

# Senate Calendar

WEDNESDAY, APRIL 19, 2017

SENATE CONVENES AT: 9:30 A.M.

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF MONDAY, APRIL 17, 2017**

**Second Reading**

**Favorable with Proposal of Amendment**

**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~~ a license, ~~such dealer a person~~ shall file with the Secretary an application for ~~such a~~ 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,~~ 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) Piroplasmosis~~
- ~~(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 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 which zone~~ 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 ~~which~~ 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) ~~to fail~~ failing to report the discovery of a reportable disease as required by section 1162 of this title;

(6) ~~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 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~~ The Secretary of Agriculture, Food and Markets may require a person who imports or causes 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~~, ~~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~~ 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~~ 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)

**NEW BUSINESS**

**Third Reading**

**H. 3.**

An act relating to burial depth in cemeteries.

**H. 136.**

An act relating to accommodations for pregnant employees.

**Proposal of amendment to H. 136 to be offered by Senator Branagan before Third Reading**

Senator Branagan moves to amend the Senate proposal of amendment in Sec. 2, 21 V.S.A. § 495k, accommodations for pregnancy-related conditions, after subsection (c), by inserting a subsection (d) to read:

(d) Nothing in this section shall be construed to indicate or deem:

(1) that an employee with a pregnancy-related condition necessarily is an individual with a disability because of the pregnancy or the pregnancy-related condition; or

(2) that a pregnancy or pregnancy-related condition necessarily constitutes a disability.

**H. 145.**

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

**Proposal of amendment to H. 145 to be offered by Senator Flory before Third Reading**

Senator Flory moves that the Senate propose to the House to amend the bill in Sec. 1, 18 V.S.A. § 7257a, in subdivision (b)(1), by striking out the second sentence in its entirety and inserting in lieu thereof a new sentence to read as follows: A law enforcement officer or mental health crisis responder involved in an interaction not resulting in death or serious bodily injury is encouraged to refer the interaction for optional review to the Commission, including interactions with positive outcomes that could serve to provide guidance in effective strategies.

**H. 184.**

An act relating to evaluation of suicide profiles.

**H. 462.**

An act relating to social media privacy for employees.

**H. 502.**

An act relating to modernizing Vermont's parentage laws.

**H. 507.**

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

**Second Reading**

**Favorable with Proposal of Amendment**

**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.)

**Amendments to proposal of amendment of the Committee on Education to H. 513 to be offered by Senators Baruth, Balint, Benning, Bray, Ingram and Mullin**

Senators Baruth, Balint, Benning, Bray, Ingram and Mullin move to amend the proposal of amendment of the Committee on Education as follows

First: By striking out Sec. 38 (Effective Dates), with its reader assistance, in its entirety.

Second: By adding three new sections, to be Secs. 38, 39, and 40, with reader assistances, to read:

\* \* \* Student Rights; Freedom of Expression \* \* \*

Sec. 38. 16 V.S.A. chapter 42 is added to read:

CHAPTER 42. STUDENT RIGHTS

§ 1623. FREEDOM OF EXPRESSION

(a) Findings.

(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by Vt. Const. Ch. I, Art. 13.

(2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues.

(3) The General Assembly intends to ensure free speech and free press protections for both public school students and students at public institutions of higher education in this State in order to encourage students to become educated, informed, and responsible members of society.

(b) Definitions. As used in this chapter:

(1) “Media adviser” means an individual employed, appointed, or designated by a school or its governing body to supervise or provide instruction relating to school-sponsored media.

(2) “School” means a public school operating in the State.

(3) “School-sponsored media” means any material that is prepared, written, published, or broadcast as part of a school-supported program or activity by a student journalist and is distributed or generally made available as part of a school-supported program or activity to an audience beyond the classroom in which the material is produced.

(4) “Student journalist” means a student enrolled at a school who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(5) “Student supervisor” is a student who is responsible for editing school-sponsored media.

(c)(1) Subject to subsection (e) of this section, a student journalist may exercise freedom of speech and freedom of the press in school-sponsored media.

(2) Subdivision (1) of this subsection shall not be construed to be limited by the fact that the school-sponsored media are:

(A) supported financially by a school or its governing body, or by use of facilities owned by the school; or

(B) produced in conjunction with a class in which the student journalist is enrolled.

(d)(1) Subject to subsection (e) of this section, the student supervisors of school-sponsored media are responsible for determining the content of their respective media.

(2) Subject to subdivision (1) of this subsection, a media adviser may teach professional standards of English and journalism to student journalists.

(e) This section shall not be construed to authorize or protect content of school-sponsored media that:

(1) is libelous or slanderous;

(2) constitutes an unwarranted invasion of privacy;

(3) may be defined as obscene, gratuitously profane, threatening, or intimidating;

(4) may be defined as harassment, hazing, or bullying under section 11 of this title;

(5) violates federal or State law; or

(6) creates the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

(f) A school is prohibited from subjecting school-sponsored media, other than that listed in subsection (e) of this section, to prior restraint. A school may restrain the distribution of content in student media described in subsection (e), provided that the school's administration shall have the burden of providing lawful justification without undue delay. Content shall not be suppressed solely because it involves political or controversial subject matter, or is critical of the school or its administration.

(g) A student journalist may not be disciplined for acting in accordance with this section.

(h) A media adviser may not be dismissed, suspended, disciplined, reassigned, or transferred for:

(1) taking reasonable and appropriate action to protect a student journalist for engaging in conduct protected by this section; or

(2) refusing to infringe on conduct that is protected by this section, by the first amendment to the U.S. Constitution, or by the Vermont Constitution.

(i) Each school or its governing body shall adopt a written policy consistent with the provisions of this section.

(j) No expression made by students in school-sponsored media shall be deemed to be an expression of school policy.

Sec. 39. 16 V.S.A. § 180 is added to read:

#### § 180. STUDENT RIGHTS—FREEDOM OF EXPRESSION

##### (a) Findings.

(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by Vt. Const. Ch. I, Art. 13.

(2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues.

(3) The General Assembly intends to ensure free speech and free press protections for both public school students and students at public institutions of higher education in this State in order to encourage students to become educated, informed, and responsible members of society.

##### (b) Definitions. As used in this chapter:

(1) "Media adviser" means an individual employed, appointed, or designated by a school or its governing body to supervise or provide instruction relating to school-sponsored media.

(2) “School” means a public postsecondary school operating in the State.

(3) “School-sponsored media” means any material that is prepared, written, published, or broadcast as part of a school-supported program or activity by a student journalist and is distributed or generally made available as part of a school-supported program or activity to an audience beyond the classroom in which the material is produced.

(4) “Student journalist” means a student enrolled at a school who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(5) “Student supervisor” is a student who is responsible for editing school-sponsored media.

(c)(1) Subject to subsection (e) of this section, a student journalist may exercise freedom of speech and freedom of the press in school-sponsored media.

(2) Subdivision (1) of this subsection shall not be construed to be limited by the fact that the school-sponsored media are:

(A) supported financially by a school or its governing body, or by use of facilities owned by the school; or

(B) produced in conjunction with a class in which the student journalist is enrolled.

(d)(1) Subject to subsection (e) of this section, the student supervisors of school-sponsored media are responsible for determining the content of their respective media.

(2) Subject to subdivision (1) of this subsection, a media adviser may teach professional standards of English and journalism to student journalists.

(e) This section shall not be construed to authorize or protect content of school-sponsored media that:

(1) is libelous or slanderous;

(2) constitutes an unwarranted invasion of privacy;

(3) may be defined as obscene, gratuitously profane, threatening, or intimidating;

(4) may be defined as harassment, hazing, or bullying under section 11 of this title;

(5) violates federal or State law; or

(6) creates the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

(f) Absent a showing that a particular publication will cause direct, immediate, and irreparable harm that would warrant the issuance of a prior restraint order against the private media, school officials are not authorized to censor or subject to prior restraint the content of school-sponsored media. Content shall not be suppressed solely because it involves political or controversial subject matter, or is critical of the school or its administration.

(g) A student journalist may not be disciplined for acting in accordance with this section.

(h) A media adviser may not be dismissed, suspended, disciplined, reassigned, or transferred for:

(1) taking reasonable and appropriate action to protect a student journalist for engaging in conduct protected by this section; or

(2) refusing to infringe on conduct that is protected by this section, by the first amendment to the U.S. Constitution, or by the Vermont Constitution.

(i) Each school or its governing body shall adopt a written policy consistent with the provisions of this section.

(j) No expression made by students in school-sponsored media shall be deemed to be an expression of school policy.

\* \* \* Effective Dates \* \* \*

#### Sec. 40. EFFECTIVE DATES

(a) This section and Secs. 1–5, 9–12, and 14–39 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.

## NOTICE CALENDAR

### Second Reading

#### Favorable

#### H. 326.

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program.

**Reported favorably by Senator Ingram for the Committee on Health and Welfare.**

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 24, 2017, page 502.)

**Reported favorably by Senator Westman for the Committee on Appropriations.**

(Committee vote: 7-0-0)

#### Favorable with Proposal of Amendment

#### H. 5.

An act relating to investment of town cemetery funds.

**Reported favorably with recommendation of proposal of amendment by Senator Collamore for the Committee on Government Operations.**

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. § 5384 is amended to read:

§ 5384. PAYMENT TO TREASURER; RECORD; INVESTMENT

(a) Unless otherwise directed by the donor, all ~~moneys~~ monies received by a town for cemetery purposes shall be paid to the town treasurer who shall give a receipt therefor, which shall be recorded in the office of the town clerk in a book kept for that purpose. In such book shall also be stated the amount received from each donor, the time when, and the specific purpose to which the use thereof is appropriated.

(b)(1) All ~~moneys~~ monies so received by the town may be invested and reinvested by the treasurer, with the approval of the ~~selectmen~~ selectboard, by deposit in:

(A) banks chartered by the ~~state~~ State;

(B) ~~or in~~ national banks;



(C) bonds of the United States or of municipalities whose bonds are legal investment for banks chartered by the ~~state~~ State;

(D) ~~or in~~ bonds or notes legally issued in anticipation of taxes by a town, village, or city in this ~~state~~ State, or first mortgages on real estate in Vermont;

(E) ~~or in~~ the shares of an investment company, or an investment trust, ~~which~~ such as a mutual fund, closed-end fund, or unit investment trust, that is registered under the federal Investment Company Act of 1940, as amended, if such ~~mutual investment~~ fund has been in operation for at least 10 five years and has net assets of at least \$10,000,000.00 \$100,000,000.00; or

(F) ~~in~~ shares of a savings and loan association of this ~~state~~ State, or share accounts of a federal savings and loan association with its principal office in this ~~state~~ State, when and to the extent to which the withdrawal or repurchase value of such shares or accounts are insured by the Federal Savings and Loan Insurance Corporation.

(2)(A) However, in ~~towns~~ a town that ~~elect~~ elects trustees of public funds, ~~such~~ cemetery funds shall be invested by ~~such~~ the trustees in any of the securities ~~hereinbefore~~ enumerated in this section, and the income thereof paid to the proper officers as the same falls due.

(B) ~~The~~ Investment income ~~therefrom~~ shall be expended for the purpose and in the manner designated by the donor. The provisions of this section as to future investments shall not require the liquidation or disposition of securities legally acquired and held.

(3) The treasurer, selectboard, or trustees of public funds may delegate management and investment of town cemetery funds to the extent that it is prudent under the terms of the trust or endowment, and in accordance with the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § 3415 (delegation of investment functions). An agent exercising a delegated management or investment function may invest cemetery funds only in the securities enumerated in this section.

## 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 3, 2017, page 392.)

**H. 74.**

An act relating to nonconsensual sexual conduct.

**Reported favorably with recommendation of proposal of amendment  
by Senator Sears 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. 13 V.S.A. § 2601a is added to read:

§ 2601a. PROHIBITED CONDUCT

(a) No person shall engage in open and gross lewdness.

(b) A person who violates this section shall:

(1) be imprisoned not more than one year or fined not more than \$300.00, or both, for a first offense; and

(2) be imprisoned not more than two years or fined not more than \$1,000.00, or both, for a second or subsequent offense.

Sec. 2. 13 V.S.A. § 2632 is amended to read:

§ 2632. ~~PROHIBITED ACTS~~ PROSTITUTION

\* \* \*

Sec. 3. 13 V.S.A. § 1030 is amended to read:

§ 1030. VIOLATION OF AN ABUSE PREVENTION ORDER, AN ORDER  
AGAINST STALKING OR SEXUAL ASSAULT, OR A  
PROTECTIVE ORDER CONCERNING CONTACT WITH A  
CHILD

(a) A person who intentionally commits an act prohibited by a court or who fails to perform an act ordered by a court, in violation of an abuse prevention order issued under 15 V.S.A. chapter 21 ~~of Title 15~~ or 33 V.S.A. chapter 69 ~~of Title 33~~, a protective order that concerns contact with a child and is issued under 33 V.S.A. chapter 51 ~~of Title 33~~, or an order against stalking or sexual assault issued under 12 V.S.A. chapter 178 ~~of Title 12~~, after the person has been served notice of the contents of the order as provided in those chapters; or in violation of a foreign abuse prevention order or an order against stalking or sexual assault issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; shall be imprisoned not more than one year or fined not more than \$5,000.00, or both. Intent to violate the order is not an

element of the crime, however the State must prove the person intentionally committed the act that violated the order.

(b) A person who is convicted of a second or subsequent offense under this section or is convicted of an offense under this section and has previously been convicted of domestic assault under section 1042 of this title, first degree aggravated domestic assault under section 1043 of this title, or second degree aggravated domestic assault under section 1044 of this title shall be imprisoned not more than three years or fined not more than \$25,000.00, or both.

(c) Upon conviction under this section for a violation of an order issued under 15 V.S.A. chapter 21 of Title 15, the court shall, unless the circumstances indicate that it is not appropriate or not available, order the defendant to participate in domestic abuse counseling or a domestic abuse prevention program approved by the ~~department of corrections~~ Department of Corrections. The defendant may at any time request the court to approve an alternative program. The defendant shall pay all or part of the costs of the counseling or program unless the court finds that the defendant is unable to do so.

(d) Upon conviction for a violation of an order issued under 12 V.S.A. chapter 178 of Title 12, the court may order the defendant to participate in mental health counseling or sex offender treatment approved by the ~~department of corrections~~ Department of Corrections. The defendant shall pay all or part of the costs of the counseling unless the court finds that the defendant is unable to do so.

(e) Nothing in this section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through contempt proceedings.

(f) Prosecution for violation of an abuse prevention order or an order against stalking or sexual assault shall not bar prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order.

Sec. 4. 13 V.S.A. § 3281 is added to read:

§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

(a) Short title. This section may be cited as the "Bill of Rights for Sexual Assault Survivors."

(b) Definition. As used in this section, "sexual assault survivor" means a person who is a victim of an alleged sexual offense.

(c) Survivors' rights. When a sexual assault survivor makes a verbal or written report to a law enforcement officer, emergency department, sexual assault nurse examiner, or victim's advocate of an alleged sexual offense, the

recipient of the report shall provide written notification to the survivor that he or she has the following rights:

(1) The right to receive a medical forensic examination and any related toxicology testing at no cost to the survivor in accordance with 32 V.S.A. § 1407, irrespective of whether the survivor reports to or cooperates with law enforcement. If the survivor opts to have a medical forensic examination, he or she shall have the following additional rights:

(A) the right to have the medical forensic examination kit or its probative contents delivered to a forensics laboratory within 72 hours of collection;

(B) the right to have the sexual assault evidence collection kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations;

(C) the right to be informed in writing of all policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit;

(D) the right to be informed of a DNA profile match on a kit reported to law enforcement or on a confidential kit, on a toxicology report, or on a medical record documenting a medical forensic examination, if the disclosure would not impede or compromise an ongoing investigation; and

(E) upon written request from the survivor, the right to:

(i) receive written notification from the appropriate official with custody not later than 60 days before the date of the kit's intended destruction or disposal; and

(ii) be granted further preservation of the kit or its probative contents.

(2) The right to consult with a sexual assault advocate.

(3) The right to information concerning the availability of protective orders and policies related to the enforcement of protective orders.

(4) The right to information about the availability of, and eligibility for, victim compensation and restitution.

(5) The right to information about confidentiality.

(d) Notification protocols. The Vermont Network Against Domestic and Sexual Violence and the Sexual Assault Nurse Examiner Program, in consultation with other parties referred to in this section, shall develop protocols and written materials to assist all responsible entities in providing notification to victims.

Sec. 5. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, ~~sexual assault~~, lewd and lascivious conduct, ~~sexual exploitation of children under chapter 64 of this title~~, sexual abuse of a vulnerable adult, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses ~~alleged to have been committed against a child under 18 years of age~~ shall be commenced within 40 years after the commission of the offense, and not after:

(1) sexual assault;

(2) lewd and lascivious conduct alleged to have been committed against a child under 18 years of age;

(3) sexual exploitation of a minor as defined in subsection 3258(c) of this title;

(4) lewd or lascivious conduct with a child; ~~and~~

(5) sexual exploitation of children under chapter 64 of this title; and

(6) manslaughter alleged to have been committed against a child under 18 years of age.

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 6. 14 V.S.A. § 315 is amended to read:

§ 315. PARENT AND CHILD RELATIONSHIP

(a) For the purpose of intestate succession, an individual is the child of his or her parents, regardless of their marital status, but a parent shall not inherit from a child unless the parent has openly acknowledged the child and not refused to support the child.

(b) The parent and child relationship may be established in parentage proceedings under ~~subchapter 3A of 15 V.S.A.~~ chapter 5 of Title 15, subchapter 3A.

(c) A parent shall not inherit from a child conceived of sexual assault who is the subject of a parental rights and responsibilities order issued pursuant to 15 V.S.A. § 665(f).

Sec. 7. 15 V.S.A. § 665 is amended to read:

§ 665. RIGHTS AND RESPONSIBILITIES ORDER; BEST INTERESTS  
OF THE CHILD

\* \* \*

(f) The State has a compelling interest in not forcing a victim of sexual assault or sexual exploitation to continue an ongoing relationship with the perpetrator of the abuse. Such continued interaction can have traumatic psychological effects on the victim, making recovery more difficult, and negatively affect the victim's ability to parent and to provide for the best interests of the child. Additionally, the State recognizes that a perpetrator may use the threat of pursuing parental rights and responsibilities to coerce a victim into not reporting or not assisting in the prosecution of the perpetrator for the sexual assault or sexual exploitation, or to harass, intimidate, or manipulate the victim.

(1) The Court may enter an order awarding sole parental rights and responsibilities to a parent and denying all parent-child contact with the other parent if the Court finds by clear and convincing evidence that the nonmoving parent was convicted of sexually assaulting the moving parent and the child was conceived as a result of the sexual assault. As used in this subdivision, sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e), aggravated sexual assault as provided in 13 V.S.A. § 3253, ~~and~~ aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions.

~~(A) An order issued in accordance with this subdivision (f)(1) shall be permanent and shall not be subject to modification.~~

~~(B) Upon issuance of a rights and responsibilities order pursuant to this subdivision (f)(1), the Court shall not issue a parent-child contact order and shall terminate any existing parent-child contact order concerning the child and the nonmoving parent.~~

(2) The Court may enter an order awarding sole parental rights and responsibilities to one parent and denying all parent-child contact between the other parent and a child if the Court finds by clear and convincing evidence

that the child was conceived as a result of the nonmoving parent sexually assaulting or sexually exploiting the moving parent and the Court finds by a preponderance of the evidence that such an order is in the best interest of the child. A conviction is not required under this subdivision, and the Court may consider other evidence of sexual assault or sexual exploitation in making its determination.

~~(A)~~ For purposes of this subdivision (f)(2):

~~(i)(A)~~ sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252, aggravated sexual assault as provided in 13 V.S.A. § 3253, aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions; and

~~(i)(B)~~ sexual exploitation shall include sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

~~(B)~~ Except as provided in subdivision (f)(2)(C), the Court shall not issue a parent-child contact order in a case in which a parental rights and responsibilities order has been issued pursuant to this subdivision (f)(2) and any existing parent-child contact order concerning the child and the nonmoving parent shall be terminated.

~~(C)~~ A party may file a motion for modification of the order only upon a showing of extraordinary, real, substantial, and unanticipated change of circumstances.

(3) Issuance of an order pursuant to this subsection shall not affect the right of the custodial parent to seek child support from the noncustodial parent.

(4) Upon issuance of a rights and responsibilities order pursuant to this subsection, the court shall not issue a parent-child contact order and shall terminate any existing parent-child contact order concerning the child and the nonmoving parent. An order issued in accordance with this subdivision shall be permanent and shall not be subject to modification.

Sec. 8. 15 V.S.A. § 1103 is amended to read:

§ 1103. REQUESTS FOR RELIEF

\* \* \*

(c)(1) The ~~Court~~ court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the ~~Court~~ court finds that the defendant has abused the plaintiff, and:

(A) there is a danger of further abuse; or

(B) the defendant is currently incarcerated and has been convicted of one of the following: murder, attempted murder, kidnapping, domestic assault, aggravated domestic assault, sexual assault, aggravated sexual assault, stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a child in a sexual performance, or consenting to a sexual performance.

(2) The court order may include the following:

(A) an order that the defendant refrain from abusing the plaintiff, or his or her children, or both, and from interfering with their personal liberty, including restrictions on the defendant's ability to contact the plaintiff or the plaintiff's children in person, by phone, or by mail, or both, in any way, whether directly, indirectly or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication, and restrictions prohibiting the defendant from coming within a fixed distance of the plaintiff, the children, the plaintiff's residence, or other designated locations where the plaintiff or the plaintiff's children are likely to spend time;

\* \* \*

Sec. 9. 15 V.S.A. § 1104 is amended to read:

#### § 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the ~~Court~~ court that the defendant has abused the plaintiff or ~~his or her~~ the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff's personal liberty; or the personal liberty of the plaintiff's children, or both; ~~and~~

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment; and



(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication.

\* \* \*

#### Sec. 10. EFFECTIVE DATES

(a) This section and Secs. 1 (prohibited conduct), 6 (parent and child), 7 (rights and responsibilities order; best interests of the child), 8 (request for relief), and 9 (emergency relief) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2017.

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

An act relating to domestic and sexual violence.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 16, 2017, page 233.)

#### **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~~ 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.)

**Reported favorably with recommendation of proposal of amendment by Senator Sears for the Committee on Appropriations.**

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary with the following amendment thereto:

In Sec. 1, 3 V.S.A. § 168, subdivision (d), after the last sentence, by inserting the following: The Panel may meet up to ten times per year.

(Committee vote: 7-0-0)

#### **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.)

**Reported favorably by Senator Westman for the Committee on Appropriations.**

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

(Committee vote: 7-0-0)

**House Proposal of Amendment**

**S. 22**

An act relating to increased penalties for possession, sale, and dispensation of fentanyl.

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:

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds:



(1) According to Michael Botticelli, former Director of the Office of National Drug Control Policy, the National Drug Control Strategy recommends treating “addiction as a public health issue, not a crime.” Further, the strategy “rejects the notion that we can arrest and incarcerate our way out of the nation’s drug problem.”

(2) Vermont Chief Justice Paul Reiber has declared that “the classic approach of ‘tough on crime’ is not working in [the] area of drug policy” and that treatment-based models are proving to be a more effective approach for dealing with crime associated with substance abuse.

(3) A felony conviction record is a significant impediment to gaining and maintaining employment and housing, yet we know that stable employment and housing are an essential element to recovery from substance abuse and desistance of criminal activity that often accompanies addiction.

(4) In a 2014 study by the PEW Research Center, 67 percent of people polled said government should focus more on providing treatment to people who use illicit drugs and less on punishment. The Center later reported that states are leading the way in reforming drug laws to reflect this opinion. State-level actions have included lowering penalties for possession and use of illegal drugs, shortening mandatory minimums or curbing their applicability, removing automatic sentence enhancements, and establishing or extending the jurisdiction of drug courts and other alternatives to the regular criminal justice system.

(5) Vermont must look at alternative approaches to the traditional criminal justice model for addressing low-level illicit drug use if it is going to reduce the effects of addiction and addiction-related crime in this State.

## Sec. 2. STUDY

(a) The Office of Legislative Council shall examine the issue of a public health approach to low-level possession and use of illicit and regulated drugs, including fentanyl, in Vermont as an alternative to the traditional criminal justice model, looking to trends both nationally and internationally, with a goal of providing policymakers a range of approaches to consider during the 2018 legislative session.

(b) The Office of Legislative Council shall report its findings to the General Assembly on or before November 15, 2017.

Sec. 3. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

\* \* \*

(c) Electronic registry system.

(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.

(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.

(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont's electronic registry system.

(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government-issued identification document. The retail establishment shall record in the electronic registry system:

(i) the name and address of the purchaser;

(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;

(iii) the date and time of purchase;

(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and

(v) the name of the person selling or furnishing the drug product.

(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until the retail establishment is able to comply fully with this subsection (c).

(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall

maintain a written log or an alternative electronic record-keeping mechanism until broadband Internet access becomes accessible in that region. At that time, the retail establishment shall come into compliance with this subsection (c).

(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.

(3) A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:

(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and

(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).

(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00.

(d) This section shall not apply to a manufacturer ~~which~~ that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

(e) As used in this section:

(1) "Distributor" means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) "Knowingly" means having actual knowledge of the relevant facts.

(3) "Manufacturer" means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) "Wholesaler" means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

## Sec. 5. EFFECTIVE DATES

This section and Sec. 3 (ephedrine and pseudoephedrine) shall take effect on passage. The remaining sections shall take effect on July 1, 2017.

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

An act relating to alternative approaches to addressing low-level illicit drug use and the ephedrine and pseudoephedrine registry.

### House Proposal of Amendment

#### S. 56

An act relating to life insurance policies and the Vermont Uniform Securities Act.

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:

\* \* \* Secondary Addressee for Life Insurance \* \* \*

Sec. 1. 8 V.S.A. § 3762(d) is added to read:

(d) No individual policy of life insurance covering an individual 64 years of age or older that has been in force for at least one year shall be canceled for nonpayment of premium unless, after expiration of the grace period and not less than 21 days before the effective date of any such cancellation, the insurer has mailed a notice of impending cancellation in coverage to the policyholder and to a specified secondary addressee if such addressee has been designated by name and address in writing by the policyholder. An insurer shall notify the applicant of the right to designate a secondary addressee at the time of application for the policy on a form provided by the insurer, and annually thereafter, and the policyholder shall have the right to designate a secondary addressee, in writing, by name and address, at any time the policy is in force, by submitting such written notice to the insurer. If a life insurance policy provides a grace period longer than 51 days for nonpayment of premium, the notice of cancellation in coverage required by this subsection shall be mailed to the policyholder and to the secondary addressee not less than 21 days prior to the expiration of the grace period provided in such policies.

\* \* \* Penalty Enhancements for Violations Involving a  
Vulnerable Adult \* \* \*

Sec. 2. 8 V.S.A. § 24 is amended to read:

§ 24. SENIOR INVESTOR PROTECTION

\* \* \*

(e) The Commissioner, in addition to other powers conferred on the Commissioner by law, may increase the amount of an administrative penalty by not more than \$5,000.00 per violation for violations involving a person who is a vulnerable adult as defined in 33 V.S.A. § 6902(14).

\* \* \* Securities Act Penalties, Generally; Vulnerable Adults \* \* \*

Sec. 3. 9 V.S.A. § 5412(c) is amended to read:

(c) If the Commissioner finds that the order is in the public interest and subdivisions (d)(1) through (6), (8), (9), (10), (12), or (13) of this section authorize the action, an order under this chapter may censure, impose a bar on, or impose a civil penalty on a registrant in an amount not more than \$15,000.00 for each violation ~~and not more than \$1,000,000.00 for more than one violation~~, and recover the costs of the investigation from the registrant, and, if the registrant is a broker-dealer or investment adviser, a partner, officer, director, or person having a similar status or performing similar functions, or a person directly or indirectly in control of the broker-dealer or investment adviser. The limitations on civil penalties contained in this subsection shall not apply to settlement agreements.

Sec. 4. 9 V.S.A. § 5603(b)(2)(C) is amended to read:

(C) imposing a civil penalty up to \$15,000.00 for each violation ~~and not more than \$1,000,000.00 for more than one violation~~; an order of rescission, restitution, or disgorgement directed to a person that has engaged in an act, practice, or course of business constituting a violation of this chapter or the predecessor act or a rule adopted or an order issued under this chapter or the predecessor act. The court may increase a civil penalty amount by not more than \$5,000.00 per violation for violations involving a person who is a vulnerable adult as defined in 33 V.S.A. § 6902(14). The limitations on civil penalties contained in this subdivision shall not apply to settlement agreements; and

Sec. 5. 9 V.S.A. § 5604(d) is amended to read:

(d) In a final order under subsection (b) or (c) of this section, the Commissioner may impose a civil penalty of not more than \$15,000.00 for each violation ~~and not more than \$1,000,000.00 for more than one violation~~. The Commissioner may also require a person to make restitution or provide disgorgement of any sums shown to have been obtained in violation of this chapter, plus interest at the legal rate. The limitations on civil penalties contained in this subsection shall not apply to settlement agreements.

\* \* \* Securities Act Housekeeping \* \* \*

Sec. 6. 9 V.S.A. § 5302 is amended to read:

§ 5302. NOTICE FILING

\* \* \*

(c) With respect to a security that is a federal covered security under 15 U.S.C. ~~§ 77r(b)(4)(E)~~ § 77r(b)(4)(F), a rule under this chapter may require a

notice filing by or on behalf of an issuer to include a copy of Form D, including the Appendix, as promulgated by the Securities and Exchange Commission, and a consent to service of process complying with section 5611 of this chapter signed by the issuer not later than 15 days after the first sale of the federal covered security in this State and the payment of a fee as set forth in subsection (e) of this section. The notice filing shall be effective for one year from the date the notice filing is accepted as complete by the Office of the Commissioner. On or before expiration, the issuer may annually renew a notice filing by filing a copy of those records filed by the issuer with the Securities and Exchange Commission that are required by rule or order under this chapter to be filed and by paying an annual renewal fee as set forth in subsection (e) of this section.

(d) Subject to the provisions of 15 U.S.C. § 77r(c)(2) and any rules adopted thereunder, with respect to any security that is a federal covered security under 15 U.S.C. § 77r(b)(3) or ~~(4)(A)-(C)~~ (4)(A)-(E) and (G) and that is not otherwise exempt under sections 5201 through 5203 of this title, a rule adopted or order issued under this chapter may require any or all of the following with respect to such federal covered securities, at such time as the Commissioner may deem appropriate:

\* \* \*

\* \* \* Philanthropy Protection Act; Exemption Repeal \* \* \*

#### Sec. 7. REPEAL

9 V.S.A. § 5615 (exempting Vermont from the Philanthropy Protection Act of 1995) is repealed.

\* \* \* Cooperative Insurance; Bylaws \* \* \*

Sec. 8. 8 V.S.A. § 3925 is amended to read:

#### § 3925. BYLAWS; COMPULSORY PROVISIONS

The bylaws of a cooperative insurance corporation to which a certificate of authority is issued shall include substantially the following provisions:

(1) The corporate powers of such corporation shall be exercised by a board of directors, who shall be not less than five in number. Such directors shall be divided into classes and a portion only elected each year. They shall be elected for a term of not more than four years each and shall choose ~~from their number~~ a president, a secretary, and such other officers as may be deemed necessary. After the first year, the directors shall be chosen at an annual meeting to be held on the second Tuesday of January, unless some other day is designated in such bylaws, at which meeting each person insured shall have one vote and may be entitled to vote by proxy under such rules and regulations as may be prescribed by the bylaws.

(2) Such corporation shall keep proper books, including a policy register, in which the secretary shall enter the complete record of all its transactions and those of the board of directors and executive committee. Such books shall at all times show fully and truly the condition, affairs, and business of such corporation and shall be open for inspection by every person insured, each day from nine o'clock in the forenoon to four o'clock in the afternoon, Saturdays, Sundays, and legal holidays excepted.

(3) If authorized as an assessment cooperative insurance corporation as outlined in subsection 3920(a) of this title, such corporation may assess for the purposes specified in section 3927 of this title, and the bylaws shall specify the manner of giving notice of such assessments, which may be either personal or by mail, and, if by mail, shall be deemed complete if such notice is deposited, postage prepaid, in the post office at the place where the principal office of the corporation is located, directed to the person insured at his or her last known place of residence or business. A person insured who neglects or refuses to pay his or her assessments, for that reason or for any other reason satisfactory to the board of directors or its executive committee, may be excluded from such corporation and, when thus excluded, the secretary shall cancel or withdraw his or her policy or policies, subject to the cancellation provisions in sections 3879 through 3882 and chapter 113, subchapter 2 of this title, provided that such person shall remain liable for his or her pro rata share of losses and expenses incurred on or before the date of his or her exclusion and for the penalty herein provided, in case an action is brought against him or her. If a member of such corporation is so excluded and his or her policy so canceled, the secretary shall forthwith enter such cancellation and the date thereof on the records kept in the office of the corporation and serve notice of such cancellation on the person so excluded, as provided herein for the service of notice of assessment. However, in such event, the person so excluded or whose policy is so canceled shall be entitled to the repayment of an equitable portion of the unearned paid premium on such policy. The officers of such corporation shall proceed to collect all assessments within 30 days after the expiration of the notice to pay the same. Neglect or refusal on their part so to proceed or to perform any of the duties imposed on them by law shall render them individually liable for the amount lost to any person, due to such neglect or refusal, and an action may be maintained by such person against such officers to collect such amount. An action may be brought by the corporation against a person insured therein to recover all assessments which he or she may neglect or refuse to pay, and there may be recovered from him or her in such action both the amount so assessed, with lawful interest thereon, and, as a penalty for such neglect or refusal, 50 percent of such assessment in addition thereto.

(4) Any person insured by an assessment cooperative insurance corporation may withdraw therefrom at any time by giving written notice to the corporation, stating the date of withdrawal, paying his or her share of all claims then existing against such corporation, and surrendering his or her policy or policies.

(5) Any person insured by a nonassessment cooperative insurance corporation may withdraw from it at any time by giving written notice to the corporation stating the date of withdrawal and surrendering his or her policy or policies.

(6) Persons residing or owning property within ~~the state of Vermont~~ any state where the corporation is authorized to do business may be insured upon the same terms and conditions as original members and such other terms as may be prescribed in the bylaws of the corporation.

~~(7) Nonresidents owning property within the state of Vermont may be insured therein and shall have all the rights and privileges of the corporation and be accountable as are other persons insured therein, but shall not be eligible to hold office in the corporation;~~

~~(8)~~ The bylaws of such corporation may be amended at any time.

\* \* \* Group Life Insurance; Employee Pay All \* \* \*

Sec. 9. [DELETED.]

Sec. 10. [DELETED.]

Sec. 11. [DELETED.]

Sec. 12. [DELETED.]

Sec. 13. [DELETED.]

Sec. 14. [DELETED.]

Sec. 15. [DELETED.]

\* \* \* Assistant Medical Examiners; Liability Protections \* \* \*

Sec. 16. 18 V.S.A. § 511 is added to read:

§ 511. ACTIONS AGAINST MEDICAL EXAMINERS

Actions taken by any person given authority under this chapter, including an assistant medical examiner, shall be considered to be actions taken by a State employee for the purposes of 3 V.S.A. chapter 29 and 12 V.S.A. chapter 189 if such actions occurred within the scope of such person's duties.

\* \* \* Portable Electronics Insurance; Notice Requirements \* \* \*

Sec. 17. 8 V.S.A. § 4260 is amended to read:



§ 4260. NOTICE REQUIREMENTS

(a) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to the policy or is otherwise required by law, it shall be in writing. Notwithstanding any other provision of law, notices and correspondence may be sent either by mail or by electronic means as set forth in this section. If the notice or correspondence is mailed, it shall be sent to the portable electronics vendor at the vendor's mailing address specified for such purpose and to its affected customers' last known mailing address on file with the insurer. The insurer or vendor of portable electronics shall maintain proof of mailing in a form authorized or accepted by the U.S. Postal Service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it shall be sent to the portable electronics vendor at the vendor's electronic mail address specified for such purpose and to its affected customers' last known electronic mail address as provided by each customer to the insurer or vendor of portable electronics. ~~A customer is deemed to consent to receive notice and correspondence by electronic means if the insurer or vendor first discloses to the customer that by providing an electronic mail address the customer consents to receive electronic notice and correspondence at the address, and the customer provides an electronic mail address~~ customer's provision of an electronic mail address to the insurer or vendor of portable electronics is deemed consent to receive notices and correspondence by electronic means at such address if notice of that consent is provided to the customer within 30 calendar days. The insurer or vendor of portable electronics shall maintain proof that the notice or correspondence was sent.

\* \* \*

\* \* \* Workers' Compensation; High-Risk Occupations and Industries \* \* \*

Sec. 18. WORKERS' COMPENSATION; INDUSTRIES AND  
OCCUPATIONS WITH HIGH RISK, HIGH PREMIUMS, AND  
FEW POLICY HOLDERS; STUDY; REPORT

(a) The Commissioner of Financial Regulation, in consultation with the Commissioner of Labor, the National Council on Compensation Insurance, and other interested stakeholders, shall identify and study industries and occupations in Vermont that experience a high risk of workplace and on-the-job injuries and whose workers' compensation insurance is characterized by high premiums and few policy holders in the insurance pool. The industries and occupations addressed in the study shall include, among others, logging and log hauling, as well as arborists, roofers, and occupations in saw mills and wood manufacturing operations. In particular, the Commissioner shall:

(1) examine difference in the potential for loss, premium rates, and experience and participation in the workers' compensation marketplace between the industries and occupations identified, and the average for all industries and occupations in Vermont;

(2) study potential methods for reducing workers' compensation premium rates and costs for high-risk industries and occupations, including risk pooling between multiple high-risk industries or occupations, creating self-insured trusts; creating voluntary safety certification programs, and programs or best practices employed by other states; and

(3) model the potential impact on workers' compensation premiums and costs from each of the methods identified pursuant to subdivision (2) of this subsection.

(b) On or before January 15, 2018, the Commissioner of Financial Regulation shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance regarding his or her findings and any recommendations for legislative action to reduce the workers' compensation premium rates and costs for the industries identified in the study.

\* \* \* Workers' Compensation; Short-term and Seasonal Policies; Studies \* \* \*

Sec. 19. [DELETED.]

Sec. 20. SHORT-TERM WORKERS' COMPENSATION POLICIES;  
STUDY; REPORT

The Commissioner of Financial Regulation, in consultation with the Commissioner of Labor, shall examine potential measures to encourage the creation of affordable seasonal and short-term workers' compensation policies and measures to reduce the cost of workers' compensation insurance coverage for small employers in seasonal occupations. On or before January 15, 2018, the Commissioner shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance regarding his or her finding and any recommendations for legislative action.

Sec. 21. REGIONAL ASSIGNED RISK POOL; STUDY; REPORT

The Commissioner of Financial Regulation shall examine potential mechanisms for joining with neighboring states to create a regional assigned risk pool for workers' compensation insurance and whether the creation of a regional assigned risk pool could reduce the cost of administering Vermont's assigned risk pool. On or before January 15, 2018, the Commissioner shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance with his or her findings

and any recommendations for legislative action related to the implementation of a regional assigned risk pool for workers' compensation insurance.

Sec. 22. ADMINISTRATION OF ASSIGNED RISK POOL; STUDY;  
REPORT

The Commissioner of Financial Regulation shall examine whether any premium savings or reductions in costs could be realized if the assigned risk pool for workers' compensation was administered directly by the Department of Financial Regulation rather than through a third-party. On or before January 15, 2018, the Commissioner shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance with his or her findings and any recommendations for legislative action.

\* \* \* Unemployment Compensation; Referee Final Decisions \* \* \*

Sec. 23. [DELETED.]

Sec. 24. [DELETED.]

\* \* \* Effective Date; Application \* \* \*

Sec. 25. EFFECTIVE DATE; APPLICATION

(a) This act shall take effect on July 1, 2017.

(b) Sec. 17 shall apply to portable electronics insurance policies issued or renewed on or after July 1, 2017.

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

An act relating to insurance and securities.

**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)

Sam Guy of Morrisville – Member, Liquor Control Board – Sen. Sirotkin for the Committee on Economic Development, Housing and General Affairs. (4/20/17)

Emily Wadhams of Burlington – Member, Vermont Housing and Conservation Board – Sen. Sirotkin for the Committee on Economic Development, Housing and General Affairs. (4/20/17)

**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.