

# House Calendar

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Wednesday, May 13, 2020

128th DAY OF THE ADJOURNED SESSION

House Convenes at 10:30 A.M.

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**ACTION CALENDAR**

**Unfinished Business of Tuesday, March 24 2020**

**Third Reading**

**H. 833**

An act relating to the interbasin transfer of surface waters

**Favorable with Amendment**

**H. 99**

An act relating to trade in covered animal parts or products

**Rep. McCullough of Williston**, for the Committee on Natural Resources, Fish, and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. part 4, chapter 124 is added to read:

CHAPTER 124. TRADE IN COVERED ANIMAL PARTS OR PRODUCTS

§ 5501. DEFINITIONS

As used in this chapter:

(1) “Bona fide educational or scientific institution” means an institution that establishes through documentation that it is a tax-exempt institution under the Internal Revenue Service’s educational or scientific tax exemption.

(2) “Covered animal” means any species of:

- (A) Cheetah (Acinonyx jubatus);
- (B) Elephant (family Elephantidae);
- (C) Giraffe (Giraffa camelopardalis) ;
- (D) Hippopotamus (family Hippopotamidae);
- (E) Jaguar (Panthera onca);
- (F) Leopard (Panthera pardus);
- (G) Lion (Panthera leo);
- (H) Mammoth (genus Mammuthus);
- (I) Mastodon (genus Mammut);
- (J) Pangolin (family Manidae);

(K) Endangered ray, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(L) Rhinoceros (family Rhinocerotidae);

(M) Sea turtle (family Chelonioidea);

(N) Endangered shark, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(O) Tiger (Panthera tigris);

(P) Whale (families Balaenidae, Balaenopteridae, Cetotheriidae, Eschrichtiidae, Monodontidae, Physeteridae, Kogiidae, and Ziphiidae); or

(Q) The following primates: gorillas, bonobos, orangutans, gibbons, or chimpanzees.

(3) “Commissioner” means the Commissioner of Fish and Wildlife.

(4) “Covered animal part or product” means any item that contains, or is wholly or partially made from, a covered animal, including the meat or flesh of a covered animal sold as food.

(5) “Firearm” has the same meaning as in 13 V.S.A. § 4016(a)(3).

(6) “Sale” or “sell” means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction. “Sale” or “sell” shall not include a nonmonetary transfer of ownership by way of gift, donation, or bequest.

(7) “Secretary” means the Secretary of Natural Resources.

(8) “Total value” means either the fair market value or the actual price paid for a covered animal part or product, whichever is greater.

#### § 5502. PROHIBITION

Except as provided in this chapter, notwithstanding any other provision of law to the contrary, a person shall not purchase, sell, offer for sale, or possess with intent to sell any item that the person knows or should know is a covered animal part or product.

#### § 5503. EXCEPTIONS

(a) The prohibition on the purchase, sale, offer for sale, or possession with intent to sell set forth in section 5502 of this title shall not apply:

(1) to employees or agents of the federal or State government undertaking any law enforcement activities pursuant to federal or State law or

any mandatory duties required by federal or State law;

(2) when the activity is expressly authorized by federal law;

(3) when the covered animal part or product is a fixed component of an antique that is not made wholly or partially from the covered animal part or product, provided that:

(A) the antique status is established by the owner or seller of the covered animal part or product with documentation providing evidence of the provenance of the covered animal part or product and showing the covered animal part or product to be not less than 100 years old; and

(B) the total weight of the covered animal part or product is less than 200 grams;

(4) when the covered animal part or product is a fixed component of a firearm; knife; or musical instrument, including string instruments and bows, wind and percussion instruments, and pianos, provided that the covered animal part or product was legally acquired and provided that the total weight of the covered animal part or product is less than 200 grams; or

(5) the activity is authorized under section 5504 of this title.

(b) Documentation evidencing reasonable provenance or the age of a covered animal part or product that may be purchased, sold, offered for sale, or possessed under subsection (a) of this section may include receipts of purchase, invoices, bills of sale, prior appraisals, auction catalogues, museum or art gallery exhibit catalogues, and the signed certification of an antique appraiser to the age of the covered animal part. The issuance of a false or fraudulent certification of the age of a covered animal part or product shall be subject to penalty under section 5506 of this title.

#### § 5504. EDUCATIONAL OR SCIENTIFIC USE

The Secretary may permit, under terms and conditions as the Secretary may require, the purchase, sale, offer for sale, or possession with intent to sell of any covered animal part or product for educational or scientific purposes by a bona fide educational or scientific institution unless the activity is prohibited by federal law, and provided that the covered animal part or product was legally acquired.

#### § 5505. PRESUMPTION OF POSSESSION WITH INTENT TO SELL

There shall be a rebuttable presumption that a person possesses a covered animal part or product with intent to sell when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling similar items. This rebuttable presumption shall not

preclude a court from finding intent to sell a covered animal part or product based on any other evidence that may serve to independently establish intent.

§ 5506. ADMINISTRATIVE PENALTIES; REFERRAL FOR CRIMINAL ENFORCEMENT

(a) The Secretary may assess the following administrative penalties for a violation of a provision of this chapter:

(1) For a first offense, a person shall be assessed an administrative penalty of not more than \$1,000.00 nor less than \$400.00.

(2) For a second offense or subsequent offense, a person shall be assessed an administrative penalty of not more than \$4,000.00 nor less than \$2,000.00.

(b) Instead of bringing an environmental enforcement action for a violation of this chapter or rules adopted under this chapter, the Secretary may refer a violation of this chapter to the Commissioner of Fish and Wildlife for criminal enforcement under section 4518 of this title.

§ 5507. SEIZURE.

A person convicted of violating a provision of this chapter shall forfeit to the Secretary the covered animal part or product that is the subject of the violation. The Secretary may:

(1) authorize that the covered animal part or product be maintained for educational or training purposes;

(2) authorize that the covered animal part or product be donated to a bona fide educational or scientific institution; or

(3) require that the covered animal part or product be destroyed.

§ 5508. RULES

The Secretary may adopt rules necessary to implement the requirements of this chapter.

Sec. 2. 10 V.S.A. § 4518 is amended to read:

§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED SPECIES; SUSPENSION; VIOLATIONS

Whoever violates a provision of this part or orders or rules of the Board relating to taking, possessing, transporting, buying, or selling of big game or, relating to threatened or endangered species, or relating to the trade in covered animal parts or products shall be fined not more than \$1,000.00 nor less than

\$400.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than \$4,000.00 nor less than \$2,000.00 or imprisoned for not more than 60 days, or both.

Sec. 3. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

\* \* \*

(27) 10 V.S.A. chapter 123, relating to threatened and endangered species;

\* \* \*

(29) 10 V.S.A. § 1420, relating to abandoned vessels; and

(30) 3 V.S.A. § 2810, relating to interim environmental media standards; and

(31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts or products.

Sec. 4. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

\* \* \*

(V) chapter 124 (trade in covered animal parts or products).

\* \* \*

Sec. 5. EFFECTIVE DATE

This act shall take effect on January 1, 2022.

**( Committee Vote: 7-4-0)**

## H. 162

An act relating to removal of buprenorphine from the misdemeanor crime of possession of a narcotic

**Rep. LaLonde of South Burlington**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. For purposes of this subdivision, a narcotic drug shall not include buprenorphine.

\* \* \*

(c) Possession of buprenorphine by a person under 18 years of age.

(1) A person under 18 years of age who knowingly and unlawfully possesses buprenorphine consisting of less than 100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days for a first offense; and

(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days for a second or subsequent offense.

(2) A law enforcement officer shall issue a person under 18 years of age who violates this subsection with a notice of violation in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this subsection, including that:

(A) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(B) failure to contact the Diversion Program within 15 days will



result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(C) no money should be submitted to pay any penalty until after adjudication; and

(D) the person shall notify the Diversion Program if the person's address changes.

(3) When a person is issued a notice of violation under this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(4) Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) Upon receipt from a law enforcement officer of a summons and complaint completed under this subsection, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(A) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.

(B) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's operator's license will be suspended, and the person's automobile insurance rates may increase substantially.

(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and

any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(6)(A) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(B) Substance abuse screening required under this subdivision (6) shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.

(C) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:

(i) Void the summons and complaint with no penalty due.

(ii) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(D) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required Program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(E) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(7) Upon adjudicating a person in violation of this subsection, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications, which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this subsection.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. ~~For purposes of this subdivision, a narcotic drug shall not include buprenorphine.~~

\* \* \*

~~(c) Possession of buprenorphine by a person under 18 years of age.~~

~~(1) A person under 18 years of age who knowingly and unlawfully possesses buprenorphine consisting of less than 100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:~~

~~(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days for a first offense; and~~

~~(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days for a second or subsequent offense.~~

~~(2) A law enforcement officer shall issue a person under 18 years of age who violates this subsection with a notice of violation in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this subsection, including that:~~

~~(A) the person shall contact the Diversion Program in the county~~

where the offense occurred within 15 days;

~~(B) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;~~

~~(C) no money should be submitted to pay any penalty until after adjudication; and~~

~~(D) the person shall notify the Diversion Program if the person's address changes.~~

~~(3) When a person is issued a notice of violation under this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.~~

~~(4) Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.~~

~~(5) Upon receipt from a law enforcement officer of a summons and complaint completed under this subsection, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:~~

~~(A) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.~~

~~(B) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's operator's license will be suspended, and the person's automobile insurance rates may increase substantially.~~

~~(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.~~

~~(6)(A) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.~~

~~(B) Substance abuse screening required under this subdivision (6) shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.~~

~~(C) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:~~

~~(i) Void the summons and complaint with no penalty due.~~

~~(ii) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.~~

~~(D) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required Program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to~~

~~the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.~~

~~(E) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.~~

~~(7) Upon adjudicating a person in violation of this subsection, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications, which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this subsection.~~

### Sec. 3. EFFECTIVE DATES

(a) This section and Sec. 1 shall take effect July 1, 2019.

(b) Sec. 2 shall take effect July 1, 2021.

### ( Committee Vote: 7-4-0)

**Rep. Haas of Rochester**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. INTENT

It is the intent of the General Assembly to decriminalize possession of 224 milligrams or less of buprenorphine. Persons under 21 years of age in possession of 224 milligrams or less of buprenorphine would be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. Knowing and unlawful possession of more than 224 milligrams of buprenorphine would continue to be criminal and penalized in the same manner as other narcotics pursuant to 18 V.S.A. § 4234.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

#### § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1)(A) A Except as provided by subdivision (B) of this subdivision (1), a person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both.

(B) A person knowingly and unlawfully possessing more than 224 milligrams of buprenorphine shall be punished in accordance with

subdivision (A) of this subdivision (1).

\* \* \*

(c) Possession of buprenorphine by a person under 21 years of age.

(1) A person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days for a first offense; and

(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days for a second or subsequent offense.

(2) A law enforcement officer shall issue a person under 21 years of age who violates this subsection a notice of violation in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this subsection, including that:

(A) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(B) failure to contact the Diversion Program within 15 days shall result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, shall be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(C) no money shall be submitted to pay any penalty until after adjudication; and

(D) the person shall notify the Diversion Program if the person's address changes.

(3) When a person is issued a notice of violation under this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(4) Within 15 days after receiving a notice of violation, the person shall

contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) Upon receipt from a law enforcement officer of a summons and complaint completed under this subsection, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(A) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.

(B) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau where the person, if found liable for the violation, shall be assessed a civil penalty, the person's operator's license shall be suspended, and the person's automobile insurance rates may increase substantially.

(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(6)(A) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.



(B) Substance abuse screening required under this subdivision (6) shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at the person's own expense.

(C) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:

(i) Void the summons and complaint with no penalty due.

(ii) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(D) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(E) A person aggrieved by a decision of the Diversion Program or substance abuse counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(7) Upon adjudicating a person in violation of this subsection, the Judicial Bureau shall notify the Commissioner of Motor Vehicles who shall maintain a record of all such adjudications that shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this subsection.

### Sec. 3. EFFECTIVE DATE

This act shall take effect July 1, 2020.

and that after passage the title of the bill be amended to read: "An act relating to possession of Buprenorphine"

( Committee Vote: 11-0-0)

## H. 492

An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes

**Rep. Troiano of Stannard**, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

### Sec. 1. FINDINGS

The Vermont General Assembly finds that:

(1) At the present time, many persons have been rendered homeless as a result of economic hardship and a shortage of safe and affordable housing.

(2) Article 1 of Chapter I of the Vermont Constitution states that Vermonters are “equally free and independent” and Article 7 of Chapter I states that all Vermonters are entitled to the same benefits and protections. As a result, a person should not be subject to discrimination based on his or her housing status or being homeless.

(3) It is the intent of this act to help mitigate both the discrimination people without homes or perceived to be without homes face and the adverse effects individuals and communities suffer when a person lacks a home.

Sec. 2. 1 V.S.A. § 274 is added to read:

### § 274. HOMELESS BILL OF RIGHTS

(a) A person’s rights, privileges, or access to public services may not be denied or abridged solely because of his or her housing status. Such a person shall be granted the same rights and privileges as any other resident of this State.

(b) A person shall have the right:

(1) To use and move freely in public places, including public sidewalks, parks, transportation, and buildings, in the same manner as any other person and without discrimination on the basis of his or her housing status.

(2) To equal treatment by all State and municipal agencies without discrimination on the basis of his or her housing status.

(3) Not to face discrimination while seeking or maintaining employment, due to his or her housing status.

(4) To emergency medical care free from discrimination based on his or her housing status.

(5) To vote, register to vote, and receive documentation necessary to prove identity for voting, without discrimination due to his or her housing status.

(6) To confidentiality of personal records and information in accordance with all limitations on disclosure established by State and federal law, including the Federal Homeless Management Information Systems, the Federal Health Insurance Portability and Accountability Act, and the Federal Violence Against Women Act, without discrimination based on his or her housing status.

(7) To a reasonable expectation of privacy in his or her personal property without discrimination based on his or her housing status.

(8) To immediate and continued enrollment of his or her school-age children based on the best interests of the child as provided for in 16 V.S.A. § 1075(e) and the McKinney-Vento Act, 42 U.S.C. §§ 11431–11435 without discrimination based on his or her housing status.

(c) No person shall be subject to civil or criminal sanctions for soliciting, sharing, accepting, or offering food, water, money, or other donations in:

(1) a public place; or

(2) a place of public accommodation with the consent of the owner or other person representing the place of public accommodation and in a manner that does not interfere with normal business operations.

(d) No law shall target a person based on that person’s housing status or the harmless activities associated with homelessness, or the provision of supports or services to a person without housing or perceived to be without housing in:

(1) a public place; or

(2) a place of public accommodation with the consent of the owner or other person representing the place of public accommodation and in a manner that does not interfere with normal business operations.

(e) A person aggrieved by a violation of this section may bring an action in Superior Court for appropriate relief, including injunctive relief and actual damages sustained as a result of the violation, costs, and reasonable attorney’s fees.

(f) As used in this section:

(1) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

(2) “Place of public accommodation” has the same meaning as in

9 V.S.A. § 4501(1).

Sec. 3. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

\* \* \*

(12) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 4. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

(a) An owner or operator of a place of public accommodation or an agent or employee of such owner or operator shall not, because of the race, creed, color, national origin, housing status, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.

\* \* \*

Sec. 5. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(2) To discriminate against, or to harass any person in the terms, conditions, or privileges of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection therewith, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(3) To make, print, or publish, or cause to be made, printed, or

published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate, that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

\* \* \*

(7) To engage in blockbusting practices, for profit, which may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(8) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, or disability of a person, or because a person is a recipient of public assistance.

\* \* \*

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise provided by law.

\* \* \*

Sec. 6. 10 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meaning:

\* \* \*

(11) “Persons and families of low and moderate income” means persons and families irrespective of race, creed, national origin, sex, sexual orientation, housing status, or gender identity deemed by the Agency to require such assistance as is made available by this chapter on account of insufficient personal or family income, taking into consideration, without limitation, such factors as:

(A) the amount of the total income of such persons and families available for housing needs;

\* \* \*

(20) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 7. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, housing status, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, housing status, crime victim status, or age or against a qualified individual with a disability;

(2) For any person seeking employees or for any employment agency or labor organization to cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, housing status, crime victim status, age, or disability;

(3) For any employment agency to fail or refuse to classify properly or

refer for employment or to otherwise discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, housing status, crime victim status, or age or against a qualified individual with a disability;

(4) For any labor organization, because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, housing status, crime victim status, or age to discriminate against any individual or against a qualified individual with a disability or to limit, segregate, or qualify its membership;

\* \* \*

Sec. 8. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

\* \* \*

(16) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

( **Committee Vote: 8-2-1** )

### H. 535

An act relating to approval of amendments to the charter of the Town of Brattleboro

**Rep. Gannon of Wilmington**, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Brattleboro as set forth in this act. Voters approved proposals of amendment on March 5, 2019.

Sec. 2. 24 App. V.S.A. chapter 107 is amended to read:

CHAPTER 107. TOWN OF BRATTLEBORO

\* \* \*

§ 2.1. DEFINITIONS

\* \* \*

(c) “Youth voter” shall mean any person who is 16 to 18 years of age and is otherwise qualified to vote in Town elections pursuant to 17 V.S.A. chapter 43, subchapter 1.

§ 2.2. ELECTED OFFICERS

On the first Tuesday in March, the voters and youth voters of the Town shall elect by Australian ballot the following:

\* \* \*

~~(3) A Board of five school directors, elected at large, of whom two shall serve for one year and three shall serve for three years. [Repealed.]~~

~~(4) Union High School directors, who shall be elected for terms and in numbers as required by State law. [Repealed.]~~

\* \* \*

§ 2.3. MANNER OF ELECTION

(a) Representative Town Meeting members: Representative Town Meeting members shall be elected by Australian ballot on the first Tuesday in March of each year. Voters and youth voters in each district shall elect, for staggered terms, three members for every 180 voters or major fraction thereof. Members shall serve for three years, except that a member elected to fill a vacancy shall serve for the remainder of the term. The manner of elections is fully prescribed in 1959 Acts and Resolves No. 302 of the Acts of 1959.

\* \* \*

§ 2.4. REPRESENTATIVE TOWN MEETING

(a) Description:

\* \* \*

(2) The Representative Town Meeting consists of up to 140 elected voters and youth voters. It is a guiding body for the Town and a source of ideas, proposals, and comments, elected by district as defined by the Board of Civil Authority. It exercises exclusively all powers vested in the voters of the Town. In addition to the elected members, the following shall be members ex officio: the members of the Selectboard, the School Directors, the Treasurer, the Clerk, the Moderator, and those State Senators and State Representatives who reside in Brattleboro. Representative Town Meeting shall act upon all articles on the Town meeting warning except those ~~which~~ that relate to the



election of officers, referenda, and other matters voted upon by Australian ballot.

\* \* \*

## § 2.5. SELECTBOARD

The Selectboard is a legislative body of five persons elected at large by the voters and youth voters of the Town. The Selectboard directs the affairs of the Town within areas specified in subchapter 4 of this charter.

\* \* \*

### § 4.1. COMPOSITION; ELIGIBILITY; ELECTIONS; TERMS

(a) The Selectboard shall be elected at large by the voters and youth voters of the Town from among their number, and newly elected Selectboard members' terms shall begin on the first Monday following the final adjournment of the annual Representative Town Meeting.

\* \* \*

### § 10.3. ELECTION OF TOWN MEETING MEMBERS; CERTIFICATION OF VOTERS; TOWN MEETING MEMBERSHIP; NOTICE; QUALIFICATION; RESPONSIBILITIES

(a)(1) At the first election of Town Meeting members to be held on the first Tuesday in March after the acceptance of this subchapter, the qualified voters of each district shall elect three Town Meeting members for every 180 voters or major fraction thereof, subject to the provisions of subsection (c) of this section. The first one-third elected in each district, in order of the number of votes received, shall serve for three years; the second one-third in ~~such~~ the order of election shall serve for two years; and the remaining one-third in ~~such~~ the order of election shall be elected to serve for one year. In the event of a tie vote the term of such members shall be designated by lot, and the presiding officer of the district shall certify ~~such~~ the designation. All Town Meeting members shall serve for terms commencing on the day of their election.

(2) Annually thereafter, on the first Tuesday in March, the voters and youth voters of each district shall in like manner elect for the term of three years one Town Meeting member for every 180 voters or major fraction thereof, and shall also in like manner fill for the unexpired term or terms any vacancy or vacancies then existing in the number of Town Meeting members in such district, subject to the provisions of subsection (c) of this section.

\* \* \*

(e) Every Town Meeting member shall be a qualified voter or youth voter in the Town and living in the district from which he or she is chosen at the time of his or her election.

\* \* \*

#### § 2.3a. EARLY VOTING

(a)(1) A voter choosing to vote early by Australian ballot in the Town Clerk's office shall vote in the same manner as those voting on election day provided that the voter completes a "Request for Early Voter Absentee Ballot and Certification" form stating the following:

\* \* \*

(4) As authorized for certain Town elections pursuant to this charter, a youth voter choosing to vote early shall vote in the same manner as a youth voter on election day provided that the voter completes an early voting form required by the Town Clerk.

\* \* \*

#### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 8-2-1)**

#### **Favorable with Amendment**

#### **H. 611**

An act relating to the Older Vermonters Act

**Rep. Wood of Waterbury**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Older Vermonters Act \* \* \*

Sec. 1. 33 V.S.A. chapter 62 is added to read:

#### CHAPTER 62. OLDER VERMONTERS ACT

#### § 6201. SHORT TITLE

This chapter may be cited as the "Older Vermonters Act."

#### § 6202. PRINCIPLES OF SYSTEM OF SERVICES, SUPPORTS, AND PROTECTIONS FOR OLDER VERMONTERS

The State of Vermont adopts the following principles for a comprehensive

and coordinated system of services and supports for older Vermonters:

(1) Self-determination. Older Vermonters should be able to direct their own lives as they age so that aging is not something that merely happens to them but a process in which they actively participate. Whatever services, supports, and protections are offered, older Vermonters deserve dignity and respect and must be at the core of all decisions affecting their lives, with the opportunity to accept or refuse any offering.

(2) Safety and protection. Older Vermonters should be able to live in communities, whether urban or rural, that are safe and secure. Older Vermonters have the right to be free from abuse, neglect, and exploitation, including financial exploitation. As older Vermonters age, their civil and legal rights should be protected, even if their capacity is diminished. Safety and stability should be sought, balanced with their right to self-determination.

(3) Coordinated and efficient system of services. Older Vermonters should be able to benefit from a system of services, supports, and protections, including protective services, that is coordinated, equitable, and efficient; includes public and private cross-sector collaboration at the State, regional, and local levels; and avoids duplication while promoting choice, flexibility, and creativity. The system should be easy for individuals and families to access and navigate, including as it relates to major transitions in care.

(4) Financial security. Older Vermonters should be able to receive an adequate income and have the opportunity to maintain assets for a reasonable quality of life as they age. If older Vermonters want to work, they should be able to seek and maintain employment without fear of discrimination and with any needed accommodations. Older Vermonters should also be able to retire after a lifetime of work, if they so choose, without fear of poverty and isolation.

(5) Optimal health and wellness. Older Vermonters should have the opportunity to receive, without discrimination, optimal physical, dental, mental, emotional, and spiritual health through the end of their lives. Holistic options for health, exercise, counseling, and good nutrition should be both affordable and accessible. Access to coordinated, competent, and high-quality care should be provided at all levels and in all settings.

(6) Social connection and engagement. Older Vermonters should be free from isolation and loneliness, with affordable and accessible opportunities in their communities for social connectedness, including work, volunteering, lifelong learning, civic engagement, arts, culture, and broadband access and other technologies. Older Vermonters are critical to our local economies and their contributions should be valued by all.

(7) Housing, transportation, and community design. Vermont communities should be designed, zoned, and built to support the health, safety, and independence of older Vermonters, with affordable, accessible, appropriate, safe, and service-enriched housing, transportation, and community support options that allow them to age in a variety of settings along the continuum of care and that foster engagement in community life.

(8) Family caregiver support. Family caregivers are fundamental to supporting the health and well-being of older Vermonters, and their hard work and contributions should be respected, valued, and supported. Family caregivers of all ages should have affordable access to education, training, counseling, respite, and support that is both coordinated and efficient.

#### § 6203. DEFINITIONS

As used in this chapter:

(1) “Area agency on aging” means an organization designated by the State to develop and implement a comprehensive and coordinated system of services, supports, and protections for older Vermonters, family caregivers, and kinship caregivers within a defined planning and service area of the State.

(2) “Choices for Care program” means the Choices for Care program contained within Vermont’s Global Commitment to Health Section 1115 demonstration or a successor program.

(3) “Department” means the Department of Disabilities, Aging, and Independent Living.

(4) “Family caregiver” means an adult family member or other individual who is an informal provider of in-home and community care to an older Vermonter or to an individual with Alzheimer’s disease or a related disorder.

(5) “Greatest economic need” means the need resulting from an income level that is too low to meet basic needs for housing, food, transportation, and health care.

(6) “Greatest social need” means the need caused by noneconomic factors, including:

(A) physical and mental disabilities;

(B) language barriers; and

(C) cultural, social, or geographic isolation, including isolation caused by racial or ethnic status, sexual orientation, gender identity, or HIV status, that:

(i) restricts an individual's ability to perform normal daily tasks; or

(ii) threatens the capacity of the individual to live independently.

(7) "Home- and community-based services" means long-term services and supports received in a home or community setting other than a nursing home pursuant to the Choices for Care component of Vermont's Global Commitment to Health Section 1115 Medicaid demonstration or a successor program and includes home health and hospice services, assistive community care services, and enhanced residential care services.

(8) "Kinship caregiver" means an adult individual who has significant ties to a child or family, or both, and takes permanent or temporary care of a child because the current parent is unwilling or unable to do so.

(9) "Older Americans Act" means the federal law originally enacted in 1965 to facilitate a comprehensive and coordinated system of supports and services for older Americans and their caregivers.

(10) "Older Vermonters" means all individuals residing in this State who are 60 years of age or older.

(11)(A) "Self-neglect" means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks, including:

(i) obtaining essential food, clothing, shelter, and medical care;

(ii) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

(iii) managing one's own financial affairs.

(B) The term "self-neglect" excludes individuals who make a conscious and voluntary choice not to provide for certain basic needs as a matter of lifestyle, personal preference, or religious belief and who understand the consequences of their decision.

(12) "Senior center" means a community facility that organizes, provides, or arranges for a broad spectrum of services for older Vermonters, including physical and mental health-related, social, nutritional, and educational services, and that provides facilities for use by older Vermonters to engage in recreational activities.

(13) "State Plan on Aging" means the plan required by the Older Americans Act that outlines the roles and responsibilities of the State and the

area agencies on aging in administering and carrying out the Older Americans Act.

(14) “State Unit on Aging” means an agency within a state’s government that is directed to administer the Older Americans Act programs and to develop the State Plan on Aging in that state.

§ 6204. DEPARTMENT OF DISABILITIES, AGING, AND  
INDEPENDENT LIVING; DUTIES

(a) The Department of Disabilities, Aging, and Independent Living is Vermont’s designated State Unit on Aging.

(1) The Department shall administer all Older Americans Act programs in this State and shall develop and maintain the State Plan on Aging.

(2) The Department shall be the subject matter expert to guide decision making in State government for all programs, services, funding, initiatives, and other activities relating to or affecting older Vermonters, including:

(A) State-funded and federally funded long-term care services and supports;

(B) housing and transportation; and

(C) health care reform activities.

(3) The Department shall administer the Choices for Care program, which the Department shall do in coordination with efforts it undertakes in its role as the State Unit on Aging.

(b)(1) The Department shall coordinate strategies to incorporate the principles established in section 6202 of this chapter into all programs serving older Vermonters.

(2) The Department shall use both qualitative and quantitative data to monitor and evaluate the system’s success in targeting services to individuals with the greatest economic and social need.

(c) The Department’s Advisory Board established pursuant to section 505 of this title shall monitor the implementation and administration of the Older Vermonters Act established by this chapter.

§ 6205. AREA AGENCIES ON AGING; DUTIES

(a) Consistent with the Older Americans Act and in consultation with local home- and community-based service providers, each area agency on aging shall:

(1) develop and implement a comprehensive and coordinated system of

services, supports, and protections for older Vermonters, family caregivers, and kinship caregivers within the agency's designated service area;

(2) target services and supports to older Vermonters with the greatest economic and social need;

(3) perform regional needs assessments to identify existing resources and gaps;

(4) develop an area plan with goals, objectives, and performance measures, and a corresponding budget, and submit them to the State Unit on Aging for approval;

(5) concentrate resources, build community partnerships, and enter into cooperate agreements with agencies and organizations for delivery of services;

(6) designate community focal points for colocation of supports and services for older Vermonters; and

(7) conduct outreach activities to identify individuals eligible for assistance.

(b) In addition to the duties described in subsection (a) of this section, the area agencies on aging shall:

(1) promote the principles established in section 6202 of this chapter across the agencies' programs and shall collaborate with stakeholders to educate the public about the importance of each principle;

(2) promote collaboration with a network of service providers to provide a holistic approach to improving health outcomes for older Vermonters; and

(3) use their existing area plans to facilitate awareness of aging issues, needs, and services and to promote the system principles expressed in section 6202 of this chapter.

#### § 6206. PLAN FOR COMPREHENSIVE AND COORDINATED SYSTEM

##### OF SERVICES, SUPPORTS, AND PROTECTIONS

(a) At least once every four years, the Department of Disabilities, Aging, and Independent Living shall adopt a State Plan on Aging, as required by the Older Americans Act. The State Plan on Aging shall describe a comprehensive and coordinated system of services, supports, and protections for older Vermonters that is consistent with the principles set forth in section 6202 of this chapter and sets forth the nature, extent, allocation, anticipated funding, and timing of services for older Vermonters. The State Plan on Aging shall also include the following categories:

(1) priorities for continuation of existing programs and development of new programs;

(2) criteria for receiving services or funding;

(3) types of services provided; and

(4) a process for evaluating and assessing each program's success.

(b)(1) The Commissioner shall determine priorities for the State Plan on Aging based on:

(A) information obtained from older Vermonters, their families, and their guardians, if applicable, and from senior centers and service providers;

(B) a comprehensive needs assessment that includes:

(i) demographic information about Vermont residents, including older Vermonters, family caregivers, and kinship caregivers;

(ii) information about existing services used by older Vermonters, family caregivers, and kinship caregivers;

(iii) characteristics of unserved and underserved individuals and populations; and

(iv) the reasons for any gaps in service, including identifying variations in community needs and resources; and

(C) a comprehensive evaluation of the services available to older Vermonters across the State, including home- and community-based services, residential care homes, assisted living residences, nursing facilities, senior centers, and other settings in which care is or may later be provided.

(2) Following the determination of State Plan on Aging priorities, the Commissioner shall consider funds available to the Department in allocating resources.

(c) At least 60 days prior to adopting the proposed plan, the Commissioner shall submit a draft to the Department's Advisory Board established pursuant to section 505 of this title for advice and recommendations. The Advisory Board shall provide the Commissioner with written comments on the proposed plan.

(d) The Commissioner may make annual revisions to the plan as needed. The Commissioner shall submit any proposed revisions to the Department's Advisory Board for comment within the time frames established in subsection (c) of this section.

(e) On or before January 15 of each year, and notwithstanding the



provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Governor regarding:

- (1) implementation of the plan;
- (2) the extent to which the system principles set forth in section 6202 of this chapter are being achieved;
- (3) based on both qualitative and quantitative data, the extent to which the system has been successful in targeting services to individuals with the greatest economic and social need;
- (4) the sufficiency of the provider network and any workforce challenges affecting providers of care or services for older Vermonters; and
- (5) the availability of affordable and accessible opportunities for older Vermonters to engage with their communities, such as social events, educational classes, civic meetings, health and exercise programs, and volunteer opportunities.

\* \* \* Adult Protective Services Program Reporting \* \* \*

Sec. 2. 33 V.S.A. § 6916 is added to read:

§ 6916. ANNUAL REPORT

On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department's adult protective services activities during the previous fiscal year, including:

- (1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years;
- (2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision;
- (3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days;
- (4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the

Department's Division of Licensing and Protection during the previous fiscal year;

(5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means;

(6) the number of investigations opened during the previous fiscal year and comparisons with the two prior fiscal years;

(7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection;

(8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including:

(A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination;

(B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and

(C) the numbers and percentages of recommended substantiations by type of maltreatment;

(9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations;

(10) data on Adult Protective Services program investigator caseloads, including:

(A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years;

(B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years;

(C) average numbers of completed investigations per investigator during the previous fiscal year; and

(D) average numbers of completed investigations per week during the previous fiscal year;

(11) the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(12) the number of reviews of investigations that resulted in an

unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(13) the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry;

(17) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years; and

(18) the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.

\* \* \* Vermont Action Plan for Aging Well; Development Process \* \* \*

### Sec. 3. VERMONT ACTION PLAN FOR AGING WELL; DEVELOPMENT PROCESS; REPORT

The Secretary of Administration, in collaboration with the Commissioners of Disabilities, Aging, and Independent Living and of Health, shall propose a process for developing the Vermont Action Plan for Aging Well to be implemented across State government, local government, the private sector, and philanthropies. The Vermont Action Plan for Aging Well shall provide strategies and cultivate partnerships for implementation across sectors to promote aging with health, choice, and dignity in order to establish and maintain an age-friendly State for all Vermonters. In crafting the proposed process, the Secretary shall engage a broad array of Vermonters with an interest in creating an age-friendly Vermont, including older Vermonters and their families, adults with disabilities and their families, local government

officials, health care and other service providers, employers, community-based organizations, foundations, academic researchers, and other interested stakeholders. On or before January 15, 2021, the Secretary shall submit to the House Committee on Human Services and the Senate Committee on Health and Welfare the proposed process for developing the Vermont Action Plan for Aging Well, including action steps and an achievable timeline, as well as potential performance measures for use in evaluating the results of implementing the Action Plan and the relevant outcomes set forth in 3 V.S.A. § 2311 and related indicators, to which the Action Plan should relate.

\* \* \* Increasing Medicaid Rates for Home- and Community-Based  
Service Providers \* \* \*

Sec. 4. 33 V.S.A. § 900 is amended to read:

§ 900. DEFINITIONS

~~Unless otherwise required by the context, the words and phrases in this chapter shall be defined as follows~~ As used in this chapter:

\* \* \*

(7) “Home- and community-based services” means long-term services and supports received in a home or community setting other than a nursing home pursuant to the Choices for Care component of Vermont’s Global Commitment to Health Section 1115 Medicaid demonstration or a successor program and includes home health and hospice services, assistive community care services, and enhanced residential care services.

Sec. 5. 33 V.S.A. § 911 is added to read:

§ 911. INFLATION FACTOR FOR HOME- AND COMMUNITY-BASED SERVICES; PAYMENT RATES

(a) The Director shall establish by rule procedures for determining an annual inflation factor to be applied to the Medicaid rates for providers of home- and community-based services authorized by the Department of Vermont Health Access or the Department of Disabilities, Aging, and Independent Living, or both.

(b) The Division, in collaboration with the Department of Disabilities, Aging, and Independent Living, shall calculate the inflation factor for home- and community-based services annually according to the procedure adopted by rule and shall report it to the Departments of Disabilities, Aging, and Independent Living and of Vermont Health Access for application to home- and community-based provider Medicaid reimbursement rates beginning on July 1.

(c) Determination of Medicaid reimbursement rates for each fiscal year shall be based on application of the inflation factor to the sum of:

(1) the prior fiscal year's payment rates; plus

(2) any additional payment amounts available to providers of home- and community-based services as a result of policies enacted by the General Assembly that apply to the fiscal year for which the rates are being calculated.

Sec. 6. HOME- AND COMMUNITY-BASED SERVICE PROVIDER  
RATE STUDY; REPORT

(a) The Departments of Vermont Health Access and of Disabilities, Aging, and Independent Living shall conduct a rate study of the Medicaid reimbursement rates paid to providers of home- and community-based services, their adequacy, and the methodologies underlying those rates. The Departments shall:

(1) establish a predictable schedule for Medicaid rates and rate updates;

(2) identify ways to align the Medicaid reimbursement methodologies and rates for providers of home- and community-based services with those of other payers, to the extent such other methodologies and rates exist;

(3) limit the number of methodological exceptions; and

(4) communicate the proposed changes to providers of home- and community-based services prior to implementing any proposed changes.

(b) On or before January 15, 2021, the Departments of Vermont Health Access and of Disabilities, Aging, and Independent Living shall report to the House Committees on Human Services and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations with the results of the rate study conducted pursuant to this section.

\* \* \* Self-Neglect Working Group \* \* \*

Sec. 7. SELF-NEGLECT WORKING GROUP; REPORT

(a) Creation. There is created the Self-Neglect Working Group to provide recommendations regarding adults who, due to physical or mental impairment or diminished capacity, are unable to perform essential self-care tasks. For the purposes of the Working Group, "self-neglect" has the same meaning as in 33 V.S.A. § 6203.

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

(1) the Commissioner of Disabilities, Aging, and Independent Living or

designee;

(2) the Director of the Adult Services Division in the Department of Disabilities, Aging, and Independent Living or designee;

(3) the Vermont Attorney General or designee;

(4) the State Long-Term Care Ombudsman or designee;

(5) the Executive Director of the Vermont Association of Area Agencies on Aging or designee;

(6) the Executive Director of the Community of Vermont Elders or designee;

(7) the Executive Director of the VNAs of Vermont or designee;

(8) the Executive Director of Disability Rights Vermont or designee;

(9) an elder care clinician selected by Vermont Care Partners; and

(10) the Director of the Center on Aging at the University of Vermont College of Medicine or designee.

(c) Powers and duties. The Working Group shall consider issues and develop recommendations relating to self-neglect, including determining the following:

(1) how to identify adults residing in Vermont who, because of physical or mental impairment or diminished capacity, are unable to perform essential self-care tasks and are self-neglecting;

(2) how prevalent self-neglect is among adults in Vermont, and any common characteristics that can be identified about the demographics of self-neglecting Vermonters;

(3) what resources and services currently exist to assist Vermonters who are self-neglecting, and where there are opportunities to improve delivery of these services and increase coordination among existing service providers;

(4) what additional resources and services are needed to better assist Vermonters who are self-neglecting; and

(5) how to prevent self-neglect and identify adults at risk for self-neglect.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Disabilities, Aging, and Independent Living.

(e) Report. On or before December 15, 2020, the Working Group shall

report its findings and its recommendations for legislative and nonlegislative action to the House Committee on Human Services and the Senate Committee on Health and Welfare.

(f) Meetings.

(1) The Commissioner of Disabilities, Aging, and Independent Living or designee shall call the first meeting of the Working Group to occur on or before July 1, 2020.

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

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

(4) The Working Group shall cease to exist following submission of its report pursuant to subsection (e) of this section.

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

Sec. 8. EFFECTIVE DATES

(a) Secs. 1 (Older Vermonters Act), 2 (Adult Protective Services reporting), 3 (Strategic Action Plan on Aging; development process; report), 6 (home- and community-based service provider rate study; report), and 7 (Self-Neglect Working Group; report) and this section shall take effect on passage, except that in Sec. 1, 33 V.S.A. § 6206 (plan for comprehensive and coordinated system of services, supports, and protections) shall apply to the State Plan on Aging taking effect on October 1, 2022.

(b) Secs. 4 and 5 (Medicaid rates for home- and community-based service providers) shall take effect on passage and shall apply to home- and community-based service provider rates beginning on July 1, 2021.

**( Committee Vote: 11-0-0)**

**H. 673**

An act relating to tree wardens

**Rep. O'Brien of Tunbridge**, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 871 is amended to read:

§ 871. ORGANIZATION OF SELECTBOARD; APPOINTMENTS

(a) Forthwith after its election and qualification, the selectboard shall organize and elect a chair and, if so voted, a clerk from among its number, and file a certificate of such election for record in the office of the town clerk.

(b) ~~The selectboard shall thereupon appoint from among the registered voters a tree warden, who need not be a resident of the municipality, and may thereupon appoint from among the registered voters the following officers who shall serve until their successors are appointed and qualified, and shall certify such the appointments to the town clerk who shall record the same:~~

\* \* \*

(c) After the selectboard appoints a tree warden, the selectboard shall certify the appointment to the Commissioner of Forests, Parks and Recreation. The certification shall include contact information for the appointed tree warden.

Sec. 2. 24 V.S.A. chapter 67 is amended to read:

#### CHAPTER 67. PARKS AND SHADE TREES

\* \* \*

##### § 2501a. DEFINITIONS

As used in this chapter:

(1) “Public place” means municipal property, including a municipal park, a recreation area, or a municipal building. “Public place” shall not include any municipal forestland or property that is subject to any ownership interest held by the Agency of Transportation.

(2) “Shade tree” means a shade or ornamental tree located in whole or in part within the limits of a public way or public place, provided that the tree:

(A) was planted by the municipality; or

(B) is designated as a shade tree pursuant to a municipal shade tree preservation plan pursuant to section 2502 of this title.

(3) “Public way” means a right-of-way held by a municipality, including a town highway.

##### § 2502. TREE WARDENS AND PRESERVATION OF SHADE TREES

~~Shade and ornamental trees within the limits of public ways and places shall be under the control of the tree warden. The tree warden may plan and implement a town or community shade tree preservation program for the purpose of shading and beautifying public ways and places by planting new trees and shrubs; by maintaining the health, appearance, and safety of existing trees through feeding, pruning, and protecting them from noxious insect and disease pests and by removing diseased, dying, or dead trees which create a hazard to public safety or threaten the effectiveness of disease or insect control~~



programs.

(a) The tree warden shall control all shade trees within the municipality.

(b) The tree warden and the legislative body of the municipality may adopt a shade tree preservation plan. The plan shall:

(1) describe any program for the planting of new trees and shrubs;

(2) provide for the maintenance of shade trees through feeding, pruning, and protection from noxious insect and disease pests;

(3) determine the apportionment of costs for tree warden services provided to other municipal corporations;

(4) determine whether tree maintenance or removal on specific municipal property shall require the approval of another municipal officer or legislative body; and

(5) determine the process, not inconsistent with this chapter, for the removal of:

(A) diseased, dying, or dead shade trees; and

(B) any shade trees that create a hazard to public safety, impact a disease or insect control program, or must be removed to comply with State or federal law or permitting requirements.

(c) The shade tree preservation plan may:

(1) map locations or zones within the municipality where all trees in whole or in part within a public way or place shall be designated as shade trees; and

(2) designate as a shade tree any tree in whole or in part within a public way, provided that the tree warden and legislative body of the municipality find that the tree is critical to the cultural, historical, or aesthetic character of the municipality.

(d) The tree warden and legislative body of the municipality shall hold a minimum of one public hearing concerning the shade tree preservation plan for the purpose of soliciting public input. The legislative body shall publish the proposed plan 10 days prior to the public hearing.

(e) For the purpose of promoting the public health, safety, welfare, and convenience, a municipality shall have authority to adopt an ordinance that is not inconsistent with this chapter for the administration of the shade tree preservation plan and the regulation of shade trees. The tree ordinance shall be adopted pursuant to chapter 59 of this title.

§ 2503. APPROPRIATIONS

A municipality may appropriate a sum of money to be expended by the tree warden, ~~or if one is not appointed, by the mayor, aldermen, selectboard, or trustees for the purpose of carrying out this chapter.~~

§ 2504. REMOVAL OF SHADE TREES; EXCEPTION

(a) ~~The tree warden may remove or cause to be removed from the public ways or places all any trees and other plants upon which noxious insects or tree diseases naturally breed that are infested with or infected by a tree pest or that constitute a public hazard. The notice and hearing requirements of section 2509 of this chapter shall not apply to the removal of infested or infected trees.~~

(b) ~~However, where~~ The tree warden may determine that an owner or lessee of abutting real estate shall annually, to the satisfaction of such warden, control property has sufficiently controlled all insect pests or tree diseases upon the trees and other plants within the limits of a highway public way or place abutting such real estate the property, such trees and plants shall not be removed and may determine that it is not necessary to remove the trees.

§ 2505. DEPUTY TREE WARDENS

~~A tree warden~~ The legislative body of the municipality may appoint deputy tree wardens and dismiss them at pleasure who shall serve under the direction of the tree warden and shall have the same duties and authority as the tree warden. The legislative body of the municipality may dismiss a deputy tree warden at its pleasure.

§ 2506. REGULATIONS FOR PROTECTION OF SHADE TREES

A tree warden shall enforce all laws relating to ~~public~~ shade trees and may ~~prescribe such~~ propose to the legislative body of the municipality the rules and, ordinances, or regulations for the planting, protection, care, or removal of public shade trees as he or she deems expedient. Such The legislative body of the municipality may adopt the rules, ordinances, or regulations shall become effective pursuant to the provisions of chapter 59 of this title.

§ 2507. COOPERATION

(a) ~~The~~ With consent of the legislative body of the municipality, the tree warden may:

(1) enter into financial or other agreements with the owners of land adjoining or facing public ways and places for the purpose of encouraging and effecting a community-wide the shade tree planting and preservation program plan; and

(2) enter into agreements with other municipal corporations to provide tree warden services or training.

(b) He or she The tree warden may cooperate with federal, State, county, or other municipal governments, agencies, or other public or private organizations or individuals and may accept such on behalf of the municipality any funds, equipment, supplies, or services from organizations and individuals, or others, as deemed appropriate for use in carrying out the purposes of this chapter.

#### § 2508. CUTTING SHADE TREES; REGULATIONS PROHIBITED

Unless otherwise provided, a public Except as otherwise provided in 19 V.S.A. chapter 9, a shade tree shall not be cut or removed, in whole or in part, except by a tree warden or his or her deputy or by a person having the written permission of a tree warden.

#### § 2509. CUTTING SHADE TREES; NOTICE AND HEARING

(a) A public shade tree within the residential part of a municipality shall not be felled without a public hearing by the tree warden, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required. The tree warden shall post public notice of the intent to cut or remove a shade tree. The notice shall be posted a minimum of 15 days prior to cutting or removing the tree. If the cutting or removal is appealed pursuant to subsection (c) of this section, the legislative body of the municipality shall hold a public hearing. This subsection shall not apply to the cutting or removal of a shade tree or trees that:

(1) are infested with or infected by, or at risk to become infested with or infected by, a tree pest and are located in an infestation area designated by the Agency of Agriculture, Food and Markets and Department of Forests, Parks and Recreation;

(2) are a hazard to public safety; or

(3) must be removed for the municipality to comply with State or federal law or permitting requirements.

(b)(1) In all cases the decision of the tree warden shall be final, except that when the tree warden is an interested party or when a party in interest so requests in writing, such final decision shall be made by the legislative body of the municipality. The tree warden shall post public notice of the intent to cut or remove a shade tree or group of shade trees pursuant to subsection (a) of this section in at least two conspicuous locations within the municipality. The tree warden shall post the public notice in or near the office of the clerk of the

municipality.

(2) When the shade tree or group of shade trees are located on property held in fee by another, the municipality shall notify each abutting landowner at the landowner's address of record.

(c)(1) Within 15 days after the posting of public notice, a resident or landowner may appeal in writing to the legislative body of the municipality to object to the cutting or removal of a shade tree. The legislative body of the municipality shall give notice of the appeal to the tree warden.

(2) Within 10 business days after receipt of an appeal, the legislative body of the municipality shall hold a public hearing with the tree warden to receive public comment on the proposed cutting or removal of the shade tree. The tree warden shall stay action on the proposed removal until the legislative body of the municipality renders a final decision on the appeal.

(d) In all cases, the decision of the legislative body of the municipality shall be final.

#### § 2510. PENALTY

(a) Whoever shall, willfully, mar or deface a ~~public~~ shade tree without the written permission of a tree warden or legislative body of the municipality shall be fined not more than \$50.00 for the use of the municipality.

(b) Any person who, willfully, and critically injures or cuts down a ~~public~~ shade tree without written permission of the tree warden or the legislative body of the municipality shall be fined ~~not more than \$500.00~~ pursuant to 13 V.S.A. § 3602 for each tree so injured or cut, for the use of the municipality.

#### § 2511. CONTROL OF INFESTATIONS

~~When an insect or disease pest infestation upon or in public or private shade or private trees threatens other public or private trees, is considered detrimental to a community municipal shade tree preservation program, or threatens the public safety, the tree warden may request surveys and recommendations for control action from the Secretary of Agriculture, Food and Markets or Commissioner of Forests, Parks and Recreation in accordance with 6 V.S.A. chapter 84. On recommendation of the Secretary of Agriculture, Food and Markets, the tree warden may designate areas threatened or affected in which control measures are to be applied and shall publish notice of the proposal in one or more newspapers having a general circulation in the area in which control measures are to be undertaken. On recommendation of the Secretary, the tree warden may apply measures of infestation control on public and private land to any trees, shrubs, or plants thereon harboring or which may harbor the threatening insect or disease pest. He or she may enter into~~

~~agreements with owners of such lands covering the control work on their lands, but the failure of the tree warden to negotiate with any owner shall not impair his or her right to enter on the lands of said owner to conduct recommended control measures, the cost of which shall be paid by the municipality.~~

\* \* \*

Sec. 3. 19 V.S.A. chapter 9, subchapter 1 is amended to read:

Subchapter 1. General Duties of Towns

§ 901. REMOVAL OF ROADSIDE GROWTH

Except for work that is part of the Transportation Program under section 10g of this title:

(1) A person shall not remove shade trees, as defined in 24 V.S.A. § 2501a, without prior approval of the tree warden pursuant to 24 V.S.A. chapter 67.

(2) A person, other than the abutting landowner or municipality, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of a state or town highway, without first having obtained the consent of the agency for state highways or the board of selectmen for town highways legislative body.

(3) A person, other than the Agency or the abutting landowner, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of lands subject to any ownership interest held by the Agency without first obtaining the Agency's written consent.

§ 902. PENALTY FOR REMOVAL

(a) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who willfully willfully or maliciously cuts, trims, removes, or otherwise damages trees within the limits of a State highway or municipal right-of-way shall be fined pursuant to 13 V.S.A. § 3602, unless the person has obtained prior written consent from the Agency, municipality, or tree warden.

(b) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who willfully or maliciously cuts, trims, removes, or otherwise damages grasses, shrubs, or vines, or trees within highway limits in violation of section 901 of this title shall be fined not more than \$100.00 nor less than \$10.00, for each offense, unless the person has obtained prior written consent from the Agency or municipality.

\* \* \*

§ 904. TREE AND BRUSH REMOVAL

The ~~selectmen~~ legislative body of a ~~town~~ municipality, ~~if necessary,~~ shall cause to be cut and burned, or removed from within the limits of the highways under their care, trees and bushes ~~which~~ that obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint. ~~Shade and fruit trees~~ Trees that have been set out or marked by the abutting landowners and shade trees that have been designated pursuant to 24 V.S.A. chapter 67 shall be preserved if the usefulness or safety of the highway is not impaired. Young trees standing at a proper distance from the roadbed and from each other, and banks and hedges of bushes that serve as a protection to the highway or add beauty to the roadside, shall be preserved. On ~~state~~ State highways, the ~~secretary~~ Secretary shall have the same authority as the ~~selectmen~~ legislative body.

\* \* \*

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

**( Committee Vote: 8-0-0)**

**H. 880**

An act relating to Abenaki place names on State park signs

**Rep. Howard of Rutland City**, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 2613 is added to read:

§ 2613. ABENAKI PLACE NAMES IN STATE PARKS

(a) The Commissioner, before installing new signs or replacing existing signs in a State park, shall consult with the Vermont Commission on Native American Affairs to determine if there is an Abenaki name for any site within the park. If the Commission on Native American Affairs advises the Commissioner of an Abenaki name, the Abenaki name shall be displayed with the English name.

(b) On or before July 1, 2025, all existing signs in State parks with Abenaki names shall be replaced to include the Abenaki name.

(c) The Commissioner shall adopt rules establishing a procedure for selecting spelling of the place name if there are multiple spellings provided by

the Commission on Native American Affairs.

## Sec. 2. LIST OF PLACES WITH ABENAKI NAMES

On or before January 15, 2021, the Vermont Commission on Native American Affairs shall prepare a list of places and landmarks with Abenaki names. The list shall state if there are multiple names or spelling variations for a place. The Commission shall present the list to the Commissioner of Forests, Parks and Recreation in order to facilitate the construction of signs as required under 10 V.S.A. § 2613. The Commission shall also determine if there are sites outside of State parks with Abenaki names that require new signs.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

**( Committee Vote: 10-0-1)**

### **H. 923**

An act relating to entering a vehicle without legal authority or consent

**Rep. Hashim of Dummerston**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3705 is added to read:

#### § 3705. UNLAWFUL TRESPASS

\* \* \*

(c) A person who knowingly enters the vehicle of another person without legal authority or the consent of the person in lawful possession of the vehicle shall be fined not more than \$250.00.

(d) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

~~(d)~~(e) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection (a) of this section if he or she is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and

the scope of his or her entrance onto the land or place of another is no more than necessary to effectuate the service of process.

Sec. 2. EFFECTIVE DATE

This act shall take effect July 1, 2020.

( Committee Vote: 8-0-2)

**Unfinished Business of Wednesday, March 25 2020**

**Committee Bill for Second Reading**

**H. 940**

An act relating to animal cruelty investigation response and training.

(Rep. Bartholomew of Hartland will speak for the Committee on Agriculture and Forestry.)

**Favorable with Amendment**

**H. 581**

An act relating to the funding of the Department of Fish and Wildlife

**Rep. Squirrel of Underhill**, for the Committee on Natural Resources, Fish, and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT WORKING GROUP ON WILDLIFE FUNDING;

REPORT

(a) Findings. The General Assembly finds that:

(1) It is the policy of the State that the Commissioner of Fish and Wildlife is required to safeguard the fish, wildlife, and fur-bearing animals of the State for all of the people of the State.

(2) The duties and responsibilities of the Department have grown since the days of focusing primarily on deer herd management and now include management of all wildlife species, including game and non-game; law enforcement; monitoring and restoring threatened and endangered species; habitat conservation; technical assistance; regulatory review; educational programs for hunters, youths, and teachers; public license sales; and management of grants issued or received by the Department.

(3) Since 1985, resident hunting license sales have decreased by 56 percent, resident trapping license sales have decreased by 51 percent, and resident fishing license sales have decreased by 25 percent.



(4) As a result of declining license and fee revenue, the General Assembly has increased and may need to further increase the amount of General Fund dollars annually appropriated to the Department of Fish and Wildlife.

(5) The need for increased funding of the Department will be heightened by the increased research, monitoring, and interventions required by new, contemporary, and well-documented challenges to all wildlife in Vermont, such as climate change, pollution, invasive species, and habitat degradation.

(6) To address declining license and permit fee revenue, the State must find stable, long-term revenue sources to pay for the costs of the Department of Fish and Wildlife conserving and managing fish, wildlife, and fur-bearing animals of the State and the natural systems upon which they depend for all of the people of the State.

(b) Creation of Working Group. Based on the findings set forth in subsection (a) of this section, there is created the Vermont Working Group on Wildlife Funding to identify potential sources of revenue to fund the Department of Fish and Wildlife for the next 20 years.

(c) Membership. The Vermont Working Group on Wildlife Funding shall be composed of the following members:

(1) three current members of the House of Representatives, who shall be appointed by the Speaker of the House and who shall include:

(A) the Chair of the Committee on Natural Resources, Fish, and Wildlife or designee;

(B) the Chair of the Committee on Appropriations or designee; and

(C) the Chair of the Committee on Government Operations or designee; and

(2) three current members of the Senate, who shall be appointed by the Committee on Committees and who shall include:

(A) the Chair of the Committee on Natural Resources and Energy or designee;

(B) the Chair of the Committee on Appropriations or designee; and

(C) a member of the Senate at large.

(d) Powers and duties. The Vermont Working Group on Wildlife Funding shall review and analyze the funding, management, and policies of the Department of Fish and Wildlife (Department) under statute and rule, and

shall:

(1) Assess how the principles and priorities for the conservation and management of fish, wildlife, and fur-bearing animals and the natural systems upon which they depend will impact sources and amounts of funding needed by the Department for the next 20 years. The assessment shall:

(A) address the stability of all current Department funding streams going forward;

(B) estimate revenues and identify new and existing revenue sources and other resources needed for new and additional programs at the Department; and

(C) consider equitability when evaluating potential revenue sources.

(2) Recommend how the Department can create and maintain stable and adequate funding for the next 20 years.

(e) Assistance. The Vermont Working Group on Wildlife Funding shall have the administrative, technical, and legal assistance of the Office of Legislative Council. The Working Group shall have the assistance of the Joint Fiscal Office on fiscal issues and the assistance of the Department of Fish and Wildlife on issues related to the jurisdiction of the Department.

(f) Report. On or before January 1, 2021, the Vermont Working Group on Wildlife Funding shall report to the House Committees on Natural Resources, Fish, and Wildlife, on Appropriations, and on Government Operations and the Senate Committees on Natural Resources and Energy, on Appropriations, and on Government Operations with its findings and any recommendations for legislative action.

(g) Meetings.

(1) The Office of Legislative Council shall call the first meeting of the Vermont Working Group on Wildlife Funding to occur on or before July 1, 2020.

(2) The Vermont Working Group on Wildlife Funding shall select a chair from among its members at the first meeting.

(3) A majority of the membership of the Vermont Working Group on Wildlife Funding shall constitute a quorum.

(4) The Vermont Working Group on Wildlife Funding shall cease to exist on February 1, 2021.

(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Vermont

Working Group on Wildlife Funding serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

( Committee Vote: 8-0-2)

**H. 607**

An act relating to increasing the supply of primary care providers in Vermont

**Rep. Christensen of Weathersfield**, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 9491 is amended to read:

§ 9491. HEALTH CARE WORKFORCE; STRATEGIC PLAN

(a) ~~The Director of Health Care Reform in the Agency of Human Services shall oversee the development of~~ maintain a current health care workforce development strategic plan that continues efforts to ensure that Vermont has the health care workforce necessary to provide care to all Vermont residents. ~~The Director of Health Care Reform may designate an entity responsible for convening meetings and for preparing the draft strategic plan. The Green Mountain Care Board established in chapter 220 of this title shall review the draft strategic plan and shall approve the final plan and any subsequent modifications.~~

(b)(1) ~~The~~ In maintaining the strategic plan, the Director or designee shall collaborate with the area health education centers, the State Workforce Development Board established in 10 V.S.A. § 541a, the Prekindergarten-16 Council established in 16 V.S.A. § 2905, the Department of Labor, the Department of Health, the Department of Vermont Health Access, and other interested parties to develop and maintain the plan consult with an advisory group composed of the following seven members, at least one of whom shall be a nurse, to develop and maintain the strategic plan:

(A) one representative of the Green Mountain Care Board's primary care advisory group;

(B) one representative of the Vermont State Colleges;

(C) one representative of the Area Health Education Centers'

workforce initiative;

(D) one representative of federally qualified health centers;

(E) one representative of Vermont hospitals;

(F) one representative of physicians; and

(G) one representative of long-term care facilities.

(2) The Director or designee shall serve as the chair of the advisory group.

(c) The Director of Health Care Reform shall ensure that the strategic plan includes recommendations on how to develop Vermont's health care workforce, including:

(1) the current capacity and capacity issues of the health care workforce and delivery system in Vermont, including the shortages of health care professionals, specialty practice areas that regularly face shortages of qualified health care professionals, issues with geographic access to services, and unmet health care needs of Vermonters;

(2) the resources needed to ensure that:

(A) the health care workforce and the delivery system are able to provide sufficient access to services given demographic factors in the population and in the workforce, as well as other factors;

(B) the health care workforce and the delivery system are able to participate fully in health care reform initiatives, including establishing a medical home for all Vermont residents through the Blueprint for Health pursuant to chapter 13 of this title and transitioning to electronic medical records; and

(C) all Vermont residents have access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care;

(3) how State government, universities and colleges, the State's educational system, entities providing education and training programs related to the health care workforce, and others may develop the resources in the health care workforce and delivery system to educate, recruit, and retain health care professionals to achieve Vermont's health care reform principles and purposes; and

(4) reviewing data on the extent to which individual health care professionals begin and cease to practice in their applicable fields in Vermont;

~~(5) identifying factors which either hinder or assist in recruitment or retention of health care professionals, including an examination of the processes for prior authorizations, and making recommendations for further improving recruitment and retention efforts;~~

~~(6)(3) assessing the availability of State and federal funds for health care workforce development.~~

~~(c) Beginning January 15, 2013, the Director or designee shall provide the strategic plan approved by the Green Mountain Care Board to the General Assembly and shall provide periodic updates on modifications as necessary. [Repealed.]~~

## Sec. 2. HEALTH CARE WORKFORCE STRATEGIC PLAN; REPORT

(a) The Director of Health Care Reform, in connection with the advisory group established pursuant to 18 V.S.A. § 9491(b) in Sec. 1 of this act, shall update the health care workforce strategic plan as set forth in 18 V.S.A. § 9491 and shall submit a draft of the plan to the Green Mountain Care Board for its review and approval on or before December 1, 2020. The Board shall review and approve the plan within 30 days following receipt.

(b) On or before January 15, 2021, the Director shall provide the updated health care workforce strategic plan to the House Committees on Health Care and on Commerce and Economic Development and the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs.

Sec. 3. 18 V.S.A. § 33 is added to read:

### § 33. MEDICAL STUDENTS; PRIMARY CARE

(a) The Department of Health, in collaboration with the Office of Primary Care and Area Health Education Centers Program at the University of Vermont College of Medicine (AHEC), shall establish a rural primary care physician scholarship program. The scholarships shall cover the medical school tuition for up to five third-year and up to five fourth-year medical students annually who commit to practicing primary care in a rural, health professional shortage or medically underserved area of this State. For each academic year of tuition covered by the scholarship, the recipient shall incur an obligation of two years of full-time service or four years of half-time service. Students receiving a scholarship for their third year of medical school shall be eligible to receive another scholarship for their fourth year of medical school. The amount of each scholarship shall be set at the in-state tuition rate less any other State or federal educational grant assistance the student receives for the same academic year.

(b) Approved specialties shall be all of the specialties recognized by the National Health Service Corps at the time of the scholarship award, which may include family medicine, internal medicine, pediatrics, obstetrics-gynecology, and psychiatry.

(c) A scholarship recipient who does not fulfill the commitment to practice primary care in accordance with the terms of the award shall be liable for repayment of the full amount of the scholarship, plus interest calculated in accordance with the formula determined by the National Health Service Corps for failure to complete a service obligation under that program.

Sec. 4. RURAL PRIMARY CARE PHYSICIAN SCHOLARSHIP  
PROGRAM; APPROPRIATION

(a) The sum of \$811,226.00 in Global Commitment investment funds is appropriated to the Department of Health in fiscal year 2021 for scholarships for medical students who commit to practicing in a rural, health professional shortage or medically underserved area of this State in accordance with 18 V.S.A. § 33.

(b) It is the intent of the General Assembly that scholarship funds to expand Vermont's primary care physician workforce should continue to be appropriated in future years to ensure that Vermonters have access to necessary health care services, preferably in their own communities.

Sec. 5. EDUCATIONAL ASSISTANCE; NURSING STUDENTS;  
APPROPRIATION

(a) The sum of \$1,381,276.00 in Global Commitment investment funds is appropriated to the Department of Health for additional scholarships for nursing students pursuant to the program established in 18 V.S.A. § 31, as redesignated by Sec. 7 of this act, and administered by the Vermont Student Assistance Corporation.

(b)(1) First priority for the scholarship funds shall be given to students pursuing a practical nursing certificate who will be eligible to sit for the NCLEX-PN examination upon completion of the certificate.

(2) Second priority for the scholarship funds shall be given to students pursuing an associate's degree in nursing who will be eligible to sit for the NCLEX-RN examination upon graduation.

(3) Third priority for the scholarship funds shall be given to students pursuing a bachelor of science degree in nursing.

(c) To be eligible for a scholarship under this section, applicants shall:

- (1) demonstrate financial need;
- (2) demonstrate academic capacity by carrying at least a 2.5 grade point average in their course of study prior to receiving the fund award; and
- (3) agree to work as a nurse in Vermont for a minimum of one year following licensure for each year of scholarship awarded.
- (d) Students attending an accredited postsecondary educational institution in Vermont shall receive first preference for scholarships.
- (e) There shall be no deadline to apply for a scholarship under this section. Scholarships shall be awarded on a rolling basis as long as funds are available, and any funds remaining at the end of fiscal year 2021 shall roll over and shall be available to the Department of Health in fiscal year 2022 for additional scholarships as described in this section.
- (f) It is the intent of the General Assembly that scholarship funds to expand Vermont's nursing workforce should continue to be appropriated in future years to ensure that Vermonters have access to necessary health care services, preferably in their own communities.

Sec. 6. 18 V.S.A. chapter 1 is amended to read:

CHAPTER 1. DEPARTMENT OF HEALTH; GENERAL PROVISIONS

Subchapter 1. General Provisions

§ 1. GENERAL POWERS OF DEPARTMENT OF HEALTH

\* \* \*

Subchapter 2. Health Care Professions; Educational Assistance

\* \* \*

Sec. 7. REDESIGNATIONS

(a) 18 V.S.A. § 10 (educational assistance; incentives; nurses) is redesignated to be 18 V.S.A. § 31 in 18 V.S.A. chapter 1, subchapter 2.

(b) 18 V.S.A. § 10a (loan repayment for health care providers and Health Care Educational Loan Repayment Fund) is redesignated to be 18 V.S.A. § 32 in 18 V.S.A. chapter 1, subchapter 2.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

and that after passage the title of the bill be amended to read: "An act relating to increasing the supply of nurses and primary care providers in Vermont"

( Committee Vote: 10-0-1)

**H. 656**

An act relating to miscellaneous agricultural subjects

**Rep. Fegard of Berkshire**, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Commercial Feed \* \* \*

Sec. 1. 6 V.S.A. § 324 is amended to read:

§ 324. REGISTRATION AND FEES

(a) No person shall manufacture a commercial feed in this State unless that person has first filed with the Vermont Agency of Agriculture, Food and Markets, in a form and manner to be prescribed by rules by the Secretary:

- (1) the name of the manufacturer;
- (2) the manufacturer's place of business;
- (3) the location of each manufacturing facility; and

(4) any other information ~~which~~ that the Secretary considers to be necessary.

(b) A person shall not distribute in this State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of \$105.00 per product. The registration fees, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

(c) No person shall distribute in this State any feed required to be registered under this chapter upon which the Secretary has placed a withdrawal from distribution order because of nonregistration. A surcharge of \$10.00, in addition to the registration fee required by subsection (b) of this section, shall accompany the application for registration of each product upon which a withdrawal from distribution order has been placed for reason of nonregistration, and must be received before removal of the withdrawal from distribution order.



(d) No person shall distribute a commercial feed product in the State that is labeled as bait or feed for white-tailed deer.

\* \* \* Livestock Management \* \* \*

Sec. 2. 6 V.S.A. § 768 is amended to read:

§ 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 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 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.

(4)(A) Maintain, subject to inspection by the Secretary of Agriculture, Food and Markets or his or her agent, a record 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. When not required under the requirements set forth in State and federal statute, the records required under this subdivision shall include:

(i) all livestock purchased, repossessed, sold, or loaned by a livestock dealer, transporter, or packer;

(ii) the complete name and address of the person from whom livestock was obtained and to whom delivered; and

(iii) the official individual identification number that is required to be applied to each livestock under the requirements of sections 1460, 1461, and 1461a of this title.

(B) For equine livestock, the requirements for the records to be maintained and the method of individual identification are set forth under chapter 102, subchapter 2 of this title.

(5) Abide by other reasonable rules that may be adopted by the Secretary of Agriculture, Food and Markets to prevent the spread of disease. A copy of all applicable rules 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.

Sec. 3. 6 V.S.A. § 1165 is amended to read:

§ 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 assessed to the person operating the captive deer operation from which the tested captive deer originated.

Sec. 4. 6 V.S.A. § 1461a is amended to read:

§ 1461a. INTRASTATE MOVEMENT

(a) ~~The Secretary of Agriculture, Food and Markets shall require~~ Except as provided under subsection (b) of this section, all livestock being transported within the State ~~to shall~~ 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)(1) 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.

(2) The Secretary, by procedure, may waive the requirements of subsection (a) for certain types or categories of intrastate transport of

livestock.

(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 and the offloading of livestock or poultry constitutes transport to a slaughter facility, regardless of whether the animals have been 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 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.

\* \* \* Apiaries \* \* \*

Sec. 5. 6 V.S.A. § 3023 is amended to read:

§ 3023. REGISTRATION; REPORT

(a) Registration. A person who is the owner of any bees, apiary, colony, or hive in the State shall register with the Secretary in writing on a form provided by the Secretary.

(b) Report. Annually the owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall submit a report to the Secretary that includes all of the following information:

(1) The location of all apiaries and number of colonies that the person owns. The location of an apiary shall become its registered location, provided that the apiary is located in accordance with the requirements of section 3034 of this title.

(2) Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location is to provide

pollination services and the colonies will be returned to a registered apiary. Hives from a registered apiary may be moved to another registered apiary without reregistering.

(3) Whether a serious disease was discovered within any hive or colony in a registered apiary.

(4) Whether the owner transported into the State any colonies or used equipment, except as authorized under subsection 3032(c) of this title.

(5) Whether the owner is engaged in the rearing of queen bees or any other bees for sale, if applicable.

(6) A current varroa mite and pest mitigation plan for each registered apiary.

(c) Notification of Secretary. The owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall notify the Secretary as soon as practicable of the detection within an apiary or hive of American foulbrood disease or other disease designated by the Secretary.

Sec. 6. 6 V.S.A. § 3025 is amended to read:

§ 3025. SECOND INSPECTION OF DISEASED COLONIES;

#### DESTRUCTION

The Secretary or his or her inspectors shall inspect all diseased apiaries a second time no less than 10 days after the first inspection. If the existence of disease within the apiary has been confirmed by a federal laboratory approved by the Secretary, the inspector may destroy any colonies of bees if he or she finds them not cured of such disease, or not treated or handled according to his or her instructions, together with honey combs, hives, or other equipment, without recompense to the owner thereof. This section shall not preclude an inspector from destroying diseased colonies at any time with the consent of the owner or his or her agent.

Sec. 7. 6 V.S.A. § 3028 is amended to read:

§ 3028. TRAFFIC IN BEES; INSPECTION; CERTIFICATION

A person engaged in the rearing of bees for sale shall have his or her apiary inspected by the Secretary prior to sale at least ~~twice during~~ once each summer season and, if any disease is found which is injurious to bees, shall at once cease to ship bees from such diseased apiary until the Secretary declares, in writing, such apiary free from all such diseases, and whenever the Secretary shall find the apiary rearing bees for sale free from disease, he or she shall furnish the owner with a certificate to that effect.

Sec. 8. 6 V.S.A. § 3032 is amended to read:

§ 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO  
THE STATE

(a) Except as provided under subsections (c) and (d) of this section, bees, used equipment, or colonies shall not be brought into the State of Vermont unless approved by the Secretary by permit. The Secretary shall not approve the import of bees, used equipment, or colonies from out of state unless accompanied by a valid certificate of inspection within the previous ~~60~~ 45 days from the state or country of origin stating that the bees, used equipment, or bee colonies are free from bee disease.

(b) Any person, other than a common carrier, who knowingly transports or causes to be transported used equipment or colonies to a point within this State shall provide the Secretary with ~~a copy of the certificate of inspection not more than 72 hours after an approved import permit and certificate of inspection~~ no less than 10 days prior to entry into this State.

(c) This section shall not apply to a shipment of bees, equipment, or colonies that originated outside the State and is destined for another point that is also located outside this State.

(d) The Secretary shall not require an import permit or a valid certificate of inspection under subsection (a) of this section for bees, used equipment, or colonies that:

(1) are registered in Vermont;

(2) were transported not more than 75 miles from the registered location of the owner of the bees or colonies; and

(3) are imported back into the State within ~~90~~ 30 days of the date of original transport.

Sec. 9. 6 V.S.A. § 3033 is amended to read:

§ 3033. SHIPPING BEES OR EQUIPMENT INTO ANOTHER STATE OR  
COUNTRY; APPLICATION FOR INSPECTION; EXPENSES;  
CERTIFICATE

(a) If an owner wishes to ship bees or equipment into another state or country he or she may apply to the Secretary for an inspection for ~~serious~~ bee diseases likely to prevent the acceptance of the bees or beekeeping equipment in the state or country.

(b) Upon receipt of the application, or as soon thereafter as may be

conveniently practicable, the Secretary shall comply with the request.

Sec. 10. 6 V.S.A. § 3034 is amended to read:

§ 3034. ESTABLISHING AN APIARY LOCATION

No person shall locate an apiary within two miles of an existing apiary registered to a different person, with the following exceptions:

- (1) a person may locate an apiary anywhere on his or her own property;
- (2) beekeepers with a total ownership of ten hives or less shall be exempt from this restriction;
- (3) existing apiaries so long as they are properly registered with the State are exempt;
- (4) a person may locate an apiary within two miles of another existing apiary provided the owner of the existing apiary gives written permission or the existing apiary has less than 15 hives; or
- (5) if a registered apiary of 15 or more hives should fall below and remain below 15 hives, anyone can petition the State and establish an apiary within two miles of the existing apiary provided the number of hives in the existing apiary stays below 15 for two years from the time of the petition. An apiary that loses the protection of the two-mile limit in this manner cannot be built back above the number of hives it had at the end of the two-year period.

\* \* \* Meat Inspection \* \* \*

Sec. 11. 6 V.S.A. § 3302 is amended to read:

§ 3302. DEFINITIONS

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

\* \* \*

(21) “Livestock” means any cattle, sheep, swine, goats, ~~domestic rabbits~~, horses, mules, or other equines, whether live or dead.

\* \* \*

(24) “Meat food product” and “meat product” mean any product capable of use as human food ~~which~~ that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, ~~domestic rabbits~~, or goats, excepting products ~~which~~ that are exempted from definition as a meat food product by the Secretary under conditions ~~which~~ that he or she may prescribe to assure that the meat or other portions of carcass contained in products are unadulterated and that products are not represented as meat food

products. This term as applied to food products of equines shall have a meaning comparable to that provided in this subdivision with respect to cattle, sheep, swine, ~~domestic rabbits~~, and goats.

\* \* \*

\* \* \* Agricultural Water Quality \* \* \*

Sec. 12. 6 V.S.A. §§ 4831 and 4832 are added to read:

§ 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

(a) The Secretary of Agriculture, Food and Markets is authorized to develop a Vermont critical source area seeding and filter strip program in addition to the federal Conservation Reserve Enhancement Program in order to compensate farmers for establishing and maintaining harvestable perennial vegetative grassed waterways and filter strips on agricultural cropland perpendicular and adjacent to the surface waters of the State, including ditches. Eligible acreage would include annually tilled cropland or a portion of cropland currently cropped as hay that will not be rotated into an annual crop for a 10-year period of time. Acreage that is currently managed as hay shall have a prior history of rotation as corn or other annual commodity crop.

(b) Incentive payments from the Agency of Agriculture, Food and Markets shall be made at the outset of a 10-year agreement to establish or maintain the acreage as harvestable grassed waterway or filter strip.

(c) The Secretary of Agriculture, Food and Markets may establish by procedure financial and technical criteria for the implementation and operation of the Vermont critical source area seeding and filter strip program.

(d) Land enrolled in the Vermont agricultural buffer program shall be considered to be in “active use” as that term is defined in 32 V.S.A. § 3752(15).

§ 4832. FARM AGRONOMIC PRACTICES PROGRAM

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

(1) conservation crop rotation;

(2) cover cropping;

(3) strip cropping;

(4) cross-slope tillage;

(5) zone or no-tillage;

(6) pre-sidedress nitrate tests;

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

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

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

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

(9) implementing alternative manure application techniques; and

(10) additional soil erosion reduction practices.

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

### Sec. 13. REPEALS

The following are repealed on July 1, 2020:

(1) 6 V.S.A. chapter 215, subchapter 6 (critical source area seeding and filter strip program); and

(2) 6 V.S.A. chapter 215, subchapter 7 (farm agronomic practices program).

### Sec. 14. 6 V.S.A. § 4871(d) is amended to read:

(d) Rulemaking; small farm certification. ~~On or before July 1, 2016, the~~ The Secretary of Agriculture, Food and Markets shall ~~adopt~~ maintain by rule requirements for a small farm certification of compliance with the ~~required agricultural practices~~ Required Agricultural Practices. The rules required by this subsection shall be adopted as part of the ~~required agricultural practices~~ Required Agricultural Practices under section 4810 of this title.

### Sec. 15. 6 V.S.A. § 4988 is amended to read:

§ 4988. CERTIFICATION OF CUSTOM APPLICATOR



(a) On or before July 1, 2016, as part of the revision of the ~~required agricultural practices~~ Required Agricultural Practices, the Secretary of Agriculture, Food and Markets shall adopt by rule a process by which a custom applicator shall be certified to operate within the State. The certification process shall require a custom applicator to complete eight hours of training over each five-year period regarding:

(1) application methods or techniques to minimize the runoff of land-applied manure or nutrients to waters of the State; and

(2) identification of weather or soil conditions that increase the risk of runoff of land-applied manure or nutrients to waters of the State.

\* \* \*

(d) The requirements of this section shall not apply to:

(1) an owner or operator of a farm applying manure or nutrients to a field that he or she owns or controls, ~~provided that the owner or operator has completed the agricultural water quality training required under section 4981 of this title;~~ or

(2) application of manure or nutrients by a farm owner or operator on a field of another farm owner or operator when the total annual volume applied is less than 50 percent of the annual manure or agricultural waste by volume generated on the farm where the manure is spread, provided that the Secretary may approve the application of more than 50 percent of the annual manure generated on a farm by another farm operator when circumstances require and application of the manure would not pose a significant potential of discharge or runoff to State waters.

(e) The Secretary may require any person applying manure under subsection (d)(2) of this section to comply with the requirement for certification of a custom applicator.

Sec. 16. 6 V.S.A. § 4817 is added to read:

§ 4817. MANAGEMENT OF NON-SEWAGE WASTE

(a) As used in this section:

(1) “Non-sewage waste” means any waste other than sewage that may contain organisms pathogenic to human beings but does not mean stormwater runoff.

(2) “Sewage” means waste containing human fecal coliform and other potential pathogenic organisms from sanitary waste and used water from any building, including carriage water and shower and wash water. “Sewage” shall

not mean stormwater runoff as that term is defined in 10 V.S.A. § 1264.

(b) The Secretary may require a person transporting or arranging for the transport of food substrates to a farm for deposit in a manure pit or for use as an input in a methane digester to report to the Secretary one or more of the following:

(1) the composition of the material transported, including the source of the material; and

(2) the volume of the material transported.

(c) After receipt of a report required under subsection (a), the Secretary may prohibit the import of food substrates onto a farm upon a determination that the import of the material would violate the nutrient management plan for the farm or otherwise present a threat to water quality.

\* \* \* Agricultural Development \* \* \*

Sec. 17. 9 V.S.A. § 2465a is amended to read:

§ 2465a. DEFINITION OF LOCAL, LOCAL TO VERMONT, AND  
LOCALLY GROWN OR MADE IN VERMONT

(a) As used in this section:

(1) “Eggs” means eggs that are the product of laying birds, including: chickens, turkeys, ducks, geese, or quail, and that are in the shell.

(2) “Majority of ingredients” means more than 50 percent of all product ingredients by volume, excluding water.

(3) “Processed food” means any food other than a raw agricultural product and includes a raw agricultural product that has been subject to processing, such as canning, cooking, dehydrating, milling, or the addition of other ingredients. Processed food includes dairy, meat, maple products, beverages, fruit, or vegetables that have been subject to processing, baked, or modified into a value-added or unique food product.

(4) “Raw agricultural product” means any food in its raw or natural state without added ingredients, including pasteurized or homogenized milk, maple sap or syrup, honey, meat, eggs, apple cider, and fruits or vegetables that may be washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(5) “Substantial period of its life” means an animal that was harvested in Vermont and lived in Vermont for at least one third of its life or one year.

(6) “Unique food product” means food processed in Vermont from

ingredients that are not regularly produced in Vermont or not available in sufficient quantities to meet production requirements.

(b) For the purposes of this chapter and rules adopted pursuant to subsection 2453(c) of this chapter, “local,” “local to Vermont,” “locally grown or made in Vermont,” and any substantially similar term shall mean that the goods being advertised originated within Vermont or 30 miles of the place where they are sold, measured directly, point to point, except that the term “local” may be used in conjunction with a specific geographic location, such as “local to New England,” or a specific mile radius, such as “local within 100 miles,” as long as the specific geographic location or mile radius appears as prominently as the term “local,” and the representation of origin is accurate have the following meaning based on the type of food or food product:

(1) For products that are raw agricultural products, “local to Vermont” means the product:

(A) was exclusively grown or tapped in Vermont;

(B) is not milk and was derived from an animal that was raised for a substantial period of its lifetime in Vermont;

(C) is milk where a majority of the milk was produced from Vermont animals; or

(D) is honey produced by Vermont colonies located exclusively in Vermont when all nectar was collected.

(2) Except as provided in subdivision (3) of this subsection, for products that are processed foods, “local to Vermont” means:

(A) the majority of the ingredients are raw agricultural products that are local to Vermont; and

(B) the product meets one or both of the following criteria:

(i) the product was processed in Vermont; or

(ii) the headquarters of the company that manufactures the product is located in Vermont.

(3) For bakery products, beverages, or unique food products, the product meets two or more of the following criteria:

(A) the majority of the ingredients are raw agricultural products that are local to Vermont;

(B) substantial transformation of the ingredients in the product occurred in Vermont; or

(C) the headquarters of the company that manufactures the product is located in Vermont.

(c) For the purposes of this chapter and rules adopted pursuant to subsection 2453(c) of this chapter, when referring to products other than food, “local” and any substantially similar term shall mean that the goods being advertised originated within Vermont.

(d) For the purposes of this chapter and rules adopted under subsection 2453(c) of this title, “local,” “locally grown or made,” and substantially similar terms may be used in conjunction with a specific geographic location provided that the specific geographic location appears as prominently as the term “local” and the representation of origin is accurate. If a local representation refers to a specific city or town, the product shall have been grown or made in that city or town. If a local representation refers to a region with precisely defined political boundaries, the product shall have been grown or made within those boundaries. If a local representation refers to a region that is not precisely defined by political boundaries, then the region shall be prominently described when the representation is made, or the product shall have been grown or made within 30 miles of the point of sale, measured directly point to point.

(e) A person or company who sells or markets food or goods impacted by a change in this section shall have until January 1, 2021 to utilize existing product labels or packaging materials and to come into compliance with the requirements of this section.

\* \* \* Weights and Measures \* \* \*

Sec. 18. 9 V.S.A. § 2635 is amended to read:

§ 2635. GENERAL TESTING

(a) When not otherwise provided by law, the Secretary may inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. The Secretary shall, within a 12-month period, or more or less frequently as deemed necessary, inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or of count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or of count. However, with respect to single-service devices—that is, devices designed to be used commercially only once and to be then discarded—and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, tests

may be made on representative samples of those devices; and the lots of which those samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on those samples.

(b) Upon request by the Secretary, the owner or person responsible for a weighing or measuring device subject to the requirements of this chapter shall make the device available for inspection during that business's normal operating hours and shall provide reasonable assistance as determined by the Secretary to complete the inspection.

Sec. 19. 9 V.S.A. § 2770 is added to read:

§ 2770. ADMINISTRATIVE PENALTIES; LICENSE SUSPENSION

(a) In addition to other penalties provided by law, the Secretary may assess administrative penalties under 6 V.S.A. § 15 for each violation of this chapter. Each violation may be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof may be deemed a separate and distinct offense.

(b) After notice and opportunity for hearing, the Secretary may suspend or revoke a license issued under this chapter for any violation of this chapter.

\* \* \* Vermont Agricultural Credit Program; Agritourism \* \* \*

Sec. 20. 10 V.S.A. § 374b(8) is amended to read:

(8) "Farm operation" shall mean the cultivation of land or other uses of land for the production of food, fiber, horticultural, silvicultural, orchard, maple syrup, Christmas trees, forest products, or forest crops; the raising, boarding, and training of equines, and the raising of livestock; or any combination of the foregoing activities. "Farm operation" also ~~includes~~ means the storage, preparation, retail sale, and transportation of agricultural or forest commodities accessory to the cultivation or use of such land. "Farm operation" also shall mean the operation of an agritourism business on a farm subject to regulation under the Required Agricultural Practices.

\* \* \* Feral Swine \* \* \*

Sec. 21. 10 V.S.A. § 4709 is amended to read:

§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING OF WILD ANIMALS; POSSESSION OF WILD BOAR OR FERAL SWINE

(a) A person shall not bring into, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind,

including any manner of feral swine, without authorization from the Commissioner or his or her designee. The importation permit may be granted under such regulations therefor as the Commissioner shall prescribe and only after the Commissioner has made such investigation and inspection of the birds or animals as she or he may deem necessary. The Department may dispose of unlawfully possessed or imported wildlife as it may judge best, and the State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) No person shall bring into the State from another country, state, or province wildlife illegally taken, transported, or possessed contrary to the laws governing the country, state, or province from which the wildlife originated.

(c) No person shall place a Vermont-issued tag on wildlife taken outside the State. No person shall report big game in Vermont when the wildlife is taken outside the State.

(d) Nothing in this section shall prohibit the Commissioner or duly authorized agents of the Department of Fish and Wildlife from bringing into the State for the purpose of planting, introducing, or stocking or from planting, introducing, or stocking in the State any wild bird or animal.

(e) Applicants shall pay a permit fee of \$100.00.

(f)(1) The Commissioner shall not issue a permit under this section for the importation or possession of the following live species, a hybrid or genetic variant of the following species, offspring of the following species, or offspring or a hybrid of a genetically engineered variant of the following species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old world swine, razorback, Eurasian wild boar, or Russian wild boar (Sus scrofo Linnaeus). A feral swine is:

(A) a domestic pig that is outside of an enclosure for more than 96 hours and is free roaming on public or private land;

(B) an animal that exhibits at least one of the following skeletal characteristics:

(i) skull characteristics of an elongated snout or sloping appearance with little or no stop at the eye line;

(ii) a shoulder structure with a steep or predominate ridge along the back appearance, known as a razorback;

(iii) hindquarters proportionally smaller than the forequarters lacking natural muscling found in commercial species; or

(iv) visible tusks; or

(C) an animal that is genetically determined to be a Eurasian wild boar or Eurasian wild boar-domestic pig hybrid as characterized with an appropriate genome-wide molecular tool by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to be a feral swine hybrid based on results of genetic testing conducted at the National Wildlife Research Center.

(2) The definition of feral swine under subdivision (1) of this subsection shall not include feral swine collared and used by State or federal wildlife damage management entities, such as the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, to determine the location of free-ranging feral swine.

(3) This subsection shall not apply to the domestic pig (*Sus domesticus*) involved in domestic hog production and shall not restrict or limit the authority of the Secretary of Agriculture, Food and Markets to regulate the importation or possession of the domestic pig as livestock or as a domestic animal under Title 6 of the Vermont Statutes Annotated.

(4) Any feral swine may be removed or destroyed by the Department; the Agency of Agriculture, Food and Markets or a designee; or the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services. The Department shall notify the Agency of Agriculture, Food and Markets prior to removal of or destruction of the feral swine.

(5) The Department shall notify the Agency of Agriculture, Food and Markets of the disposition of feral swine.

(6) Any person who kills a feral swine in Vermont shall report to a State game warden and shall present the carcass to the State game warden within 24 hours.

(7) The State or its designee shall not be liable for damages or claims associated with the removal or destruction of feral swine provided that the actions of the State agents or designees are reasonable. The removal or destruction of feral swine shall be deemed reasonable where:

(A) the Department has acted in accordance with subdivision (4) of this subsection (f); and

(B) the Department determines that the swine:

(i) is a threat to public safety;

(ii) has harmed or posed a threat to any person or domestic animal;

(iii) has damaged private or public property; or

(iv) has damaged or is damaging natural resources, including wetlands; vernal pools; wildlife and their habitats; rare and irreplaceable natural areas; or rare, threatened, or endangered species; or

(v) the Department determines that the swine constitutes or could establish a breeding feral swine population in Vermont. The Department shall consult with U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services and the Agency of Agriculture, Food and Markets in making this determination.

Sec. 22. 13 V.S.A. § 351b is amended to read:

§ 351b. SCOPE OF SUBCHAPTER

This subchapter shall not apply to:

(1) activities regulated by the Department of Fish and Wildlife pursuant to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance with 10 V.S.A. § 4709(f);

(2) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;

(3) livestock and poultry husbandry practices for raising, management, and use of animals;

(4) veterinary medical or surgical procedures; and

(5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

Sec. 23. 20 V.S.A. § 3350 is added to read:

§ 3350. THE DISPOSITION OF FERAL SWINE

(a) The General Assembly finds that feral swine, as defined in 10 V.S.A. § 4709, have the potential for spreading serious disease to domestic livestock, may cause devastating destruction to natural ecosystems, and pose a threat to human health and safety.

(b) In light of the potential impacts of feral swine, and notwithstanding the provisions of law in this chapter, the Department of Fish and Wildlife may destroy or euthanize a feral swine in accordance with the requirements of 10 V.S.A. § 4709(f).

(c) The exercise by the Department of Fish and Wildlife of the authority under 10 V.S.A. § 4709(f) shall not prevent any person from pursuing or collecting the remedies set forth in this chapter.

\* \* \* Payment for Ecosystem Services and Soil Health Working Group \* \* \*

Sec. 24. 2019 Act and Resolves No. 83, Sec. 3 is amended to read:



Sec. 3. ~~SOIL CONSERVATION PRACTICE AND PAYMENT FOR~~  
ECOSYSTEM SERVICES AND SOIL HEALTH WORKING  
GROUP

(a) ~~The Secretary of Agriculture, Food and Markets shall convene a Soil Conservation Practice and Payment for Ecosystem Services and Soil Health Working Group~~ is established to recommend financial incentives designed to encourage farmers in Vermont to implement agricultural practices that exceed the requirements of 6 V.S.A. chapter 215 and that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters. The Working Group shall:

(1) identify agricultural standards or practices that farmers can implement that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff to waters;

(2) recommend existing financial incentives available to farmers that could be modified or amended to incentivize implementation of the agricultural standards identified under subdivision (1) of this subsection or incentivize the reclamation or preservation of wetlands and floodplains;

(3) propose new financial incentives, including a source of revenue, for implementation of the agricultural standards identified under subdivision (1) of this subsection if existing financial incentives are inadequate or if the goal of implementation of the agricultural standards would be better served by a new financial incentive; and

(4) recommend legislative changes that may be required to implement any financial incentive recommended or proposed in the report.

(b) ~~The Soil Conservation Practice and Payment for Ecosystem Services and Soil Health Working Group~~ shall consist of persons with knowledge or expertise in agricultural water quality, soil health, economic development, or agricultural financing. The Secretary of Agriculture, Food and Markets shall appoint the members that are not ex officio members. The Working Group shall include the following members:

(1) the Secretary of Agriculture, Food and Markets or designee;

(2) the Secretary of Natural Resources or designee;

(3) a representative of the Vermont Housing and Conservation Board;

(4) a member of the former Dairy Water Collaborative;

(5) two persons representing farmer's watershed alliances in the State;

- (6) a representative of the Natural Resources Conservation Council;
- (7) a representative of the Gund Institute for Environment of the University of Vermont;
- (8) a representative of the University of Vermont (UVM) Extension;
- (9) two members of the Agricultural Water Quality Partnership;
- (10) a representative of small-scale, diversified farming; and
- (11) a member of the Vermont Healthy Soils Coalition;
- (12) a person engaged in farming other than dairy farming;
- (13) a representative of an environmental organization with a statewide membership that has technical expertise or fundraising experience;
- (14) an agricultural economist from a university or other relevant organization within the State;
- (15) an ecosystem services specialist from UVM Extension; and
- (16) a soil scientist.

(c)(1) The Secretary of Agriculture, Food and Markets or designee shall be the Chair of the Working Group, and the representative of the Vermont Housing and Conservation Board shall be the Vice Chair.

(2) A majority of the membership of the Working Group shall constitute a quorum.

(3) The Working Group shall have the administrative, technical, and legal assistance of the Agency of Agriculture, Food and Markets.

(4) The Working Group shall cease to exist on February 1, 2022.

(d) On or before January 15, ~~2020~~ 2022, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry a report ~~including the findings and recommendations of the Soil Conservation Practice and Payment for Ecosystem Services Working Group regarding financial incentives designed to encourage farmers in Vermont to implement agricultural practices that improve soil health, enhance crop resilience, and reduce agricultural runoff to waters that shall include:~~

(1) a recommended payment for ecosystem services approach the State should pursue that benefits water quality, flood resilience, and climate stability, including ecosystem services to prioritize and capital or funding sources available for payments;

(2) a recommended definition of healthy soils, a recommended method or systems for measuring soil health and other indicators of ecosystem health, and a recommended tool for modeling and monitoring soil health;

(3) a recommended price, supported by evidence or other justification, for a unit of soil health or other unit of ecosystem service or benefit provided;

(4) proposed eligibility criteria for persons participating in the program;

(5) proposed methods for incorporating the recommended payment for ecosystem services approach into existing research and funding programs;

(6) an estimate of the potential future benefits of the recommended payment for ecosystem services approach, including the projected duration of the program;

(7) an estimate of the cost to the State to administer the recommended payment for ecosystem services approach; and

(8) proposed funding or sources of funds to implement and operate the recommended payment for ecosystem services approach.

(e) The Working Group may seek grants or funding other than annual appropriation in order to further the work of the Working Group.

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

#### Sec. 25. EFFECTIVE DATES

(a) This section, Sec. 17 (local food), and Sec. 24 (Payment for Ecosystem Services and Soil Health Working Group) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2020.

**( Committee Vote: 8-0-0)**

**Amendment to be offered by Rep. Fegard of Berkshire to H. 656**

That the bill be amended as follows:

First: In Sec. 16, 6 V.S.A. § 4817, in subsections (b) and (c), by striking out the term “food substrates” where it appears and inserting in lieu thereof the term “non-sewage waste”

Second: By striking out Sec. 25 and its reader assistance heading in their entireties and inserting in lieu thereof the following:

\* \* \* Hemp 2020 Growing Season \* \* \*

#### Sec. 25. 2020 HEMP GROWING SEASON

(a) The General Assembly finds that:

(1) the federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec. 7606, codified at 7 U.S.C. § 5940, authorizes states subject to certain requirements to implement agricultural pilot programs for the growing, cultivation, and marketing of industrial hemp, notwithstanding restrictions under the federal Controlled Substances Act;

(2) in Section 10113 of the Agricultural Improvement Act of 2018, Pub. L. No. 115-334, codified at 7 U.S.C. §§ 1639 (o)–(s), Congress authorized the growing, cultivation, and marketing of industrial hemp under U.S. Department of Agriculture-approved state programs and not as agricultural pilot programs;

(3) the Agricultural Improvement Act of 2018, however, authorized states operating an agricultural pilot program for industrial hemp to continue operating the agricultural pilot program until October 31, 2020;

(4) Vermont operates an agricultural pilot program for industrial hemp, but 2019 Acts and Resolves No. 44 amended 6 V.S.A. chapter 34 to provide that the State Hemp Program shall operate under the Agricultural Improvement Act of 2018;

(5) Vermont’s State Hemp Program has not yet been federally approved for operation under the Agricultural Improvement Act of 2018; and

(6) to clarify the authority and requirements for the cultivation and processing of industrial hemp during the 2020 growing season, the General Assembly should authorize hemp to be grown in the State under the terms and requirements of the State agricultural pilot program for hemp and not under the requirements of the Agricultural Improvement Act of 2018.

(b)(1) Notwithstanding the provisions of 6 V.S.A. chapter 34 that provide that Vermont shall operate the State Hemp Program under the Agricultural Improvement Act of 2018, the Secretary of Agriculture, Food and Markets may, during the 2020 growing season for hemp, continue to operate an agricultural pilot program for hemp as authorized by and in compliance with 7 U.S.C. § 5940.

(2) If the Secretary of Agriculture, Food and Markets operates an agricultural pilot program for hemp during the 2020 hemp growing season, the program shall not be subject to the terms of Section 10113 of the Agricultural Improvement Act of 2018, Pub. L. No. 115-334, and shall not be subject to any provision of 6 V.S.A. chapter 34 that requires compliance with the Agricultural Improvement Act of 2018. Under an agricultural pilot program, a grower or processor of hemp during the 2020 growing season shall comply with the federal requirements for the cultivation and processing of hemp

established by the Agricultural Act of 2014 as codified at 7 U.S.C. § 5940 until the 2020 crop is sold and is no longer in the possession of a grower or processor.

(c) Notwithstanding any provision of State law to the contrary and notwithstanding the scheduled repeal of 7 U.S.C. § 5940 on October 31, 2020, a person shall not be in violation of the requirements of 6 V.S.A. chapter 34 if he or she grows or cultivates hemp during the 2020 hemp season or markets hemp grown during the 2020 hemp season in compliance with the terms established by the federal Agricultural Act of 2014.

\* \* \* Hemp Seed Program \* \* \*

Sec. 26. 6 V.S.A. § 571 is added to read:

§ 571. HEMP SEED; LABELING; STANDARDS

(a) A person shall not sell, offer for sale, expose for sale, transport for sale, or distribute in the State hemp seed that:

(1) is not labeled in accordance with the requirements of this section or rules adopted by the Secretary;

(2) fails to meet germination standards, feminized seed claims, or other claims made on the label or in an advertisement or provides false or misleading information on a label or in an advertisement;

(3) fails to meet certification standards if standards have been adopted by the Secretary by rule; or

(4) consists of or contains prohibited noxious weed seeds, as that term is defined in section 641 of this title.

(b) Hemp seed sold, offered for sale, exposed for sale, transported for sale, or distributed in the State shall have a label attached to the bag or container in which the seed is sold, offered for sale, exposed for sale, transported for sale, or distributed. The label shall contain the following information:

(1) the name and kind of each hemp seed present in excess of five percent of the whole percentage by weight;

(2) the origin state or foreign country of the hemp seed;

(3) whether the hemp seed was certified by a state or foreign country;

(4) the percentage by weight of any weed seeds in the container or bag;

(5) the percentage by weight of inert matter in the container or bag;

(6) the percentage of feminized seed;

(7) the percentage of germination of the seed;

(8) the date the seed was packed or packaged; and

(9) the name and address of the person who labeled the hemp seed or who sells, offers for sale, exposes for sale, or distributes the hemp seed in the State.

(c) The Secretary may issue a stop sale order for the violation of the requirements of this section or rules adopted by the Secretary under this chapter. The sale, processing, and movement of any seed subject to a stop sale order is prohibited until the Secretary issues a release from the stop sale order.

(d) A violation of this section or rules adopted by the Secretary under this chapter shall be subject to an administrative penalty under section 569 of this title.

(e)(1) A person injured or damaged by a violation of this section or a rule adopted by the Secretary under this chapter regarding the sale, offer for sale, exposure for sale, transport for sale, or distribution of hemp seed in the State may bring an action for equitable relief or damages arising from the violation.

(2) The cause of action authorized under this section is in addition to any common law or statutory remedies otherwise available and does not amend or conflict with the powers and authority of the Agency of Agriculture, Food and Markets.

(f) The Secretary may conduct inspections and otherwise enforce requirements for the sale or distribution of hemp seed established under this chapter according to the Secretary's general authority to regulate seed under chapter 35 of this title, provided that the Secretary shall issue any penalty for the violation of the requirements of this chapter under the provisions of this chapter or rules adopted under this chapter.

Sec. 27. 6 V.S.A. § 566 is amended to read:

#### § 566. RULEMAKING AUTHORITY

(a) The Secretary may adopt rules to provide for the implementation of this chapter and the Program authorized under this chapter, which may include rules to:

(1) require hemp to be tested during growth for tetrahydrocannabinol levels;

(2) authorize or specify the method or methods of testing hemp, including, where appropriate, the ratio of cannabidiol to tetrahydrocannabinol levels or a taxonomic determination using genetic testing;

(3) require inspection and supervision of hemp during sowing, growing season, harvest, storage, and processing; and

(4) require labels or label information for hemp products in order to provide consumers with product content or source information or to conform with federal requirements;

(5) establish certification requirements for hemp seed sold or distributed in the State; and

(6) require disclosure or labeling of the amount of cannabinoid known to be present in hemp seed sold or distributed in the State.

(b) The Secretary shall adopt rules establishing how the Agency of Agriculture, Food and Markets will conduct research within the Program for industrial hemp.

(c) The Secretary shall adopt rules establishing requirements for the registration of processors of hemp and hemp-infused products.

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

#### Sec. 28. EFFECTIVE DATES

(a) This section, Sec. 17 (local food), Sec. 24 (payment for ecosystem services and Soil Health Working Group), and Sec. 25 (2020 hemp growing season) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2020.

#### **Favorable**

#### **H. 942**

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

**(Rep. McCormack of Burlington** will speak for the Committee on Transportation.)

**Rep. Helm of Fair Haven**, for the Committee on Appropriations, recommends the bill ought to pass.

**( Committee Vote: 11-0-0)**

#### **Unfinished Business of Monday, May 11, 2020**

#### **Third Reading**

#### **H. 948**

An act relating to temporary municipal proceedings provisions in response to

the COVID-19 outbreak

**Amendment offered by Reps. Donahue of Northfield and Anthony of Barre City to H. 948**

Representatives Donahue of Northfield and Anthony of Barre City move that bill be amended in Sec. 1 (municipal quasi-judicial proceedings), in subsection (b), immediately following the period, by inserting “If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the Board shall conduct the inspection. The property inspection may be conducted through electronic means.”

**NEW BUSINESS**

**Committee Bill for Second Reading**

**H. 951**

An act relating to the municipal emergency statewide education property tax borrowing program.

(Rep. Townsend of South Burlington will speak for the Committee on Appropriations.)

**Amendment to be offered by Reps. Conquest of Newbury, Fagan of Rutland City, Helm of Fair Haven, Hooper of Montpelier, Jessup of Middlesex, Lanpher of Vergennes, Myers of Essex, Toll of Danville, Townsend of South Burlington, and Yacovone of Morristown to H. 951**

Representatives Conquest of Newbury, Fagan of Rutland City, Feltus of Lyndon, Helm of Fair Haven, Hooper of Montpelier, Jessup of Middlesex, Lanpher of Vergennes, Myers of Essex, Toll of Danville, Townsend of South Burlington, and Yacovone of Morristown move that the bill be amended in Sec. 1, Municipal Emergency Statewide Education Property Tax Borrowing Program, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof the following:

(1) “Municipality” means a city, town, incorporated village, the unorganized towns and gores of Essex County, and Buel’s Gore.

**NOTICE CALENDAR**

**Favorable**

**S. 343**

An act relating to delaying special education changes due to the COVID-19 state of emergency

**Rep. Cupoli of Rutland City**, for the Committee on Education,



recommends that the bill ought to pass in concurrence.

**(Committee Vote: 11-0-0)**

**Rep. Conquest of Newbury**, for the Committee on Appropriations, recommends that the bill ought to pass in concurrence.

**(Committee Vote: 10-0-1)**

**(For text, see Senate Journal April 27, 2020, page 3221 )**