~ Certificate of Veterinarian Inspection. The certificate shall state that the equine animal has been tested negative to equine infectious anemia (EIA) by an accredited veterinarian.

(b) Any equine animal purchased, sold, offered for sale, bartered, exchanged, or given away within the ~~state~~ State, or imported for one of these purposes, shall be tested by an accredited veterinarian and certified as negative to equine infectious anemia in accordance with rules adopted by the ~~secretary~~ Secretary as provided by subsection (f) of this section. A test for equine infectious anemia shall not be required ~~where~~ when:

(1) the transfer of ownership is between the owner of the animal and his or her spouse, child, or sibling and where the animal is not moved to new premises;

~~(2) the transfer of ownership is between the owner of the animal and a livestock dealer and is conducted in accordance with such rules as the secretary may adopt to ensure that an untested animal does not expose other horses to equine infectious anemia; or~~

~~(3)~~(2) the animal is consigned directly to slaughter.

(c) Whenever the ~~secretary~~ Secretary has reason to believe that any equine animal has been exposed to equine infectious anemia and that the animal may pose a threat to other equine animals, the ~~secretary~~ Secretary may require that the animal be tested for equine infectious anemia by an accredited veterinarian or ~~full-time state~~ State or federal ~~employee~~ veterinarian approved by the Secretary.

(d) The ~~secretary~~ Secretary may require by rule that any equine animal transported to any fair, show, competition, or other gathering of equine animals be accompanied by a certificate ~~which~~ that states that the equine animal has been tested and found negative to equine infectious anemia.

(e) The ~~secretary~~ Secretary shall establish by rule the form and manner of required certifications and the periods of time within which testing and certification of equine animals shall be accomplished.

(f) The ~~secretary~~ Secretary shall adopt rules pursuant to 3 V.S.A. chapter 25, for the purchase by a livestock dealer for resale or for slaughter, of equine not known to be tested for equine infectious anemia, as authorized by subsection (b) of this section. The rules shall include specifications governing equine quarantine facilities, procedures for equine animals of unknown EIA status intended for resale to be retested, procedures for handling equine animals of unknown EIA status purchased for slaughter, and ~~record-keeping~~ record-keeping requirements for livestock dealers.

#### § 1182. TESTING OF EQUINE ANIMALS

(a) Testing of equine animals for equine infectious anemia shall be done by an accredited ~~graduate~~ veterinarian licensed in the State by means of a Coggins test or other test acceptable to the ~~secretary~~ Secretary, at the owner's expense.

(b) Any equine animal found to be a reactor by means of a test under subsection (a) of this section shall be administered a second test ~~within 72 hours of receipt of the results of the first test~~ in accordance with the applicable State and federal statutes, rules, or regulations.

(c) Any equine animal found to be a reactor shall be quarantined in accordance with instructions of the ~~secretary~~ Secretary between receipt of the results of the first and second tests. Any equine animal found to be a reactor to a second test shall continue to be quarantined until adequate arrangements are made for disposition of the animal in accordance with section 1183 of this title.

(d) Any veterinarian who identifies an equine animal as a reactor shall report that animal to the ~~secretary~~ Secretary in a form and manner to be prescribed by rule of the ~~secretary~~ Secretary.

~~(e) The secretary shall notify veterinarians and owners of equine animals in the immediate area of the location of the diseased animal. The immediate area shall be defined by the secretary as necessary to meet the specific circumstances created by the diseased animal.~~

#### § 1183. DISPOSITION OF REACTORS

(a) Any equine animal identified as a reactor through testing as provided in subsections 1182(a) and (b) of this title shall be humanely destroyed within seven days of the second test. The destruction of the animal shall be by ~~an accredited graduate~~ a licensed veterinarian, ~~or by any other person if and shall be observed by the secretary~~ Secretary or an agent of the ~~United States~~ U.S. Department of Agriculture.

(b) Notwithstanding the provisions of subsection (a) of this section, a reactor may be transported to an approved slaughterhouse or research facility where authorized by written permission of the ~~secretary~~ Secretary. In granting

permission, the ~~secretary~~ Secretary may specify the conditions under which the animal shall be quarantined, transported, and destroyed.

(c) Any ~~person, including an accredited graduate licensed~~ licensed veterinarian, who destroys any equine animal in accordance with the provisions of this section shall immediately report the destruction of the animal to the ~~secretary~~ Secretary ~~within seven days~~.

(d) As an alternative to the destruction of animals under the provisions of subsections (a) and (b) of this section, reactors may be isolated permanently under quarantine from all other equine animals and shall be conspicuously freezebranded with the letters "EIA." In no case shall this action be delayed for more than two weeks. The quarantine shall apply to all equine animals on the premises where the reactor is located, and shall remain in effect until the reactor is destroyed or isolated under quarantine and the remaining equine animals are tested and found to be negative.

(e) The provisions of this section shall be implemented by rule of the ~~secretary~~ Secretary.

#### § 1184. PENALTIES

~~Any person who violates subsection 1183(a) of this title shall be fined not less than \$500.00 nor more than \$2,500.00. Any person who violates the provisions of section 1181, 1182, or subsection 1183(b), (c), or (d) of this title shall be fined not more than \$500.00 shall be assessed an administrative penalty under section 15 of this title.~~

Sec. 4. 6 V.S.A. chapter 107 is amended to read:

### CHAPTER 107. ~~IMPORTS AND EXPORTS~~ MOVEMENT OF LIVESTOCK AND POULTRY

#### § 1459. DEFINITIONS

As used in this chapter:

(1) "Commercial slaughter facility" shall have the same meaning as "commercial slaughterhouse" set forth in section 3302 of this title.

(2) "Livestock" shall have the same meaning as set forth in section 3302 of this title.

(3) "Offloaded" means removed or otherwise taken off or away from the conveyance of transport.

(4) "Poultry" shall have the same meaning as set forth in section 3302 of this title.

(5) "Reactor" means livestock or poultry that test positive to a test required under this chapter.



(6) “Suspect” means livestock or poultry that are tested under a requirement in this chapter and are not classified as testing positive or negative.

#### § 1460. INTERSTATE MOVEMENT; ADMINISTRATION

(a) In order to implement the requirements of this chapter and chapter 63 of this title related to the licensing of livestock businesses, the Secretary of Agriculture, Food and Markets shall require importers of livestock or poultry into the State to comply with minimum requirements of the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86, including any future amendments to the rule.

(b) In order to prevent the introduction or spread of contagious disease, or to ensure adequate animal traceability within this State, the Secretary may adopt rules to mandate stricter movement requirements than those required by the U.S. Department of Agriculture Animal Disease Traceability rule.

#### § 1461. IMPORT AND EXPORT DOCUMENTATION REQUIRED

~~(a) Import permit. No person shall import, or cause to be imported into this State; any domestic animal except dogs and cats; without to first obtaining obtain an import permit from the Secretary, except as the Secretary may provide by rule. Permits shall be issued on forms provided in a manner approved by the Secretary. Within ten days of importing an animal into Vermont, the importer shall return the import permit, detailing all information which the Secretary may reasonably require, to the Vermont Agency of Agriculture, Food and Markets. Persons importing horses shall not be required to obtain an import permit under this subsection unless there is a substantial danger of the introduction of a contagious disease into this State. In such case, the Secretary may require import permits for horses by emergency rule.~~

~~(b) Certificates of veterinary inspection. No person shall import; or cause to be imported; any domestic animal into this State without first obtaining a certificate of veterinary inspection Certificate of Veterinary Inspection, except for equine imported for resale or slaughter as provided by subsection 1181(b) of this title, and except as the Secretary may provide by rule. The certificate shall be issued by an accredited and licensed veterinarian in the state; or country; of origin. The certificate shall contain a statement by the chief livestock official state animal health official for that state certifying that the veterinarian who executed the certificate is licensed to practice veterinary medicine in that state or country and is accredited by the U.S. Department of Agriculture to sign certificate of veterinary inspection a Certificate of Veterinary Inspection. The certificate shall be issued electronically or on a~~

form prescribed by the state of origin; and declare that all of the animals listed have been inspected, or tested, or both inspected and tested, as required by the laws of Vermont applicable State and federal statutes, rules, and regulations. The certificate shall also set forth the name and address of the owner of any animal transferred pursuant to the certificate. One copy of the certificate shall accompany the animals during transportation, and one copy shall be filed with the Secretary. A Certificate of Veterinary Inspection that is issued electronically shall meet the data standards established by the National Assembly of State Animal Health Officials in consultation with the U.S. Department of Agriculture.

(c) Exemption. The Secretary may, by rule, exempt from the provisions of this section transactions concerning domestic animals transported into this State for immediate slaughter. A person who so imports an animal without a permit and then does not immediately slaughter the animal shall be subject to the provisions of this section.

(d) Exportation. A person wishing to export domestic animals to another state or country shall comply with all the requirements of that state or country for the importation of domestic animals.

#### § 1461a. INTRASTATE MOVEMENT

(a) The Secretary of Agriculture, Food and Markets shall require all livestock being transported within the State to satisfy the requirements for official identification for interstate movement under the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86, including any future amendments to the rule, prior to leaving the premises of origin, regardless of the reason for movement or duration of absence from the premises.

(b) Livestock transported from the premises of origin for purposes of receiving veterinary care at a hospital in this State are exempt from the requirements of subsection (a) of this section, provided that the livestock are returned to the premises of origin immediately following the conclusion of veterinary care.

(c) Livestock and poultry that are transported to a commercial slaughter facility within the State shall not be removed from the facility without the facility's owner's first obtaining written permission from the State Veterinarian. For purposes of this section, arrival of the conveyance onto facility property constitutes transport to a slaughter facility, regardless of whether the animals have been offloaded or presented for antemortem inspection. The State Veterinarian may require inspection and testing prior to issuing consent for removal.

(d) Vermont-origin livestock and poultry that are transported to a slaughter facility outside this State shall not be removed from the facility and returned to Vermont without the facility's owner's first obtaining written permission from the State Veterinarian. For purposes of this section, arrival of the conveyance onto facility property constitutes transport to a slaughter facility, regardless of whether the animals have been offloaded or presented for antemortem inspection. The State Veterinarian may require inspection and testing prior to issuing consent for removal.

(e) A person shall not transport out-of-state livestock or poultry into Vermont for slaughter or other purpose without written consent from the State Veterinarian if the livestock or poultry is classified as a suspect or a reactor by the U.S. Department of Agriculture or was exposed to livestock or poultry classified as a suspect or a reactor.

#### § 1462. QUARANTINE

The ~~secretary~~ Secretary may require by rule in general, or order in specific cases, that any domestic ~~animals~~ animal imported into this ~~state~~ State be placed in quarantine.

#### § 1463. EXAMINATION; RELEASE FROM QUARANTINE

Within a reasonable time, the ~~secretary~~ Secretary shall examine any imported domestic animal placed in quarantine; and may apply such tests or retests as the ~~secretary~~ Secretary deems necessary to determine the health of ~~such~~ the animals. After ~~test~~ tests or retests ordered by the ~~secretary~~ Secretary have been applied, any domestic animal found free from contagious or infectious disease shall be released from quarantine, unless the ~~secretary~~ Secretary determines that the animal may have been exposed to a contagious disease and that it is necessary to continue the quarantine in order to prevent the potential spread of a contagious disease. Any ~~such~~ order shall be made in the manner provided by section 1157 of this title.

#### § 1464. SLAUGHTER; EXPENSES

The ~~secretary~~ Secretary may take all steps that he or she deems necessary to prevent the potential spread of a contagious or an infectious disease, including ~~but not limited to~~, continuing a quarantine order concerning imported animals found to be infected with or exposed to a contagious disease. ~~Where~~ When necessary to protect the health of other domestic animals, or to prevent or control the spread of contagious disease, the ~~secretary~~ Secretary may order any domestic animal imported into the ~~state~~ State ~~which~~ that is infected with or has been exposed to an infectious or contagious disease condemned, and destroyed; and the carcass disposed with, in accordance with the provisions of section 1159 of this title. The owner shall bear the expense of detention,

examination, test, and slaughter but not the personal expenses of the ~~secretary~~ Secretary.

§ 1466. EXCEPTIONS

Nothing in sections 1461-1465 of this title shall be construed to apply to the transportation of domestic animals through the ~~state~~ State, ~~nor shall it apply to horses that are driven into and out of the state on business or pleasure. This exemption shall not apply, however, if such animals remain in the state for more than 48 hours~~ State, provided that the animals are not offloaded within the State and the premises of the consignee are not within the State.

§ 1467. TEST AND INSPECTION IN STATE OF ORIGIN

(a) Any domestic animal brought into the ~~state~~ State shall be tested and inspected in the state of origin when testing or inspection is required by rule. Imported domestic animals may be retested at the discretion of the ~~secretary~~ Secretary.

(b) In order to prevent the spread of infections or contagious diseases, any domestic animal brought into the ~~state~~ State without having been first tested and inspected, as required by the ~~secretary's~~ Secretary's rules, may be returned to the state of origin within 48 hours of a determination by the ~~secretary~~ Secretary that the animals have been illegally imported. While in the ~~state~~ State, the illegally imported domestic animals shall be strictly quarantined. In the event that the domestic animals cannot be returned to the state of origin, the animals ~~shall~~ may be slaughtered or euthanized within 72 hours of a determination by the ~~secretary~~ Secretary that the animals have been illegally imported. The owner of the domestic animals shall bear the full expense of their removal from the ~~state~~ State, or destruction, and shall not be entitled to any compensation from the ~~state~~ State.

§ 1468. PERMITS TO PERSONS NEAR STATE LINE; SECRETARY  
GRANT OF PERMISSION OF ENTRY DURING FAIR SEASON

Persons living near the ~~state~~ State line who own or occupy land in an adjoining state may procure from the ~~secretary~~ Secretary permits to drive, herd, or transport cattle, horses, or other livestock back and forth to seasonal pasture ~~and for other purposes or housing~~, subject to such restrictions as the ~~secretary~~ Secretary may prescribe by rule or order. ~~The secretary may make such rules in each case as are deemed necessary.~~ The secretary Secretary may grant permission for cattle, horses, or other domestic animals to enter the state State for exhibition purposes during the fair season and between May 1 and October 31 of any year. The Secretary may make such adopt rules in connection therewith as are deemed necessary regarding entry of cattle, horses, or other domestic animals into the State for seasonal pasture, housing, or exhibition purposes.

§ 1469. PENALTIES-ILLEGAL IMPORTATION

(a) A person engaged in a commercial enterprise who violates a provision of this chapter, the rules adopted thereunder, a permit issued pursuant to this chapter, or an order issued pursuant to this chapter ~~shall be fined not more than \$15,000.00, or imprisoned for not more than two years, or both~~ may be assessed an administrative penalty under section 15 of this title.

(b) The ~~secretary~~ Secretary may seek a temporary or permanent injunction to enforce the provisions of this chapter, the rules adopted under this chapter, a permit issued pursuant to this chapter, or an order issued pursuant to this chapter.

(c) The ~~secretary~~ Secretary may suspend or revoke a license issued under ~~chapters chapter 63 and 65~~ chapter 63 and 65 of this title for a violation of this chapter, the rules adopted under this chapter, a permit issued pursuant to this chapter, or an order issued pursuant to this chapter in accordance with the provisions of the Administrative Procedure Act, 3 V.S.A. chapter 25 of Title 3.

§ 1471. ~~EXPORTATION~~

~~A person wishing to export domestic animals to another state or country shall comply with all the requirements of that state or country for the importation of domestic animals. [Repealed.]~~

\* \* \*

§ 1475. RULEMAKING

The ~~secretary~~ Secretary may adopt rules to carry out the provisions of this chapter.

§ 1476. MISUSE OR REMOVAL OF OFFICIAL IDENTIFICATION DEVICES

A person who, without authority from the Secretary, removes or causes to be removed from an animal any official identification device as defined in 9 C.F.R. § 86.1, or otherwise misuses or causes an official identification device to be misused, may be imprisoned not more than one year or fined not more than \$1,000.00, or both.

§ 1477. REVOCAION OF LIVESTOCK DEALER LICENSE

The Secretary may revoke for a period of one year the license of a livestock dealer who has been convicted of a violation of the provisions of section 1476 of this chapter, and the license shall not be renewed prior to the expiration of one year from the date of conviction.

Sec. 5. 6 V.S.A. chapter 113 is amended to read:

CHAPTER 113. FEEDING PROHIBITED FOOD WASTE TO SWINE

§ 1671. DEFINITION

~~For the purpose of (a)~~ As used in this chapter, “prohibited food waste” means all the following:

(1) Pre- and postconsumer waste material derived in whole or in part from the meat of any animal (including fish and poultry), or from other animal material; or

(2) other than processed dairy products, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, disposal, or consumption of food, except that such term shall not include Material that, as a result of the handling, preparation, cooking, disposal, or consumption of food, has come into contact with pre- or postconsumer waste material derived in whole or in part from the meat of any animal, including fish or poultry, or from other animal material.

(b) The term “prohibited food waste” shall not include the following:

(1) waste from ordinary household operations which that is fed directly to swine raised exclusively for the use in the household of the owner of the swine by members of the household and nonpaying guests and employees; and

(2) processed dairy products.

§ 1672. FEEDING OF PROHIBITED FOOD WASTE

No person shall feed prohibited food waste to swine or supply prohibited food waste to others for the purpose of feeding it to swine.

§ 1675. INSPECTION AND INVESTIGATION; RECORDS

Any authorized representative of the Vermont ~~agency of agriculture, food and markets or United States~~ Agency of Agriculture, Food and Markets or U.S. Department of Agriculture is authorized to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating the allegations of feeding of prohibited food waste to swine.

§ 1676. REGULATIONS; COOPERATION WITH UNITED STATES

The ~~agency~~ Agency is charged with administration and enforcement of the provisions of this chapter, and is authorized to adopt rules and enforce all ~~rules~~ State and federal laws, rules, and regulations ~~which that~~ it deems necessary to carry out the purposes of this chapter. The ~~agency~~ Agency is authorized to cooperate with the ~~United States agency of agriculture~~ U.S. Department of Agriculture.

§ 1677. PENALTIES

A person who violates any of the provisions of, or who fails to perform any duty imposed by this chapter, or who violates any rule or regulation adopted hereunder ~~shall be fined not less than \$10.00 nor more than \$100.00 for each offense~~ shall be assessed an administrative penalty under section 15 of this title. Each day upon which such violation occurs constitutes a separate offense. In addition thereto, ~~such~~ the person may be enjoined from further violation. ~~The secretary may also seek administrative penalties under section 15 of this title for violations of this chapter.~~

Sec. 6. 6 V.S.A. chapter 115 is amended to read:

CHAPTER 115. VETERINARY MEDICINES PHARMACEUTICALS

§ 1731. SALE, DISTRIBUTION, OR USE

(a) A person, firm, or corporation other than a licensed ~~graduate~~ veterinarian shall not sell, trade, distribute, or use in this ~~state~~ State any product containing live germs, cultures, or virulent products for the treatment of any domestic animal without first obtaining ~~the approval of and a permit issued by the secretary of agriculture, food and markets~~ written authorization from the Secretary of Agriculture, Food and Markets.

(b) In no case may a person, firm, or corporation, including licensed veterinarians, use or possess virulent live virus hog cholera vaccine.

§ 1732. PENALTIES

A person, firm, or corporation who violates a provision of section 1731 of this title shall be ~~imprisoned not more than six months or fined not more than \$200.00 nor less than \$25.00, or both~~ assessed an administrative penalty under section 15 of this title.

§ 1733. ~~SALE OR USE OF TUBERCULIN; LABELS; REPORTS~~

~~All tuberculin sold, given away, or used within this state shall bear a label stating the name and address of the person, firm, or institution making it and the date of preparation. A person selling or giving away tuberculin shall report to the secretary the amount of tuberculin sold or given away, the degree of strength, the name and address of the person to whom sold or given, and the date of delivery. Such report shall include the address of and be signed by the person or firm making the report. [Repealed.]~~

§ 1734. ~~DUTIES OF BUYER OF TUBERCULIN~~

~~A person buying or procuring tuberculin shall not use or dispose of it until assured in writing by the person from whom the tuberculin is received that its delivery has been reported to the secretary or unless he has reported its receipt to such secretary with information required to be furnished by those who~~

~~distribute tuberculin. The person buying or procuring tuberculin shall keep a correct record of the amount received, the amount used, and the amount on hand. He shall report these facts whenever any tuberculin is used and, if at any time unused tuberculin is not deemed fit or is not to be used, such person shall forward it to such secretary with a statement showing his name and address, where and when such tuberculin was procured, the amount procured at the time, and the amount used. If the amount forwarded to such secretary and the amount used do not equal the amount procured, a statement shall be made as to the disposition of the remainder. [Repealed.]~~

§ 1735. ~~PENALTIES—FORFEITURE OF VETERINARY’S CERTIFICATE~~

~~A veterinary surgeon who violates a provision of sections 1733 and 1734 of this title shall forfeit his or her certificate to practice and thereafter be debarred from practicing his or her profession within the state of Vermont, until such disability is legally removed. [Repealed.]~~

§ 1736. ~~FINE OR IMPRISONMENT~~

~~A person who violates a provision of sections 1733 and 1734 of this title shall be fined not more than \$200.00 nor less than \$10.00, or be imprisoned not more than six months, or both. [Repealed.]~~

Sec. 7. REPEAL

6 V.S.A. chapter 109 (ear tags) is repealed.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee vote: 5-0-0)

(No House amendments.)

**Reported favorably by Senator Pollina for the Committee on Finance.**

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture.

(Committee vote: 6-0-1)



## NOTICE CALENDAR

### Second Reading

#### Favorable with Recommendation of Amendment

#### S. 137.

An act relating to promoting workforce development.

**Reported favorably with recommendation of amendment by Senator Mullin for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Employment Strategies \* \* \*

#### Sec. 1. EMPLOYMENT STRATEGIES FOR TARGET POPULATIONS

The Commissioner of Labor shall identify specific cohorts of Vermonters who, as a population, should be paired with specific employment strategies, including:

- (1) at-risk Vermont students in grades 9–12;
- (2) Vermonters 16 to 30 years of age who are not in the labor force;
- (3) unemployment beneficiaries with less than a college degree who are in need of relevant vocational training;
- (4) unemployment beneficiaries with at least a college degree who are in need of relevant vocational training;
- (5) potential new entrants to the workforce at all skill and educational levels;
- (6) new Americans;
- (7) older Vermonters; and
- (8) Vermonters who are currently employed and seeking to advance their skills through education, development, and training.

\* \* \* Apprenticeship and Youth Mentoring Program \* \* \*

#### Sec. 2. APPRENTICESHIP AND YOUTH MENTORING PROGRAM

(a) On or before October 1, 2017, the Department of Labor shall design and begin implementation of the Apprenticeship and Youth Mentoring Program, the purpose of which shall be to provide paid work experiences and paid or unpaid internships for Vermont youths, working with mentoring professionals, that have academic and occupational education as a component, including:

(1) a summer youth employment program for high school juniors and seniors; and

(2) nonseasonal employment, preapprenticeship programs, and on-the-job training, for an at-risk youth employment program targeted for at-risk individuals 18 to 24 years of age.

(b) The Department shall implement the Program using funds from the State's Workforce Innovation and Opportunity Act grant from the U.S. Department of Labor, and other State and federal sources, to the extent allowed under applicable law.

(c) The Department shall design the Program to serve not fewer than 150 individual Vermonters.

\* \* \* State Government; Workforce Development \* \* \*

### Sec. 3. STATE WORKFORCE DEVELOPMENT SYSTEM; REPORT

(a) A working group on State workforce development is created, composed of the following:

(1) a subgroup of not more than seven members of the State Workforce Development Board, designated by the Board, that:

(A) shall include the Chair of the Board, who shall serve as the Chair of the working group; and

(B) shall not include the Commissioner or Secretaries or their Deputies specified in subdivisions (2)–(5) of this subsection;

(2) the Commissioner of Labor or Deputy;

(3) the Secretary of Commerce and Community Development or Deputy;

(4) the Secretary of Education or Deputy;

(5) the Secretary of Human Services or Deputy;

(6) a member of the Senate Committee on Economic Development, Housing and General Affairs designated by the Senate Committee on Committees; and

(7) a member of the House Committee on Commerce and Economic Development designated by the Speaker of the House.

(b) The working group, in collaboration with relevant State agencies, stakeholders, and workforce education and training providers, shall:

(1) assess Vermont's current workforce education, development, and training program and resource allocations;

(2) identify efficiencies and delivery models that more effectively allocate, reallocate, redirect, and deploy these resources to more dynamically serve the needs of Vermonters and Vermont employers; and

(3) design two or more options for a State workforce development system, at least one of which is not primarily based upon restructuring State agencies and departments, that:

(A) align State efforts to train, employ, and improve the wages of Vermont's workforce and ensure collaboration and sustainable interagency partnerships within government;

(B) align the workforce development system to the needs of employers and current or prospective employees, through systematic and ongoing engagement and partnership;

(C) serve two customers with equal energy: the current or prospective employee and the employer;

(D) are engaged at the State and local levels with employers on an ongoing basis to ensure alignment with the workforce needs of employers; and

(E) expand access and accelerate Career and Technical Education to Vermont students in grades 9–12 and to Vermont adults.

(c) The working group shall have the administrative, legal, and fiscal support of the Office of Legislative Council and the Joint Fiscal Office.

(d) In order to perform its duties pursuant to this act, the working group shall have the authority to request and gather data and information as it determines is necessary from entities that conduct workforce education and training programs and activities, including agencies, departments, and programs within the Executive Branch, and from nongovernmental entities that receive State-controlled funding. Unless otherwise exempt from public disclosure pursuant to State or federal law, a workforce education and training provider shall provide the data and information requested by the working group within a reasonable time.

#### Sec. 4. REPORT

On or before November 15, 2017, the Commissioner of Labor and the working group on State workforce development shall report to the Senate Committee on Economic Development, Housing and General Affairs and to the House Committee on Commerce and Economic Development on the implementation of this act and any recommendations for legislative action.

\* \* \* Effective Date \* \* \*

#### Sec. 5 EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

### **Favorable with Proposal of Amendment**

#### **H. 143.**

An act relating to automobile insurance requirements and transportation network companies.

**Reported favorably with recommendation of proposal of amendment by Senator Benning for the Committee on Judiciary.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. chapter 10 is added to read:

#### CHAPTER 10. TRANSPORTATION NETWORK COMPANIES

##### § 750. DEFINITIONS; INSURANCE REQUIREMENTS

(a) Definitions. As used in this chapter:

(1) “Digital network” or “network” means any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network drivers.

(2) “Personal vehicle” means a vehicle that is:

(A) used by a driver to provide a prearranged ride;

(B) owned, leased, or otherwise authorized for use by the driver; and

(C) not a taxicab, limousine, or other for-hire vehicle.

(3) “Prearranged ride” or “ride” means the transportation provided by a driver to a transportation network rider, beginning when a driver accepts the rider’s request for a ride through a digital network controlled by a company; continuing while the driver transports the rider; and ending when the last requesting rider departs from the vehicle. The term does not include:

(A) shared-expense carpool or vanpool arrangements;

(B) use of a taxicab, limousine, or other for-hire vehicle;

(C) use of a public or private regional transportation company that operates along a fixed route; or

(D) a ride furnished through a broker using a publicly funded network to connect riders to drivers through the Elders and Persons with

Disabilities Program, Medicaid Non-Emergency Medical Transportation Program, or other similar governmental transportation program.

(4) “Transportation network company” or “company” means a person that uses a digital network to connect riders to drivers who provide prearranged rides.

(5) “Transportation network company driver” or “driver” means an individual who:

(A) receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.

(6) “Transportation network company rider” or “rider” means an individual who uses a company’s digital network to connect with a driver who provides rides in his or her personal vehicle between points chosen by the rider.

(b) Company’s financial responsibility.

(1) Beginning on July 1, 2017, a driver, or company on the driver’s behalf, shall maintain primary automobile insurance that recognizes that the driver is a company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver while the driver is logged on to the company’s digital network or while the driver is engaged in a prearranged ride.

(2)(A) The following automobile insurance requirements shall apply while a participating driver is logged on to the transportation network company’s digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(i) primary automobile liability insurance in the amount of at least \$100,000.00 for death and bodily injury per person, \$300,000.00 for death and bodily injury per incident, and \$25,000.00 for property damage; and

(ii) any other State-mandated coverage under section 941 of this title.

(B) The coverage requirements of this subdivision (2) may be satisfied by any of the following:

(i) automobile insurance maintained by the driver;

(ii) automobile insurance maintained by the company; or

(iii) any combination of subdivisions (i) and (ii) of this subdivision (2)(B).

(3)(A) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

(i) primary automobile liability insurance that provides at least \$1,000,000.00 for death, bodily injury, and property damage;

(ii) uninsured and underinsured motorist coverage that provides at least \$1,000,000.00 for death, bodily injury, and property damage; and

(iii) \$10,000.00 in medical payments coverage (Med Pay).

(B) The coverage requirements of this subdivision (3) may be satisfied by any of the following:

(i) automobile insurance maintained by the driver;

(ii) automobile insurance maintained by the company; or

(iii) any combination of subdivisions (i) and (ii) of this subdivision (3)(B).

(4) If insurance maintained by a driver under subdivision (2) or (3) of this subsection has lapsed or does not provide the required coverage, insurance maintained by a company shall provide such coverage beginning with the first dollar of a claim and shall have the duty to defend such claim.

(5) Coverage under an automobile insurance policy maintained by the company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(6) Insurance required by this subsection may be placed with an insurer licensed under chapter 101 (insurance companies generally) or 138 (surplus lines insurance) of this title.

(7) Insurance satisfying the requirements of this subsection shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under section 800 of this title.

(8) A driver shall carry proof of coverage satisfying this section at all times during use of a vehicle in connection with a company's digital network. In the event of an accident, a driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and law enforcement, upon request. Upon such request, a driver shall also disclose whether he or she was logged on to the network or was on a prearranged ride at the time of an accident.

(c) Disclosures. A transportation network company shall disclose in writing to its drivers the following before they are allowed to accept a request for a prearranged ride on the company's digital network:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the company provides while the driver uses a personal vehicle in connection with the company's network; and

(2) that the driver's own automobile insurance policy, depending on its terms, might not provide any coverage while the driver is logged on to the company's network and available to receive transportation requests or engaged in a prearranged ride.

(d)(1) Automobile insurers. Notwithstanding any other provision of law to the contrary, insurers that write automobile insurance in Vermont may exclude any and all coverage afforded under a policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage in an automobile insurance policy, including:

(A) liability coverage for bodily injury and property damage;

(B) personal injury protection coverage;

(C) uninsured and underinsured motorist coverage;

(D) medical payments coverage;

(E) comprehensive physical damage coverage; and

(F) collision physical damage coverage.

(2) Nothing in this subsection implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to a company's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers for compensation.

(3) Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a company's digital network or while a driver provides a prearranged ride.

(4) Nothing in this subsection is deemed to preclude an insurer from providing primary or excess coverage for the driver's vehicle, if it chooses to do so by contract or endorsement.

(5) Insurers that exclude the coverage described under subsection (b) of this section shall have no duty to defend or indemnify any claim expressly excluded thereunder.

(6) Nothing in this section is deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Vermont prior to the enactment of this section, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(7) An insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of subsection (b) of this section at the time of loss.

(8) In a claims coverage investigation, transportation network companies shall immediately provide, upon request by directly involved parties or any insurer of the transportation network company driver, if applicable, the precise times that a transportation network company driver logged on and off the transportation network company's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers providing coverage under subsection (b) of this section shall disclose, upon request by any other insurer involved in the particular claim, the applicable charges, exclusions, and limits provided under any automobile insurance maintained in order to satisfy the requirements of subsection (b) of this section.

#### § 751. COMPANY LICENSE

(a) A company shall not operate without a license issued by the Commissioner of Motor Vehicles. Applications for a license shall be filed with the Commissioner and shall contain such information and shall be on such forms as the Commissioner may prescribe.

(b) Each application shall be accompanied by an application fee of \$250.00, which shall not be refunded. If an application is approved by the Commissioner, upon payment of an additional fee of \$250.00, the applicant shall be granted a license, which shall be valid for one year after the date of issuance. The renewal fee is \$500.00.

(c) The Commissioner shall not issue a license to a company unless he or she finds that the company:

(1) has a zero-tolerance policy for drug and alcohol use, as described in subsection 752(c) of this chapter;

(2) requires compliance with applicable vehicle requirements;



(3) adopts nondiscrimination and accessibility policies; and

(4) establishes record maintenance guidelines.

§ 752. DRIVER REQUIREMENTS; BACKGROUND CHECKS

(a) A company shall not allow an individual to act as a driver on the company's network without requiring the individual to submit to the company an application that includes:

(1) the individual's name, address, and date of birth;

(2) a copy of the individual's driver's license;

(3) a copy of the registration for the personal vehicle that the individual will use to provide prearranged rides; and

(4) proof of financial responsibility for the personal vehicle described in subdivision (3) of this subsection of a type and in the amounts required by the company.

(b)(1) A company shall not allow an individual to act as a driver on the company's network unless, with respect to the driver, the company:

(A) obtains a Vermont criminal record from the Vermont Crime Information Center; and

(B) contracts with an entity accredited by the National Association of Professional Background Screeners to conduct a national criminal record check, a motor vehicle check, and a search of the Vermont Sex Offender Registry and the National Sex Offender Public Registry.

(2) The background checks required by this subsection shall be conducted annually by the company.

(c) A company shall not allow an individual to act as a driver on the company's network if the company knows or should know that the individual:

(1) has been convicted within the last seven years of:

(A) a listed crime as defined in 13 V.S.A. § 5301(7);

(B) an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64;

(C) a violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c)(selling, dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3)(selling or dispensing LSD); 4233(b)(2), (b)(3), or (c)(selling, dispensing, or trafficking heroin); 4234(b)(2) or (b)(3)(selling or dispensing depressants, stimulants, and narcotics); 4234a(b)(2), (b)(3), or (c)(selling, dispensing, or trafficking methamphetamine); 4235(c)(2) or (c)(3)(selling or dispensing hallucinogenic drugs); or 4235a(b)(2) or (b)(3)(selling or dispensing Ecstasy);

(D) a violation of section 1201 (operating a vehicle while under the influence of alcohol or drugs) of this title;

(E) a felony violation of 13 V.S.A. chapter 47 (frauds) or chapter 57 (larceny and embezzlement); or

(F) a comparable offense in another jurisdiction;

(2) has been convicted within the last three years of:

(A) more than three moving violations as defined in subdivision 4(44) of this title;

(B) grossly negligent operation of a motor vehicle in violation of section 1071 of this title or operating with a suspended or revoked license in violation of section 674 of this title; or

(C) a comparable offense in another jurisdiction; or

(3) is or has been required to register as a sex offender in any jurisdiction.

(c) A company shall establish and enforce a zero tolerance policy for drug and alcohol use by drivers during any period when a driver is engaged in, or is logged into the company's network but is not engaged in, a prearranged ride. The policy shall include provisions for investigations of alleged policy violations and the suspension of drivers under investigation.

(d) A company shall require that a personal vehicle used to provide prearranged rides complies with all applicable laws and regulations concerning vehicle equipment.

#### § 753. RECORDS; INSPECTION

The Commissioner of Motor Vehicles or designee, at all reasonable times, has the right to inspect driver and company records demonstrating compliance with the requirements of this chapter, including the results of background checks, proof that vehicles meet the standards of this chapter, and proof of adequate insurance.

#### § 754. ENFORCEMENT; ADMINISTRATIVE PENALTIES

(a) The Commissioner may impose an administrative penalty, suspend or revoke a company's license, or both, if a company violates the provisions of this chapter.

(b) A violation may be subject to an administrative penalty of not more than \$500.00. Each violation is a separate and distinct offense and, in the case of a continuing violation, each day's continuance may be deemed a separate and distinct offense.

(c) The company shall be given notice and opportunity for a hearing for alleged violations under this section. Service of the notice shall be sufficient if sent by first class mail to the address stated on the company's license. The notice shall include the following:

- (1) a factual description of the alleged violation;
- (2) a reference to the particular statute allegedly violated;
- (3) the amount of the proposed administrative penalty; and

(4) a warning that the company will be deemed to have waived its right to a hearing, that the penalty will be imposed if no hearing is requested within 15 days from the date of the notice, and that failure to pay a penalty may result in suspension of its license.

(d) A company that receives notice under subsection (c) of this section shall be deemed to have waived the right to a hearing unless, within 15 days from the date of the notice, the company requests a hearing in writing. If the company waives the right to a hearing, the Commissioner shall issue a final order finding the company in default and imposing the penalty.

(e) The provisions of sections 105, 106, and 107 of this title shall apply to hearings conducted under this section.

(f) The Commissioner may collect an unpaid administrative penalty by filing a civil action in Superior Court, or through any other means available to State agencies.

(g) If a penalty is not paid within 60 days after it is imposed, the Commissioner may suspend any license issued under this chapter.

(h) The remedies authorized by this section shall be in addition to any other civil or criminal remedies provided by law for violation of this chapter.

#### § 755. PREEMPTION; SAVINGS CLAUSE

(a) A municipality shall not adopt an ordinance, resolution, or bylaw regulating transportation network companies that is inconsistent with the requirements of this chapter.

(b) Subsection (a) of this section shall not apply to a municipal ordinance, resolution, or bylaw regulating transportation network companies adopted by a municipality with a population of more than 35,000 residents based on the 2010 census and in effect on July 1, 2017. This subsection shall be repealed on July 1, 2022.

#### Sec. 2. AUTOMOBILE FINANCIAL RESPONSIBILITY; STUDY

The Commissioner of Financial Regulation shall review the minimum automobile insurance requirements in each of the states located in the

northeastern region of the United States and shall report his or her findings and recommendations with respect to Vermont's minimum automobile insurance requirements to the General Assembly on or before November 1, 2017.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

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

An act relating to transportation network companies.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 9, 2017, page 190.)

**H. 144.**

An act relating to the membership of the Nuclear Decommissioning Citizens Advisory Panel.

**Reported favorably with recommendation of proposal of amendment by Senator Degree for the Committee on Finance.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1700 is amended to read:

§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

(a) There is created a Nuclear Decommissioning Citizens Advisory Panel which shall consist of the following:

- (1) The Secretary of Human Services, ex officio, or designee.
- (2) The Secretary of Natural Resources, ex officio, or designee.
- (3) The Commissioner of Public Service, ex officio, or designee.
- (4) The Secretary of Commerce and Community Development, ex officio, or designee.
- (5) One member of the House Committee on ~~Natural Resources and Energy~~ and Technology, chosen by the Speaker of the House.
- (6) One member of the Senate Committee on Natural Resources and Energy, chosen by the Committee on Committees.
- (7) One representative of the Windham Regional Commission or designee, selected by the Regional Commission.

(8) One representative of the Town of Vernon or designee, selected by the legislative body of that town.

(9) Six members of the public, two each selected by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years.

(10) Two representatives of the owners of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station.

(11) A representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS.

(12) One member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service.

(13) One member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service.

\* \* \*

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 6-0-1)

(No House amendments.)

### **H. 184.**

An act relating to evaluation of suicide profiles.

**Reported favorably with recommendation of proposal of amendment by Senator Ayer for the Committee on Health and Welfare.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

## Sec. 1. EVALUATION OF SUICIDE PROFILES

(a) On or before January 15, 2018, the Secretary of Human Services or designee shall present to the Senate Committee on Health and Welfare and to the House Committee on Health Care a summary of the Agency's internal

Public Health Suicide Stat process results and any analyses or reports completed in relation to the Agency's participation in the Centers for Disease Control and Prevention's National Violent Death Reporting System, including what methods the Agency currently uses or plans to use to:

(1) determine trends and patterns of suicide deaths;

(2) identify and evaluate the prevalence of risk factors for preventable deaths;

(3) evaluate high-risk factors, current practices, gaps in systematic responses, and barriers to safety and well-being for individuals at risk for suicide; and

(4) inform the implementation of suicide prevention activities and supporting the prioritization of suicide prevention resources and activities.

(b) On or before Jan. 15, 2019, the Secretary shall present plans to the Senate Committee on Health and Welfare and to the House Committee on Health Care describing how data relevant to subdivisions (a)(1)–(4) of this section shall be collected after the National Violent Death Reporting System grant expires.

(c) On or before January 15, 2020, the Secretary shall submit a report to the Senate Committee on Health and Welfare and to the House Committee on Health Care summarizing:

(1) any information from the Agency's final National Violent Death Reporting System analysis relevant to subdivisions (a)(1)–(4) of this section; and

(2) the Agency's recommendations and action plans resulting from its final National Violent Death Reporting System analysis and any additional Agency-led initiatives.

(d) The presentation and report required by subsections (a) and (b) of this section shall not contain any personally identifying information.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 16, 2017, page 444.)

### H. 308.

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes.

**Reported favorably with recommendation of proposal of amendment by Senator White for the Committee on Judiciary.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 168 is added to read:

§ 168. RACIAL DISPARITIES IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEM ADVISORY PANEL

(a) The Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel is established. The Panel shall be organized and have the duties and responsibilities as provided in this section. The Panel shall be organized within the Office of the Attorney General and shall consult with the Vermont Human Rights Commission, the Vermont chapter of the ACLU, the Vermont Police Association, the Vermont Sheriffs' Association, the Vermont Association of Chiefs of Police, and others.

(b) The Panel shall comprise the following 13 members:

(1) five members, drawn from diverse backgrounds to represent the interests of communities of color throughout the State, who have had experience working to implement racial justice reform, appointed by the Attorney General;

(2) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(3) the Attorney General or designee;

(4) the Defender General or designee;

(5) the Executive Director of the State's Attorneys and Sheriffs or designee;

(6) the Chief Superior Judge or designee;

(7) the Commissioner of Corrections or designee;

(8) the Commissioner of Public Safety or designee; and

(9) the Commissioner for Children and Families.

(c) The members of the Panel appointed under subdivision (b)(1) of this section shall serve staggered four-year terms. As terms of currently serving

members expire, appointments of successors shall be in accord with the provisions of subsection (b) of this section. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term. Members of the Panel shall be eligible for reappointment. Members of the Panel shall serve no more than two consecutive terms in any capacity.

(d) Members of the Panel shall elect biennially by majority vote the Chair of the Panel. Members of the Panel who are not State employees or whose participation is not supported through their employment or association shall receive per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, to be provided by the Office of the Attorney General. The Office of the Attorney General shall provide the Panel with administrative and professional support.

(e) A majority of the members of the Panel shall constitute a quorum, and all action shall be taken upon a majority vote of the members present and voting.

(f) The Panel shall review and provide recommendations to address systemic racial disparities in statewide systems of criminal and juvenile justice, including:

(1) continually reviewing the data collected pursuant to 20 V.S.A. § 2366 to measure State progress toward a fair and impartial system of law enforcement;

(2) providing recommendations to the Criminal Justice Training Council and the Vermont Bar Association, based on the latest social science research and best practices in law enforcement and criminal and juvenile justice, on data collection and model trainings and policies for law enforcement, judges, correctional officers, and attorneys, including prosecutors and public defenders, to recognize and address implicit bias;

(3) providing recommendations to the Criminal Justice Training Council, based on the latest social science research and best practices in law enforcement, on data collection and a model training and policy on de-escalation and the use of force in the criminal and juvenile justice system;

(4) educating and engaging with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination in the criminal and juvenile justice system;

(5) monitoring progress on the recommendations from the 2016 report of the Attorney General's Working Group on Law Enforcement Community Interactions; and



(6) on or before January 15, 2018, and biennially thereafter, reporting to the General Assembly, and providing as a part of that report recommendations to address systemic implicit bias in Vermont's criminal and juvenile justice system, including:

(A) how to institute a public complaint process to address perceived implicit bias across all systems of State government;

(B) whether and how to prohibit racial profiling, including implementing any associated penalties; and

(C) whether to expand law enforcement race data collection practices to include data on nontraffic stops by law enforcement.

Sec. 2. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

\* \* \*

(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Training Council and training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subsection 2366(a) of this title.

\* \* \*

(4) The Criminal Justice Training Council shall, on an annual basis, report to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel regarding:

(A) the adoption and implementation of the Panel's recommended data collection methods and trainings and policies pursuant to 3 V.S.A. § 168(f)(2) and (3);

(B) the incorporation of implicit bias training into the requirements of basic training pursuant to this subsection; and

(C) the implementation of all trainings as required by this subsection.

Sec. 3. SECRETARY OF ADMINISTRATION; PROPOSAL

The Secretary of Administration shall develop a proposal to identify and address racial disparities within the State systems of education, labor and employment, access to housing and health care, and economic development. The Secretary shall report on the proposal to the House and Senate Committees on Judiciary on or before January 15, 2018.

Sec. 4. 20 V.S.A. § 2366(f) is added to read:

(f) Nothing in this section is intended to prohibit or impede any public agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent any State or local law enforcement policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that policy or practice is, to the extent of the conflict, abolished.

Sec. 5. CRIMINAL JUSTICE TRAINING COUNCIL; FAIR AND IMPARTIAL POLICING POLICY

(a) On or before October 1, 2017, the Criminal Justice Training Council, in consultation with the Attorney General, shall review and modify the model fair and impartial policing policy to the extent necessary to bring the policy into compliance with 8 U.S.C. §§ 1373 and 1644.

(b) On or before January 1, 2018, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, shall update its model fair and impartial policing policy to provide one cohesive model policy for law enforcement agencies and constables to adopt as a part of the agency's or constable's own fair and impartial policing policy pursuant to 20 V.S.A. § 2366(a)(1).

Sec. 6. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL POLICING POLICY; RACE DATA COLLECTION

~~(a)(1) On or before January 1, 2016, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, shall create a model fair and impartial policing policy. On or before July 1, 2016~~ March 1, 2018, every State, local, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes, at a minimum, ~~the elements~~ each component of the Criminal Justice Training Council's model fair and impartial policing policy.

(2) On or before October 1, 2018, and every even-numbered year thereafter, the Criminal Justice Training Council, in consultation with others, including the Attorney General and the Human Rights Commission, shall review and, if necessary, update the model fair and impartial policing policy.

(b) To encourage consistent fair and impartial policing practices statewide, the Criminal Justice Training Council, in consultation with the Office of the Attorney General, shall review the policies of law enforcement agencies and constables required to adopt a policy pursuant to subsection (a) of this section,

to ensure those policies establish each component of the model policy on or before April 15, 2018. If a the Council finds that a policy does not meet each component of the model policy, it shall work with the law enforcement agency or constable that is required to adopt a policy pursuant to subsection (a) of this section to bring the policy into compliance. If, after consultation with its attorney or with the Council, or with both, the law enforcement agency or constable fails to do so on or before July 1, 2016 adopt a policy that meets each component of the model policy, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy issued by the Criminal Justice Training Council.

(c) ~~On or before September 15, 2014, and annually thereafter~~ Annually, as part of their annual training report to the Council, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall report to the Council whether the agency or officer has adopted a fair and impartial policing policy in accordance with subsections (a) and (b) of this section. The Criminal Justice Training Council shall determine, as part of the Council's annual certification of training requirements, whether current officers have received training on fair and impartial policing as required by 20 V.S.A. § 2358(e).

(d) ~~On or before October 15, 2014, and annually thereafter~~ Annually on April 1, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary regarding which departments and officers have adopted a fair and impartial policing policy; and whether officers have received training on fair and impartial policing.

\* \* \*

## Sec. 7. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 6 (law enforcement agencies; fair and impartial policing policy; race data collection) shall take effect on March 1, 2018.

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

An act relating to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2017, page 500.)

#### **H. 462.**

An act relating to social media privacy for employees.

**Reported favorably with recommendation of proposal of amendment by Senator Baruth for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, 21 V.S.A. § 495k, in subsection (e), by adding a subdivision (4) to read as follows:

(4) Nothing in this section shall be construed to prevent an employer from complying with the requirements of State or federal law.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 22, 2017, page 490 and March 23, 2017, page 497.)

#### **H. 502.**

An act relating to modernizing Vermont's parentage laws.

**Reported favorably with recommendation of proposal of amendment by Senator Nitka for the Committee on Judiciary.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

##### Sec. 1. FINDINGS AND INTENT

Current Vermont law provides detailed guidance as to the legal and physical rights and responsibilities of parents, if they marry and divorce, with respect to their biological children or stepchildren. However, statutory law has not kept pace with the changing nature of today's families. Through this act, the General Assembly seeks to assemble attorneys and members with particular expertise in these matters, who can examine parentage laws in other jurisdictions and develop a proposal for the General Assembly to consider during the 2018 legislative session that integrates with our existing laws best practices for providing for the best interest of the child in various types of parentage proceedings.

##### Sec. 2. PARENTAGE STUDY COMMITTEE

(a) Creation. There is created the Parentage Study Committee to examine and provide recommendations with regard to modernizing Vermont's parentage laws in recognition of the changing nature of the family.

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

(1) a judge or Justice appointed by the Chief Superior Judge;

(2) a member appointed by the Commissioner for Children and Families;

(3) an attorney appointed by the Director of the Office of Child Support;

(4) two members appointed by the Vermont Bar Association who are attorneys experienced in parentage issues related to reproductive technology and surrogacy; and

(5) one member who is a medical professional with expertise in reproductive technology, who is appointed by the other members of the Committee at its first meeting.

(c) Powers and duties. The Committee shall study how Vermont's parentage laws should be updated to address various issues that have come before the courts in recent years and issues that have arisen and been addressed in other New England states on these matters, including assisted reproductive technology and de facto parentage.

(d) Report. On or before October 1, 2017, the Committee shall submit a written report to the House and Senate Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services with its findings and recommendations for legislative action.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(No House amendments.)

## **H. 508.**

An act relating to building resilience for individuals experiencing adverse childhood experiences.

**Reported favorably with recommendation of proposal of amendment by Senator Lyons for the Committee on Health and Welfare.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

### Sec. 1. FINDINGS

(a) It is the belief of the General Assembly that controlling health care costs requires consideration of population health, particularly adverse childhood experiences (ACEs) and adverse family experiences (AFEs).

(b) The ACE questionnaire contains ten categories of questions for adults. It is used to measure an adult's exposure to toxic stress in childhood. Based on a respondent's answers to the questionnaire, an ACE score is calculated, which is the total number of ACE categories reported as having been experienced by a respondent. ACEs include physical, emotional, and sexual abuse; neglect; food and financial insecurity; living with a person experiencing mental illness or substance use disorder, or both; experiencing or witnessing domestic violence; and having divorced parents or an incarcerated parent.

(c) In a 1998 article entitled "Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults," published in the *American Journal of Preventive Medicine*, evidence was cited of a "strong graded relationship between the breadth of exposure to abuse or household dysfunction during childhood and multiple risk factors for several of the leading causes of death in adults."

(d) Physical, psychological, and emotional trauma during childhood may result in damage to multiple brain structures and functions.

(e) The greater the ACE score of a respondent, the greater the risk for many health conditions and high-risk behaviors, including alcoholism and alcohol abuse, chronic obstructive pulmonary disease, depression, obesity, illicit drug use, ischemic heart disease, liver disease, intimate-partner violence, multiple sexual partners, sexually transmitted diseases, smoking, suicide attempts, unintended pregnancies, and others.

(f) ACEs are implicated in the ten leading causes of death in the United States, and with an ACE score of six or higher, an individual has a 20-year reduction in life expectancy. In addition, the higher the ACE score, the greater the likelihood of later problems with employment and economic stability, including bankruptcy and homelessness.

(g) AFEs are common in Vermont. One in eight Vermont children has experienced three or more AFEs, the most common being divorced or separated parents, food and housing insecurity, and having lived with someone with a substance use disorder or mental health condition. Children with three or more AFEs have higher odds of failing to engage and flourish in school.

(h) The earlier in life an intervention occurs for an individual who has experienced ACEs or AFEs, the more likely that intervention is to be successful.

(i) ACEs and AFEs can be prevented when a multigenerational approach is employed to interrupt the cycle of ACEs and AFEs within a family, including both prevention and treatment throughout an individual's lifespan.

(j) It is the belief of the General Assembly that people who have experienced adverse childhood and family experiences can build resilience and can succeed in leading happy, healthy lives.

Sec. 2. 33 V.S.A. chapter 34 is added to read:

CHAPTER 34. PROMOTION OF CHILD AND FAMILY RESILIENCE

§ 3351. PRINCIPLES FOR VERMONT'S TRAUMA-INFORMED SYSTEM OF CARE

The General Assembly, to further the significant progress made in Vermont with regard to the prevention, screening, and treatment for adverse childhood and family experiences, adopts the following principles with regard to strengthening Vermont's response to trauma and toxic stress during childhood:

(1) Childhood and family trauma affects all aspects of society. Each of Vermont's systems addressing trauma, particularly social services; health care, including mental health; education; child care; and the justice system, shall collaborate to address the causes and symptoms of childhood and family trauma and to build resilience.

(2) Current efforts to address childhood trauma in Vermont shall be recognized, coordinated, and strengthened.

(3) Addressing trauma in Vermont requires building resilience in those individuals already affected and preventing childhood trauma within the next generation.

(4) Early childhood adversity and adverse family events are common and can be prevented. When adversity is not prevented, early intervention is essential to ameliorate the impacts of adversity. A statewide, community-based, public health approach is necessary to effectively address what is a chronic public health disorder. To that end, Vermont shall implement an overarching public health model based on neurobiology, resilience, epigenetics, and the science of adverse childhood and family experiences with regard to toxic stress. This model shall include training for local leaders to facilitate a cultural change around the prevention and treatment of childhood trauma.

(5) Addressing health in all policies shall be a priority of the Agency of Human Services in order to foster flourishing, self-healing communities.

(6) Service systems shall be integrated at the local and regional levels to maximize resources and simplify how systems respond to individual and

family needs. All programs and services shall be evidence-informed and research-based, adhering to best practices in trauma treatment.

#### § 3352. DEFINITIONS

As used in this chapter:

(1) “Adverse childhood experiences” or “ACEs” means potentially traumatic events that occur during childhood and can have negative, lasting effects on the adult’s health and well-being.

(2) “Adverse family experiences” or “AFEs” means potentially traumatic events experienced by a child in his or her home or community that can have negative, lasting effects on the child’s health and well-being.

(3) “Social determinants of health” means the conditions in which people are born, grow, live, work, and age, including socioeconomic status, education, the physical environment, employment, social support networks, and access to health care.

(4) “Trauma-informed” means a type of program, organization, or system that realizes the widespread impact of trauma and understands there are potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved in a system; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks to actively resist retraumatization.

(5) “Toxic stress” means strong, frequent, or prolonged experience of adversity without adequate support.

#### § 3353. DIRECTING TRAUMA-INFORMED SYSTEMS

(a) The Secretary of Human Services shall ensure that one or more persons within the Agency are responsible for coordinating the Agency’s response to adverse childhood and family experiences and collaborating with community partners to build trauma-informed systems, including:

(1) coordinating the Agency’s childhood trauma prevention, screening, and treatment efforts with any similar efforts occurring elsewhere in State government;

(2) disseminating training materials for early child care and learning professionals, in conjunction with the Agency of Education, regarding the identification of students exposed to adverse childhood and family experiences and of strategies for referring families to community health teams and primary care medical homes;

(3) developing and implementing programming modeled after Vermont’s Resilience Beyond Incarceration and Kids-A-Part programs to



address and reduce trauma and associated health risks to children of incarcerated parents;

(4) developing a plan that builds on work completed pursuant to 2015 Acts and Resolves No. 46, especially with respect to positive behavior intervention and supports (PBIS) and full-service and trauma-informed schools, in conjunction with the Secretary of Education and other stakeholders, for creating a trauma-informed school system throughout Vermont;

(5) developing a plan that builds on work being done by early child care and learning professionals for children ages 0–5 regarding collaboration with health care professionals in medical homes, including assisting in the screening and surveillance of young children; and

(6) support efforts to develop a framework for outreach and partnership with local community groups to build flourishing communities.

(b) The person or persons directing the Agency’s work related to adverse childhood and family experiences, in consultation with the Child and Family Trauma Committee established pursuant to section 3354 of this chapter, shall provide advice and support to the Secretary and to each of the Agency’s departments in addressing the prevention and treatment of adverse childhood and family experiences and building of trauma-informed systems. This person or persons shall also support the Secretary and departments in connecting communities and organizations with the appropriate resources for recovery when traumatic events occur.

#### § 3354. CHILD AND FAMILY TRAUMA COMMITTEE

(a) Creation. There is created the Child and Family Trauma Committee within the Agency of Human Services for the purpose of providing guidance to the Agency in its efforts to mitigate childhood trauma and build resiliency in accordance with the following principles:

(1) prioritization of a multi-generational approach to support health and mitigate adversity;

(2) recognition of the importance of actively building skills, including executive functioning and self-regulation, when designing strategies to promote the healthy development of young children, adolescents, and adults;

(3) use of approaches that are centered around early childhood, including prenatal, and that focus on building adult core capabilities; and

(4) emphasis on the integration of best practice, evidence-informed practice, and evaluation to ensure accountability and to provide evidence of effectiveness and efficiency.

(b)(1) Membership. The Committee shall be composed of the following members:

(A) the person or persons directing the Agency's work related to adverse childhood and family experiences;

(B) the Commissioner of Mental Health or designee;

(C) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(D) the Commissioner of Corrections or designee;

(E) the Commissioner of Health or designee;

(F) the Commissioner of Vermont Health Access or designee;

(G) a representative of the Department for Children and Families' Child Development Division;

(H) a representative of the Department for Children and Families' Economic Services Division;

(I) a representative of the Department for Children and Families' Family Services Division;

(J) a field services director within the Agency, appointed by the Secretary; and

(K) the Secretary of Education or designee.

(2) The Secretary of Human Services shall invite at least the following representatives to serve as members of the Committee:

(A) a representative of the Vermont Network Against Domestic and Sexual Violence;

(B) a representative of the Vermont Adoption Consortium;

(C) a representative of the Vermont Federation of Families for Children's Mental Health;

(D) a representative of Vermont Care Partners;

(E) a mental health professional, as defined in 18 V.S.A. § 7101, or a social worker, licensed pursuant to 26 V.S.A. chapter 61;

(F) a representative of the parent-child center network;

(G) a representative of Vermont Afterschool, Inc.;

(H) a representative of Building Bright Futures;

(I) a representative of Vermont's "Help Me Grow" Resource and Referral Service Program;

(J) a representative of trauma survivors or of family members of trauma survivors;

(K) a public school teacher, administrator, guidance counselor, or school nurse with knowledge about adverse childhood and family experiences;

(L) a private practice physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a private practice nurse licensed pursuant to 26 V.S.A. chapter 38, or a private practice physician assistant licensed pursuant to 26 V.S.A. chapter 31;

(M) a representative of Prevent Child Abuse Vermont; and

(N) a representative of the field of restorative justice.

(c) Powers and duties. In light of current research and the fiscal environment, the Committee shall analyze existing resources related to building resilience in early childhood and advise the Agency on appropriate structures for advancing the most evidence-informed and cost-effective approaches to serve children experiencing trauma.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Human Services.

(e) Meetings.

(1) Meetings shall be held at the call of the Secretary of Human Services, but not more than 12 times annually.

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

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

### Sec. 3. AGENCY APPOINTMENT RELATED TO ADVERSE CHILDHOOD AND FAMILY EXPERIENCE WORK

On or before September 1, 2017, the Secretary of Human Services shall inform the chairs of the Senate Committee on Health and Welfare and House Committees on Health Care and on Human Services as to whether the Agency was able to reallocate a position within the Agency for the purpose of directing the Agency's work pursuant to 18 V.S.A. § 3353 or whether some other arrangement was implemented.

### Sec. 4. ADVERSE CHILDHOOD AND FAMILY EXPERIENCES; PRESENTATION

On or before February 1, 2018, the person or persons directing the Agency's work related to adverse childhood and family experiences shall present to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare findings and recommendations

related to each of the following, as well as proposed legislative language where appropriate:

(1) identification of existing home visiting services and populations eligible for these services, as well as a proposal for expanding home visits to all Vermont families with a newborn infant by addressing both the financial and strategic implications of universal home visiting;

(2) identification of all existing grants administered by the Agency of Human Services for professional development related to trauma-informed training;

(3) determination of what policies, if any, the Agency of Human Services should adopt regarding the use of evidence-informed grants with community partners that are under contract with the Agency to provide trauma-informed services;

(4) development of a proposal for measuring the outcomes of each of the initiatives created by this act, including specific quantifiable data and the amount of any savings that could be realized by the prevention and mitigation of adverse childhood and family experiences; and

(5) identification of measures to assess the long-term impacts of adverse childhood and family experiences on Vermonters and to assess the effectiveness of the initiatives created by this act in interrupting the effects of adverse childhood and family experiences.

#### Sec. 5. INVENTORY AND INTERIM REPORT

(a) The person or persons directing the Agency's work related to adverse childhood and family experience pursuant to 33 V.S.A. § 3353, in consultation with Vermont's "Help Me Grow" Resource and Referral Service Program, shall create an inventory of available State and community resources, program capabilities, and coordination capacity in each service area of the State with regard to the following:

(1) programs or providers currently screening patients for adverse childhood and family experiences or conducting another type of trauma assessment, including VCHIP's work integrating trauma-informed services in the delivery of health care to children and the screening and surveillance work occurring in early learning programs;

(2) regional capacity to establish integrated prevention, screening, and treatment programming and apply uniformly the Department for Children and Families' Strengthening Families Framework among service providers;

(3) availability of referral treatment programs for families and individuals who have experienced childhood trauma or are experiencing

childhood trauma and whether telemedicine may be used to address shortages in service, if any; and

(4) identification of any regional or programmatic gaps in services or inconsistencies in the use of adverse childhood and family experiences screening tools.

(b) On or before November 1, 2017, the person or persons directing the Agency's work related to adverse childhood and family experiences shall submit the inventory created pursuant to subsection (a) of this section and any preliminary recommendations related to Sec. 4 of this act to the Senate Committee on Health and Welfare and House Committees on Health Care and on Human Services.

Sec. 6. ADVERSE CHILDHOOD AND FAMILY EXPERIENCES;  
RESPONSE PLAN

On or before January 15, 2019, the person or persons directing the Agency's work related to adverse childhood and family experiences pursuant to 33 V.S.A. § 3353, shall present a plan to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare regarding the integration of evidence-informed and family-focused prevention, intervention, treatment, and recovery services for individuals affected by adverse childhood and family experiences. The plan shall address the coordination of services throughout the Agency and shall propose mechanisms for improving and engaging community providers in the systematic prevention of trauma, as well as screening, case detection, and care of individuals affected by adverse childhood and family experiences.

Sec. 7. 16 V.S.A. chapter 31, subchapter 4 is added to read:

Subchapter 4. School Nurses

§ 1441. FAMILY WELLNESS COACH TRAINING

A school nurse employed by a primary or secondary school is encouraged to participate in a training program, such as trauma-informed programming approved by the Department of Health in consultation with the Department of Mental Health, which may include programming offered by Prevent Child Abuse Vermont. If a school nurse has completed a training program, he or she may provide family wellness coaching to those families with a student attending the school where the school nurse is employed.

Sec. 8. 18 V.S.A. § 705 is amended to read:

§ 705. COMMUNITY HEALTH TEAMS

\* \* \*

(d) The Director shall implement a plan to enable community health teams to work with school nurses in a manner that enables a community health team to serve as:

(1) an educational resource for issues that may arise during the course of the school nurse's practice; and

(2) a referral resource for services available to students and families outside an educational institution in coordination with the primary care medical home.

Sec. 9. 18 V.S.A. § 710 is added to read:

§ 710. ADVERSE CHILDHOOD AND FAMILY EXPERIENCE  
SCREENING TOOL

The Director of the Blueprint for Health, in coordination with the Women's Health Initiative, and in consultation with the person or persons directing the Agency of Human Service's work related to adverse childhood and family experiences pursuant to 18 V.S.A. § 3353, shall work with those health insurance plans that participate in Blueprint for Health payments to plan for an increase in the per-member per-month payments to primary care and obstetric practices for the purpose of incentivizing use of a voluntary evidence-informed screening tool. In addition, the Director of the Blueprint for Health shall work with these health insurers to plan for an increase in capacity payments to the community health teams for the purpose of providing trauma-informed care to individuals who screen positive for adverse childhood and family experiences.

Sec. 10. RECOMMENDATIONS RELATED TO BLUEPRINT FOR  
HEALTH INCENTIVES

As part of the report due pursuant to 18 V.S.A. § 709, the Director of the Blueprint for Health shall submit any recommendations regarding the design of adverse childhood and family experience screening incentives required pursuant to 18 V.S.A. § 710.

Sec. 11. HOME VISITING REFERRALS

The person or persons directing the Agency of Human Services' work related to adverse childhood and family experiences pursuant to 18 V.S.A. § 3353 shall coordinate with the Director of the Blueprint for Health and the Women's Health Initiative to ensure all obstetric, midwifery, pediatric, naturopathic, and family medicine and internal medicine primary care practices participating in the Blueprint for Health receive information about regional home visiting services for the purpose of referring patients to appropriate services.

Sec. 12. GRANTS TO COMMUNITY PARTNERS

For the purpose of interrupting the widespread, multigenerational effects of adverse childhood and family experiences and their subsequent severe, related health problems, the Agency shall ensure that grants to its community partners related to children and families strive toward accountability and community resilience.

\* \* \* Training and Coordination \* \* \*

Sec. 13. CURRICULUM; UNIVERSITY OF VERMONT'S COLLEGE OF MEDICINE AND COLLEGE OF NURSING AND HEALTH SCIENCES

The General Assembly recommends that the University of Vermont's College of Medicine and College of Nursing and Health Sciences expressly include information in their curricula pertaining to adverse childhood and family experiences and their impact on short- and long-term physical and mental health outcomes.

\* \* \* Effective Date \* \* \*

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

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

An act relating to building resilience for individuals experiencing adverse childhood and family experiences.

(Committee vote: 5-0-0)

(No House amendments.)

**H. 513.**

An act relating to making miscellaneous changes to education law.

**Reported favorably with recommendation of proposal of amendment by Senator Baruth for the Committee on Education.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Approved Independent Schools Study Committee \* \* \*

Sec. 1. APPROVED INDEPENDENT SCHOOLS STUDY COMMITTEE

(a) Creation. There is created the Approved Independent Schools Study Committee to consider and make recommendations on the criteria to be used by the State Board of Education for designation as an "approved" independent school.

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

(1) one current member of the House of Representatives who shall be appointed by the Speaker of the House;

(2) one current member of the Senate who shall be appointed by the Committee on Committees;

(3) the Chair of the State Board of Education or designee;

(4) the Secretary of Education or designee;

(5) the Executive Director of the Vermont Superintendent's Association or designee;

(6) the Executive Director of the Vermont School Boards Association or designee;

(7) the Executive Director of the Vermont Independent Schools Association or designee;

(8) two representatives of approved independent schools, who shall be chosen by the Executive Director of the Vermont Independent Schools Association; and

(9) the Executive Director of the Vermont Council of Special Education Administrators or designee.

(c) Powers and duties. The Committee shall consider and make recommendations on the criteria to be used by the State Board of Education for designation as an "approved" independent school, including the following criteria:

(1) the school's enrollment policy and any limitation on a student's ability to enroll;

(2) how the school should be required to deliver special education services and which categories of these services; and

(3) the scope and nature of financial information and special education information that should be required to be reported by the school to the State Board or Agency of Education.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Report. On or before January 15, 2018, the Committee shall submit a written report to the House and Senate Committees on Education with its findings and any recommendations, including recommendations for any amendments to legislation.



(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Committee to occur on or before May 30, 2017.

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

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

(4) The Committee shall cease to exist on January 16, 2018.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than seven meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

\* \* \* Educational and Training Programs for College Credit \* \* \*

Sec. 2. APPROPRIATION TO THE VERMONT STATE COLLEGES  
TO EXPAND EDUCATION AND TRAINING EVALUATION  
SERVICES PROGRAM

The sum of \$20,000.00 is appropriated from the Next Generation Initiative Fund created pursuant to 16 V.S.A. § 2887 to the Vermont State Colleges for the purpose of providing funding for the Colleges' Education and Training Evaluation Services Program. The Vermont State Colleges shall use the appropriation to evaluate or reevaluate educational and training programs for college credit at no cost or at a reduced cost to the programs being evaluated. The Vermont State Colleges shall identify training programs in the skilled trades, including the plumbing and electrical trades, to receive these evaluation services. The Vermont State Colleges shall, on or before January 15, 2018, issue a report to the House and Senate Committees on Education describing how the funds appropriated pursuant to this section have been spent, how any remaining funds appropriated pursuant to this section will be spent, and the number and nature of the programs evaluated or reevaluated and the results of the evaluations.

\* \* \* Student Enrollment; Small School Grant \* \* \*

Sec. 3. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) “Eligible school district” means a school district that operates at least one school; and

(A) has a two-year average combined enrollment of fewer than 100 students in all the schools operated by the district; or

(B) has an average grade size of 20 or fewer.

(2) “Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

(3) “Two-year average enrollment” means the average enrollment of the two most recently completed school years.

(4) “Average grade size” means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, kindergarten and prekindergarten programs shall be counted together as one grade.

\* \* \*

\* \* \* Vermont Standards Board for Professional Educators \* \* \*

Sec. 4. 16 V.S.A. § 1693 is amended to read:

§ 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

(a) There is hereby established the Vermont Standards Board for Professional Educators comprising 13 members as follows: seven teachers, two administrators, one of whom shall be a school superintendent, one public member, one school board member, one representative of educator preparation programs from a public institution of higher education, and one representative of educator preparation programs from a private institution of higher education.

\* \* \*

Sec. 5. TRANSITIONAL PROVISION

A superintendent shall be appointed to the Vermont Standards Board for Professional Educators upon the next expiration of the term of a member who is serving on the Board as an administrator.

\* \* \* Speech-Language Pathologists \* \* \*

Sec. 6. 26 V.S.A. § 4451 is amended to read:

§ 4451. DEFINITIONS

As used in this chapter:

\* \* \*

(5) “Educational speech-language pathologist” means a speech-language pathologist who is employed by a supervisory union or public school district in Vermont or an independent school approved for special education purposes for the purpose of providing speech-language pathology.

(6) “Secretary” means the Secretary of State.

~~(6)~~(7) “Speech-language pathologist” means a person licensed to practice speech-language pathology under this chapter, but shall not include an educational speech-language pathologist.

~~(7)~~(8) “Speech-language pathology” means the application of principles, methods, and procedures related to the development and disorders of human communication, which include any and all conditions that impede the normal process of human communication.

Sec. 7. 26 V.S.A. § 4454 is amended to read:

§ 4454. CONSTRUCTION

(a) This chapter shall not be construed to limit or restrict in any way the right of a practitioner of another occupation that is regulated by this State from performing services within the scope of his or her professional practice.

(b) This chapter shall not be construed to apply to an educational speech-language pathologist, except to the extent that an educational speech-language pathologist provides speech-language pathology services outside a school environment. An educational speech-language pathologist shall be subject to the licensing, training, and professional standards provisions of 16 V.S.A. chapter 51. To the extent that an educational speech-language pathologist provides speech-language pathology services outside a school environment, the educational speech-language pathologist shall be subject to the licensing, training, and professional standards provisions of this chapter.

Sec. 8. TRANSITIONAL PROVISION

An individual holding an educator license with an endorsement for educational speech-language pathologist from the Agency of Education shall retain that endorsement and shall renew it with the Agency as required by law, in addition to licensure with the Agency of Education.

\* \* \* Renewal of Principal's Contracts \* \* \*

Sec. 9. 16 V.S.A. § 243(c) is amended to read:

(c) Renewal and nonrenewal. A principal who has been continuously employed for more than two years in the same position has the right either to have his or her contract renewed, or to receive written notice of nonrenewal ~~at least 90 days before~~ on or before February 1 of the year in which the existing contract expires. Nonrenewal may be based upon elimination of the position, performance deficiencies, or other reasons. The written notice shall recite the grounds for nonrenewal. If nonrenewal is based on performance deficiencies, the written notice shall be accompanied by an evaluation performed by the superintendent. At its discretion, the school board may allow a period of remediation of performance deficiencies prior to issuance of the written notice. After receiving such a notice, the principal may request in writing, and shall be granted, a meeting with the school board. Such request shall be delivered within 15 days of delivery of notice of nonrenewal, and the meeting shall be held within 15 days of delivery of the request for a meeting. At the meeting, the school board shall explain its position, and the principal shall be allowed to respond. The principal and any member of the board may present written information or oral information through statements of others, and the principal and the board may be represented by counsel. The meeting shall be in executive session unless both parties agree in writing that it be open to the public. After the meeting, the school board shall decide whether or not to offer the principal an opportunity to renew his or her contract. The school board shall issue its decision in writing within five days. The decision of the school board shall be final.

\* \* \* Postsecondary Schools \* \* \*

Sec. 10. 16 V.S.A § 176(d) is amended to read:

(d) Exemptions. The following are exempt from the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

\* \* \*

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, ~~Burlington College~~, Champlain College, College of St. Joseph, Goddard College, Green Mountain College, Landmark College, Marlboro College, Middlebury College, New England Culinary Institute, Norwich University, Saint Michael's College, SIT Graduate Institute, Southern Vermont College, Sterling College, Vermont College of Fine Arts, and Vermont Law School. This authorization is provided solely to the extent necessary to ensure

institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

\* \* \*

\* \* \* Educational Opportunities \* \* \*

Sec. 11. 16 V.S.A § 165(b) is amended to read:

(b) ~~Every two years~~ Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress ~~by the end of the next two year period~~ within two years of the determination, the Secretary shall recommend to the State Board one or more of the following actions:

\* \* \*

\* \* \* Local Education Agency \* \* \*

Sec. 12. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

The school board of a school district, in addition to other duties and authority specifically assigned by law:

\* \* \*

(26) ~~Shall carry out the duties of a local education agency, as that term is defined in 20 U.S.C. § 7801(26), for purposes of determining student performance and application of consequences for failure to meet standards and for provision of compensatory and remedial services pursuant to 20 U.S.C. §§ 6311-6318. [Repealed.]~~

\* \* \*

\* \* \* State-placed and Homeless Students \* \* \*

Sec. 13. 16 V.S.A § 1075 is amended to read:

§ 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND PAYMENT OF EDUCATION OF STUDENT

\* \* \*

(c) State-placed students.

(1) A State-placed student in the legal custody of the Commissioner for Children and Families, other than one placed in a 24-hour residential facility and except as otherwise provided in this subsection, shall be educated by the school district in which the student is living the student's school of origin, unless an alternative plan or facility for the education of the student is agreed upon by Secretary the student's education team determines that it is not in the student's best interest to attend the school of origin. The student's education team shall include, as applicable, the student, the student's parents and foster parents, the student's guardian ad litem and educational surrogate parent, representatives of both the school of origin and potential new school, and a representative of the Family Services Division of the Department for Children and Families. In the case of a dispute as to ~~where a State-placed student is living, the Secretary shall conduct a hearing to determine which school district is responsible for educating the student. The Secretary's decision shall be final~~ about whether it is in the student's best interest to attend the school of origin, the Commissioner for Children and Families shall make the final decision. As used in this section, "school of origin" means the school in which the child was enrolled at the time of placement into custody of the Commissioner for Children and Families, or in the case of a student already in the custody of the Commissioner for Children and Families, the school the student most recently attended.

(2) If a student is a State-placed student pursuant to subdivision 11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families shall ~~assume responsibility~~ be responsible for the student's transportation to and from school, unless the receiving district chooses to provide transportation.

(3) A State-placed student not in the legal custody of the Commissioner for Children and Families, other than one placed in a 24-hour residential facility and except as otherwise provided in this subsection, shall be educated by the school district in which the student is living unless an alternative plan or facility for the education of the student is agreed upon by the Secretary. In the case of dispute as to where a State-placed student is living, the Secretary shall conduct a hearing to determine which school district is responsible for educating the student. The Secretary's decision shall be final.

(4) A student who is in temporary legal custody pursuant to 33 V.S.A. § 5308(b)(3) or (4) and is a State-placed student pursuant to subdivision 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal custodian's discretion, in the district in which the student's parents reside, the district in which either parent resides if the parents live in different districts, the district in which the student's legal guardian resides, or the district in which the temporary legal custodian resides. If the student enrolls in the

district in which the temporary legal custodian resides, the district shall provide transportation in the same manner and to the same extent it is provided to other students in the district. In all other cases, the temporary legal custodian is responsible for the student's transportation to and from school, unless the receiving district chooses to provide transportation.

~~(4)~~(5) If a student who had been a State-placed student pursuant to subdivision 11(a)(28) of this title is returned to live in the district in which one or more of the student's parents or legal guardians reside, then, at the request of the student's parent or legal guardian, the Secretary may order the student to continue his or her enrollment for the remainder of the academic year in the district in which the student resided prior to returning to the parent's or guardian's district and the student will continue to be funded as a State-placed student. Unless the receiving district chooses to provide transportation:

\* \* \*

(e) For the purposes of this title, the legal residence or residence of a child of homeless parents is ~~where the child temporarily resides~~ the child's school of origin, as defined in subdivision (c)(1) of this section, unless the parents and another school district agree that the child's attendance in school in that school district will be in the best interests of the child ~~in that continuity of education will be provided and transportation will not be unduly burdensome to the school district.~~ A "child of homeless parents" means a child whose parents:

\* \* \*

\* \* \* Early College \* \* \*

Sec. 14. REPEAL

16 V.S.A § 4011(e) (early college) is repealed.

Sec. 15. 16 V.S.A § 946 is added to read:

§ 946. EARLY COLLEGE

(a) For each grade 12 Vermont student enrolled, the Secretary shall pay an amount equal to 87 percent of the base education amount to:

(1) the Vermont Academy of Science and Technology (VAST); and

(2) an early college program other than the VAST program that is developed and operated or overseen by the University of Vermont, by one of the Vermont State Colleges, or by an accredited private postsecondary school located in Vermont and that is approved for operation by the Secretary; provided, however, when making a payment under this subdivision (2), the Secretary shall not pay more than the tuition charged by the institution.

(b) The Secretary shall make the payment pursuant to subsection (a) of this section directly to the postsecondary institution, which shall accept the amount as full payment of the student's tuition.

(c) A student on whose behalf the Secretary makes a payment pursuant to subsection (a) of this subsection:

(1) shall be enrolled as a full-time student in the institution receiving the payment for the academic year for which payment is made;

(2) shall not be enrolled concurrently in a secondary school operated by the student's district of residence or to which the district pays tuition on the student's behalf; and

(3) shall not be included in the average daily membership of any school district for the academic year for which payment is made; provided, however, that if more than five percent of the grade 12 students residing in a district enroll in an early college program, then the district may include the number of students in excess of five percent in its average daily membership; but further provided that a student in grade 12 enrolled in a college program shall be included in the percentage calculation only if, for the previous academic year, the student was enrolled in a school maintained by the district or was a student for whom the district paid tuition to a public or approved independent school.

(d) A postsecondary institution shall not accept a student into an early college program unless enrollment in an early college program was an element of the student's personalized learning plan.

#### Sec. 16. REPEAL

16 V.S.A. § 4011a (early college program; report; appropriations) is repealed.

Sec. 17. 16 V.S.A. § 947 is added to read:

#### § 947. EARLY COLLEGE PROGRAM; REPORT; APPROPRIATION

(a) Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution receiving funds pursuant to section 946 of this title shall report annually in January to the Senate and House Committees on Education regarding the level of participation in the institution's early college program, the success in achieving the stated goals of the program to enhance secondary students' educational experiences and prepare them for success in college and beyond, and the specific results for participating students relating to programmatic goals.

(b) In the budget submitted annually to the General Assembly pursuant to 32 V.S.A. chapter 5, the Governor shall include the recommended



appropriation for all early college programs to be funded pursuant to section 946 of this title, including the VAST program, as a distinct amount.

\* \* \* Advisory Council on Special Education \* \* \*

Sec. 18. 16 V.S.A § 2945(c) is amended to read:

(c) The members of the Council who are employees of the State shall receive no additional compensation for their services, but actual and necessary expenses shall be allowed State employees, and shall be charged to their departments or institutions. The members of the Council who are not employees of the State shall receive a per diem compensation ~~of \$30.00 per day~~ as provided under 32 V.S.A. § 1010 for each day of official business and reimbursement for actual and necessary expenses at the rate allowed State employees.

\* \* \*

\* \* \* Criminal Record Checks \* \* \*

Sec. 19. 16 V.S.A. § 255(k) is added to read:

(k) The requirements of this section shall not apply to superintendents and headmasters with respect to persons operating or employed by a child care facility, as defined under 33 V.S.A. § 3511, that provides prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A. § 3502. Superintendents and headmasters are not prohibited from conducting a criminal record check as a condition of hiring an employee to work in a child care facility that provides prekindergarten education operated by the school.

\* \* \* Agency Of Education Report; English Language Learners \* \* \*

Sec. 20. AGENCY OF EDUCATION REPORT; ENGLISH LANGUAGE LEARNERS

As part of the management of federal funds for students for whom English is not the primary language, the Agency of Education shall convene at least one meeting of representatives from the supervisory unions and supervisory districts that receive these funds, including those responsible for the administration of these funds, which shall take place prior to the creation of budgets for the next school year. The meeting participants shall explore ways to reduce barriers to the use of funds available under the federal Elementary and Secondary Education Act and help the supervisory unions and supervisory districts develop strategies for best meeting the needs of students for whom English is not the primary language as permitted under federal and State law. In addition, the meeting participants shall discuss the weighting formulas for students from economically deprived backgrounds and students for whom English is not the primary language, and whether these formulas should be

revised. The Agency of Education shall report the results of these discussions to the Senate and House Committees on Education on or before January 15, 2018.

\* \* \* Prekindergarten Programs; STARS ratings \* \* \*

Sec. 21. 16 V.S.A. § 829(c) is amended to read:

(c) Prequalification. Pursuant to rules jointly developed and overseen by the Secretaries of Education and of Human Services and adopted by the State Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine that a private or public provider of prekindergarten education is qualified for purposes of this section and include the provider in a publicly accessible database of prequalified providers. At a minimum, the rules shall define the process by which a provider applies for and maintains prequalification status, shall identify the minimum quality standards for prequalification, and shall include the following requirements:

(1) A program of prekindergarten education, whether provided by a school district or a private provider, shall have received:

(A) National Association for the Education of Young Children (NAEYC) accreditation; or

(B) at least four stars in the Department for Children and Families' STARS system ~~with at least two points in each of the five arenas~~; or

(C) three stars in the STARS system if the provider has developed a plan, approved by the Commissioner for Children and Families and the Secretary of Education, to achieve four or more stars in no more than two years ~~with at least two points in each of the five arenas~~, and the provider has met intermediate milestones.

\* \* \*

\* \* \* Act 46 Findings \* \* \*

Sec. 22. ACT 46 FINDINGS

(a) 2015 Acts and Resolves No. 46 established a multi-year, phased process that provides multiple opportunities for school districts to unify existing governance units into more “sustainable governance structures” designed to meet the General Assembly’s identified educational and fiscal goals while recognizing and reflecting local priorities. It has been the General Assembly’s intent to revitalize Vermont’s small schools – to promote equity in their offerings and stability in their finances – through these changes in governance.

(b) As of Town Meeting Day 2017, voters in 96 Vermont towns have voted to merge 104 school districts into these slightly larger, more sustainable governance structures, resulting in the creation of 20 new unified union

districts (serving prekindergarten–grade 12 students). As a result, approximately 60 percent of Vermont’s school-age children live or will soon live in districts that satisfy the goals of Act 46.

(c) These slightly larger, more flexible unified union districts have begun to realize distinct benefits, including the ability to offer kindergarten–grade 8 choice among elementary schools within the new district boundaries; greater flexibility in sharing students, staff, and resources among individual schools; the elimination of bureaucratic redundancies; and the flexibility to create magnet academies, focusing on a particular area of specialization by school.

(d) Significant areas of the State, however, have experienced difficulty satisfying the goals of Act 46. The range of complications is varied, including operating or tuitioning models that differ among adjoining districts, geographic isolation due to lengthy driving times or inhospitable travel routes between proposed merger partners, and greatly differing levels of debt per equalized pupil between districts involved in merger study committees. This act is designed to make useful changes to the merger time lines and allowable governance structures under Act 46 without weakening or eliminating the Act’s fundamental phased merger and incentive structures and requirements.

\* \* \* Side-by-Side Structures \* \* \*

Sec. 23. 2012 Acts and Resolves No. 156, Sec. 15 is amended to read:

Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION DISTRICT INCENTIVES

(a) ~~Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) that requires a single regional education district (“RED”) to have an average daily membership of at least 1,250 or result from the merger of at least four districts, or both, two or more new districts shall be eligible jointly for the incentives provided in Sec. 4 of No. 153, Sec. 4 if:~~

\* \* \*

~~(3) one of the new districts provides education in all elementary and secondary grades by operating one or more schools and the other new district or districts pay tuition for students in one or more grades; each new district has a model of operating schools or paying tuition that is different from the model of the other, which may include:~~

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12;

\* \* \*

(b) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 24. **THREE-BY-ONE SIDE-BY-SIDE STRUCTURE; REGIONAL EDUCATION DISTRICT INCENTIVES**

(a) Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) that requires a single regional education district (RED) to have an average daily membership of at least 1,250 or result from the merger of at least four districts, or both, a new district shall be eligible for the incentives provided in No. 153, Sec. 4 as amended by 2012 Acts and Resolves No. 156 and 2015 Acts and Resolves No. 46 if:

(1) The new district is formed by the merger of at least three existing districts (Merged District) and, together with an existing district (Existing District), are members of the same supervisory union following the merger (Three-by-One Side-by-Side Structure).

(2) As of March 7, 2017 (Town Meeting Day), the Existing District is either:

(A) geographically isolated, due to lengthy driving times or inhospitable travel routes between the Existing District's school or schools and the nearest school in which there is excess capacity as determined by the State Board of Education;

(B) structurally isolated, because all adjoining school districts have operating or tuitioning models that differ from the Existing District; or

(C) unable to reach agreement to consolidate with one or more other adjoining school districts because the school districts that adjoin the Existing District have greatly differing levels of indebtedness per equalized pupil, as defined in 16 V.S.A. § 4001(3), from that of the Existing District as determined by the State Board of Education.

(3) The Merged District and the Existing District each has a model of operating schools or paying tuition that is different from the model of the other. These models are:

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12.

(4) The Three-by-One Side-by-Side Structure meets all criteria for RED formation other than the size criterion of 2010 Acts and Resolves No. 153, Sec. 3(a)(1) (average daily membership of at least 1,250) and otherwise as provided in this section.

(5) The districts seeking approval of their proposed Three-by-One Side-by-Side Structure demonstrate in their report presented to the State Board that this structure is better suited to them than a governance structure described in 2015 Acts and Resolves No. 46, Sec. 6, and will meet the goals set forth in Sec. 2 of that Act.

(6) The districts proposing to merge into the Merged District receive final approval from their electorate for the merger proposal on or before November 30, 2017, and the Merged District becomes fully operational on or before July 1, 2019.

(b) The incentives provided in 2010 Acts and Resolves No. 153, Sec. 4 shall be available to the Merged District and shall not be available to the Existing District.

(c) The Existing District shall be exempt from the requirement under 2015 Acts and Resolves No. 46, Secs. 9 and 10 to self-evaluate and make a proposal to the Secretary of Education and State Board of Education and from the State Board's plan.

Sec. 25. TWO-BY-TWO-BY-ONE SIDE-BY-SIDE STRUCTURE;  
REGIONAL EDUCATION DISTRICT INCENTIVES

(a) Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) that requires a single regional education district (RED) to have an average daily membership of at least 1,250 or result from the merger of at least four districts, or both, two or more new districts shall be eligible for the incentives provided in No. 153, Sec. 4 as amended by 2012 Acts and Resolves No. 156 and 2015 Acts and Resolves No. 46 if:

(1) Each new district is formed by the merger of at least two existing districts (each a Merged District) and, together with an existing (Existing District), are members of the same supervisory union following the merger (Two-by-Two-by-One Side-by-Side Structure).

(2) As of March 7, 2017 (Town Meeting Day), the Existing District is either:

(A) geographically isolated, due to lengthy driving times or inhospitable travel routes between the Existing District's school or schools and

the nearest school in which there is excess capacity as determined by the State Board of Education;

(B) structurally isolated, because all adjoining school districts have operating or tuitioning models that differ from the Existing District; or

(C) unable to reach agreement to consolidate with one or more other adjoining school districts because the school districts that adjoin the Existing District have greatly differing levels of indebtedness per equalized pupil, as defined in 16 V.S.A. § 4001(3), from that of the Existing District as determined by the State Board of Education.

(3) Each Merged District and the Existing District has a model of operating schools or paying tuition that is different from the model of each other. These models are:

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12.

(4) The Two-by-Two-by-One Side-by-Side Structure meets all criteria for RED formation other than the size criterion of 2010 Acts and Resolves No. 153, Sec. 3(a)(1) (average daily membership of at least 1,250) and otherwise as provided in this section.

(5) The districts seeking approval of their proposed Two-by-Two-by-One Side-by-Side Structure demonstrate in their report presented to the State Board that this structure is better suited to them than a governance structure described in 2015 Acts and Resolves No. 46, Sec. 6, and will meet the goals set forth in Sec. 2 of that act.

(6) Each Merged District has the same effective date of merger.

(7) The districts proposing to merge into each Merged District receive final approval from their electorate for the merger proposal on or before November 30, 2017, and each Merged District becomes fully operational on or before July 1, 2019.

(b) The incentives provided in 2010 Acts and Resolves No. 153, Sec. 4 shall be available to each Merged District and shall not be available to the Existing District.

(c) The Existing District shall be exempt from the requirement under 2015 Acts and Resolves No. 46, Secs. 9 and 10 to self-evaluate and make a proposal

to the Secretary of Education and State Board of Education and from the State Board's plan.

\* \* \* Withdrawal from Union School District \* \* \*

Sec. 26. TEMPORARY AUTHORITY TO WITHDRAW FROM UNION  
SCHOOL DISTRICT

(a) Notwithstanding any provision of 16 V.S.A. § 721a to the contrary, a school district may withdraw from a union high school district without approval by the remaining members of the union high school district upon the following conditions:

(1) The school district proposing to withdraw from the union high school district operates a school or schools for all resident students in prekindergarten through grade 6 and pays tuition for resident students in grade 7 through grade 12.

(2) At least one year has elapsed since the union high school district became a body politic and corporate as provided in 16 V.S.A. § 706g.

(3) A majority of the voters of the school district proposing to withdraw from the union high school district present and voting at a school district meeting duly warned for that purpose votes to withdraw from the union high school district. The clerk of the school district shall certify the vote to the Secretary of State, who shall record the certificate in his or her office and shall give notice of the vote to the Secretary of Education and to the other members of the union high school district.

(4) The State Board approves the withdrawal based on a recommendation from the Secretary of Education.

(5) The withdrawal process is completed on or before July 1, 2019.

(b) In making his or her recommendation, the Secretary of Education shall assess whether:

(1) students in the withdrawing school district would attend a school that complies with the rules adopted by the State Board pertaining to educational programs; and

(2) it is in the best interests of the State, the students, and the districts remaining in the union high school district for the union to continue to exist.

(c) The State Board shall:

(1) consider the recommendation of the Secretary and any other information it deems appropriate;

(2) hold a public meeting within 60 days of receiving the recommendation of the Secretary, and provide due notice of this meeting to the Secretary and all members of the union high school district;

(3) within 10 days of the meeting, notify the Secretary and all members of the union high school district of its decision;

(4) if it approves the withdrawal, declare the membership of the withdrawing school district in the union high school district terminated as of July 1 immediately following, or as soon after July 1 as the financial obligations of the withdrawing school district have been paid to, or an agreement has been made with, the union high school district in an amount to satisfy those obligations; and

(5) file the declaration with the Secretary of State, the clerk of the withdrawing school district, and the clerk of the union high school district concerned.

Sec. 27. REPEAL

Sec. 26 of this act is repealed on July 2, 2019.

\* \* \* Time Extension for Qualifying Districts \* \* \*

Sec. 28. 2015 Acts and Resolves No. 46, Sec. 9 is amended to read:

Sec. 9. SELF-EVALUATION, MEETINGS, AND PROPOSAL

(a) ~~On~~ Subject to subsection (b) of this section, on or before November 30, 2017, the board of each school district in the State that:

(1) has a governance structure different from the preferred structure identified in Sec. 5(b) of this act (Education District), or that does not expect to become or will not become an Education District on or before July 1, 2019; or

(2) does not qualify for an exemption under Sec. 10(c) of this act, shall perform each of the following actions-;

~~(1)(A)~~ (A) Self-evaluation. The board shall evaluate its current ability to meet or exceed each of the goals set forth in Sec. 2 of this act.

~~(2)(B)~~ (B) Meetings.

~~(A)(i)~~ (i) The board shall meet with the boards of one or more other districts, including those representing districts that have similar patterns of school operation and tuition payment, to discuss ways to promote improvement throughout the region in connection with the goals set forth in Sec. 2 of this act.

~~(B)(ii)~~ (ii) The districts do not need to be contiguous and do not need to be within the same supervisory union.



~~(3)(C)~~ Proposal. The board of the district, solely on behalf of its own district or jointly with the boards of other districts, shall submit a proposal to the Secretary of Education and the State Board of Education in which the district:

~~(A)(i)~~ proposes to retain its current governance structure, to work with other districts to form a different governance structure, or to enter into another model of joint activity;

~~(B)(ii)~~ demonstrates, through reference to enrollment projections, student-to-staff ratios, the comprehensive data collected pursuant to 16 V.S.A. § 165, and otherwise, how the proposal in subdivision ~~(A)(i)~~ of this subdivision ~~(3)(C)~~ supports the district's or districts' ability to meet or exceed each of the goals set forth in Sec. 2 of this act; ~~and~~

~~(C)(iii)~~ identifies detailed actions it proposes to take to continue to improve its performance in connection with each of the goals set forth in Sec. 2 of this act; ~~and~~

(iv) describes its history of merger, consolidation, or other models of joint activity with other school districts before the enactment of this act, and its consideration of merger, consolidation, or other models of joint activity with other school districts on or after the enactment of this act.

(b) The date by which a qualifying district must take the actions required by subsection (a) of this section is extended from November 30, 2017 to January 31, 2018. A qualifying district is a district that:

(1) proposed a school district consolidation plan under 2010 Acts and Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as amended, which was rejected by voters;

(2) is a member of a study committee formed under 16 V.S.A. § 706 that provides to the Secretary a declaration that another school district wants to join the district's study committee, signed by each member of the study committee and the district that proposes to join the study committee; or

(3) is a member of a supervisory union that, on or after July 1, 2010, combined with another supervisory union.

#### Sec. 29. TIME EXTENSION FOR VOTE OF ELECTORATE

Notwithstanding any provision of law to the contrary, the date by which a qualifying district must receive final approval from the electorate for its merger proposal is extended from July 1, 2017 to November 30, 2017. A qualifying district is a district that:

(1) proposed a school district consolidation plan under 2010 Acts and Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as amended, which was rejected by voters;

(2) is a member of a study committee formed under 16 V.S.A. § 706 that provides to the Secretary a declaration that another school district wants to join the district's study committee, signed by each member of the study committee and the district that proposes to join the study committee; or

(3) is a member of a supervisory union that, on or after July 1, 2010, combined with another supervisory union.

\* \* \* Grants and Fee Reimbursement \* \* \*

Sec. 30. 2015 Acts and Resolves No. 46, Sec. 7 is amended to read:

Sec. 7. SCHOOL DISTRICTS CREATED AFTER DEADLINE FOR  
ACCELERATED ACTIVITY; TAX INCENTIVES; SMALL  
SCHOOL SUPPORT; JOINT CONTRACT SCHOOLS

\* \* \*

(b) A newly formed school district that meets the criteria set forth in subsection (a) of this section shall receive the following:

\* \* \*

(3) Transition Facilitation Grant.

(A) After voter approval of the plan of merger, notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall pay the transitional board of the new district a Transition Facilitation Grant from the Education Fund equal to the lesser of:

(i) five percent of the base education amount established in 16 V.S.A. § 4001(13) multiplied by the greater of either the combined enrollment or the average daily membership of the merging districts on October 1 of the year in which the successful vote is taken; or

(ii) \$150,000.00.

(B) A Transition Facilitation Grant awarded under this subdivision (3) shall be reduced by the total amount of reimbursement paid for consulting services, analysis, and transition costs pursuant to 2012 Acts and Resolves No. 156, Secs. 2, 4, and 9.

\* \* \*

(e) Notwithstanding the requirement in subdivision (a)(3) of this section that the newly formed school district be its own supervisory district, the newly formed school district shall qualify for the incentives under this section even if

it is assigned to a supervisory union by the State Board of Education and that assignment by the State Board is not made at the request of the school district.

Sec. 31. 2012 Acts and Resolves No. 156, Sec. 9 is amended to read:

Sec. 9. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;  
MERGER; SCHOOL DISTRICTS; SUNSET

(a) From the ~~education fund~~ Education Fund, the ~~commissioner of education~~ Secretary of Education shall reimburse up to \$20,000.00 of fees paid by a study committee established under 16 V.S.A. § 706 for legal and other consulting services necessary to analyze the advisability of creating a union school district or a unified union school district ~~and~~, to prepare the report required by 16 V.S.A. § 706b, and to conduct community outreach, including communications with voters. Community outreach materials shall be limited to those that are reasonably designed to inform and educate. Not more than 30 percent of the reimbursement amount provided by the Secretary under this section shall be used for the purpose of community outreach.

\* \* \*

Sec. 32. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE  
STRUCTURES; PROPOSAL; FINAL PLAN

\* \* \*

(d)(1) The Secretary of Education shall make a supplemental Transitional Facilitation Grant of \$10,000.00 to a school district that:

(A) has received or is eligible to receive tax incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended (a qualifying school district); and

(B) either on its own initiative or at the request of the State Board, agrees by vote of its electorate to merge with another school district (a qualifying merger).

(2) A qualifying school district shall use the grant funding to defray the cost of integration. The Secretary shall pay the grant amount to a qualifying school district for each qualifying merger with a school district even if multiple qualifying mergers are effective on the same date. The Secretary shall pay the grant amount not later than 30 days after all required approvals are obtained.

(3) Notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall pay the supplemental Transition Facilitation Grant from the Education Fund.

(4) The supplemental Transition Facilitation Grant shall be available for a qualifying merger initiated by a qualifying school district only if the merger is scheduled to take effect on or before November 30, 2018.

\* \* \* Applications for Adjustments to Supervisory Union Boundaries \* \* \*

Sec. 33. 16 V.S.A. § 261 is amended to read:

§ 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY  
UNIONS

(a) The State Board shall review on its own initiative or when requested as per subsection (b) of this section and may regroup the supervisory unions of the State or create new supervisory unions in such manner as to afford increased efficiency or greater convenience and economy and to facilitate prekindergarten through grade 12 curriculum planning and coordination as changed conditions may seem to require.

(b)(1) Any school district that has so voted at its annual school district meeting, if said meeting has been properly warned regarding such a vote, may request that the State Board adjust the existing boundaries of the supervisory union of which it is a member district.

(2) Any group of school districts that have so voted at their respective annual school district meeting, regardless of whether the districts are members of the same supervisory union, may request that the State Board adjust existing supervisory union boundaries and move one or more nonrequesting districts to a different supervisory union if such adjustment would assist the requesting districts to realign their governance structures into a unified union school district pursuant to chapter 11 of this title.

(3) The State Board shall ~~give timely consideration to requests~~ act on a request made pursuant to this subsection within 75 days of receipt of the request and may regroup the school districts of the area so as to ensure reasonable supervision of all public schools therein.

\* \* \*

\* \* \* Technical Corrections; Clarifications \* \* \*

Sec. 34. 2012 Acts and Resolves No. 156, Sec. 16 is amended to read:

Sec. 16. UNION ELEMENTARY SCHOOL DISTRICTS; REGIONAL  
EDUCATION DISTRICT INCENTIVES

\* \* \*

(b) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 35. 2012 Acts and Resolves No. 156, Sec. 17 is amended to read:

Sec. 17. MODIFIED UNIFIED UNION SCHOOL DISTRICT

\* \* \*

(d) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 36. AVAILABILITY OF TAX AND OTHER INCENTIVES

The tax and other incentives under 2010 Acts and Resolves No. 153, as amended, and 2012 Acts and Resolves No. 156, as amended, shall be available only if the new governance structure formed under those acts becomes fully operational on or before July 1, 2019.

Sec. 37. 2015 Acts and Resolves No. 46, Sec. 23 is amended to read:

Sec. 23. DECLINING ENROLLMENT; TRANSITION

(a) If a district's equalized pupils in fiscal year 2016 do not reflect any adjustment pursuant to 16 V.S.A. § 4010(f), then Sec. 22 of this act shall apply to the district in fiscal year 2017 and after.

(b) If a district's equalized pupils in fiscal year 2016 reflect adjustment pursuant to 16 V.S.A. § 4010(f), then, notwithstanding the provisions of § 4010(f) as amended by this act:

(1) in fiscal year 2017, the district's equalized pupils shall in no case be less than 90 percent of the district's equalized pupils in the previous year; and

(2) in fiscal year 2018, the district's equalized pupils shall in no case be less than 80 percent of the district's equalized pupils in the previous year.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a district is actively engaged in merger discussions with one or more other districts regarding the formation of a regional education district (RED) or other form of unified union school district pursuant to 16 V.S.A. chapter 11, then Sec. 22 of this act shall apply to the district in fiscal year 2018 and after, and each of the dates in subsection (b) of this section shall be adjusted accordingly. A district shall be "actively engaged in merger discussions" pursuant to this subsection (c) if on or before July 1, 2016, it has formed a study committee pursuant to 16 V.S.A. chapter 11. Until such time as Sec. 22 of this act shall apply to the district, the district's equalized pupil count shall be calculated under 16 V.S.A. § 4010(f), as in effect on June 30, 2016.

\* \* \* Effective Dates \* \* \*

Sec. 38. EFFECTIVE DATES

(a) This section and Secs. 1-5, 9-12, and 14-37 shall take effect on passage.

(b) Secs. 6–8 (speech-language pathologists) shall take effect on January 1, 2018.

(c) Sec. 13 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(Committee vote: 6-0-0)

(For House amendments, see House Journal for March 29, 2017, page 592.)

### **House Proposal of Amendment**

#### **S. 14.**

An act relating to expanding the Vermont Practitioner Recovery Network.

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

\* \* \* Podiatrists \* \* \*

Sec. 1. 26 V.S.A. § 374 is amended to read:

#### **§ 374. FEES; LICENSES**

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

\* \* \* Physicians \* \* \*

Sec. 2. 26 V.S.A. § 1395(c) is amended to read:

~~(c) Notwithstanding the provisions of subsection (a) of this section and any other provision of law, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed, and who certifies to the Vermont board of medical practice that he or she will limit his or her practice~~

~~in Vermont to providing pro bono services at a free or reduced fee health care clinic in Vermont and who meets the criteria of the board, shall be licensed by the board within 60 days of the licensee's certification without further examination, interview, fee, or any other requirement for board licensure. The physician shall file with the board, on forms provided by the board and based on criteria developed by the board, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the board may require. A license granted under this subsection shall authorize the licensee to practice medicine on a voluntary basis in Vermont. [Repealed.]~~

Sec. 3. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(3) Initial limited temporary license; annual renewal \$75.00.

\* \* \*

(c)(1) Notwithstanding any other provision of this chapter, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed and who meets the criteria of the Board shall be licensed without fee if the physician certifies to the Board that he or she shall limit practice in Vermont solely to providing:

(A) pro bono services at a free or reduced fee health care clinic in Vermont; or

(B) volunteer services through the Vermont Medical Reserve Corps.

(2) A physician, under this subsection, shall file with the Board using forms provided on the Board's website, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the Board may require. A license granted under this subsection shall authorize the licensee to practice medicine either on a voluntary basis at a free or reduced fee clinic in Vermont or in connection with the Vermont Medical Reserve Corps, respectively.

\* \* \* Anesthesiologist Assistants \* \* \*

Sec. 4. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification, \$120.00;

(ii) Each additional application, \$55.00;

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent~~ licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2)(A)(i) Biennial renewal, \$120.00;

(ii) Each additional renewal, \$55.00;

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent~~ licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, \$20.00.



\* \* \* Physician Assistants \* \* \*

Sec. 5. 26 V.S.A. § 1740 is amended to read:

§ 1740. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for licensure, \$225.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$215.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

\* \* \* Radiologist Assistants \* \* \*

Sec. 6. 26 V.S.A. § 2862 is amended to read:

§ 2862. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- |  |           |
|--|-----------|
| (1)(A)(i) Original application for certification | \$120.00; |
| (ii) Each additional application                 | \$55.00;  |

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

- |                              |           |
|------------------------------|-----------|
| (2)(A)(i) Biennial renewal   | \$120.00; |
| (ii) Each additional renewal | \$55.00;  |

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for

the protection of the public, monitors ~~recovering chemically dependent~~ licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

(3) Transfer of certification \$20.00.

\* \* \* Effective Date \* \* \*

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

### ORDERED TO LIE

#### S. 88.

An act relating to increasing the smoking age from 18 to 21 years of age.

**Pending Question:** Shall the recommendation of amendment of the Committee on Health and Welfare be amended as moved by Senator Ingram?

### CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Melissa Bailey of Bolton – Commissioner, Department of Mental Health (term 1/5/17 – 2/28/17) – By Sen. Lyons for the Committee on Health and Welfare. (3/30/17)

Melissa Bailey of Bolton – Commissioner, Department of Mental Health (term 3/1/17 – 2/28/19) – By Sen. Lyons for the Committee on Health and Welfare. (3/30/17)

Al Gobeille of Shelburne - Secretary, Agency of Human Services (term 1/5/17 – 2/28/17) – By Sen. Ayer for the Committee on Health and Welfare. (3/30/17)

Al Gobeille of Shelburne - Secretary, Agency of Human Services (term 3/1/17 – 2/28/19) – By Sen. Ayer for the Committee on Health and Welfare. (3/30/17)

Cory Gustafson of Montpelier – Commissioner, Department of Vermont Health Access (term 1/5/17 – 2/28/17) – By Sen. Cummings for the Committee on Health and Welfare. (3/30/17)

Cory Gustafson of Montpelier – Commissioner, Department of Vermont Health Access (term 3/1/17 – 2/28/19) – By Sen. Cummings for the Committee on Health and Welfare. (3/30/17)

Monica Hutt of Williston – Commissioner, Department of Aging and Independent Living (term 1/5/17 - 2/28/17) - By Sen. McCormack for the Committee on Health and Welfare. (3/30/17)

Monica Hutt of Williston – Commissioner, Department of Aging and Independent Living (term 3/1/17 - 2/28/19) - By Sen. McCormack for the Committee on Health and Welfare. (3/30/17)

Mark A. Levine, M.D. of Shelburne – Commissioner, Department of Health (term 1/5/17 – 2/28/17) – By Sen. Lyons for the Committee on Health and Welfare. (3/30/17)

Mark A. Levine, M.D. of Shelburne – Commissioner, Department of Health (term 3/1/17 – 2/28/19) – By Sen. Lyons for the Committee on Health and Welfare. (3/30/17)

Kenneth Schatz of South Burlington – Commissioner, Department for Children and Families (term 1/5/17 – 2/28/17) – By Sen. Ingram for the Committee on Health and Welfare. (3/30/17)

Kenneth Schatz of South Burlington – Commissioner, Department for Children and Families (term 1/5/17 – 2/28/19) – By Sen. Ingram for the Committee on Health and Welfare. (3/30/17)

David Fenster of Middlebury – Superior Court Judge – By Sen. Sears for the Committee on Judiciary. (4/18/17)

Elizabeth Mann of Norwich – Superior Court Judge – By Sen. Nitka for the Committee on Judiciary. (4/18/17)

Matthew Valerio of Proctor – Defender General – By Sen. Sears for the Committee on Judiciary. (4/18/17)

Sabina Haskell of Burlington – Chair, Vermont State Lottery Commission – Sen. Baruth for the Committee on Economic Development, Housing and General Affairs. (4/19/17)

Wendy Knight of Panton – Commissioner, Department of Tourism and Marketing – Sen. Mullin for the Committee on Economic Development, Housing and General Affairs. (4/19/17)

Diane Snelling of Hinesburg – Chair, Natural Resources Board (term 1/5/17 – 2/28/17) – Sen. Pearson for the Committee on Natural Resources and Energy. (4/19/17)

Diane Snelling of Hinesburg – Chair, Natural Resources Board (term 3/1/17 – 2/28/19) – Sen. Pearson for the Committee on Natural Resources and Energy. (4/19/17)

Michael Snyder of Stowe - Commissioner, Department of Forest, Parks and Recreation - Sen. Rodgers for the Committee on Natural Resources and Energy. (4/19/17)

Janette Bombardier of Colchester – Trustee, Vermont State Colleges Board of Trustees – Sen. Mullin for the Committee on Education. (4/19/17)

John Carroll of Norwich – Member, State Board of Education – Sen. Baruth for the Committee on Education. (4/19/17)

Elizabeth Courtney of Montpelier – Member, Natural Resources Board – Sen. Pearson for the Committee on Natural Resources and Energy. (4/19/17)

Martha Illick of Charlotte – Member, Natural Resources Board – Sen. Pearson for the Committee on Natural Resources and Energy. (4/19/17)

John O’Keefe of Manchester – Member, State Board of Education – Sen. Baruth for the Committee on Education. (4/19/17)

### **PUBLIC HEARINGS**

**April 20, 2017 - 10:00 am - Noon** - Room 10 - Re: Federal 2018 Farm Bill: Constituent Input - Senate Committee on Agriculture and House Committee on Agriculture and Forest Products.