

Journal of the House

Wednesday, February 20, 2019

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. William Wick, Norwich University Chaplain, Northfield, VT.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 279

By Reps. Leffler of Enosburgh, Gregoire of Fairfield, Hashim of Dummerston, Martel of Waterford, Morrissey of Bennington, Quimby of Concord, Savage of Swanton, Sibia of Dover and Smith of Derby,

House bill, entitled

An act relating to illuminating vehicle lights while windshield wipers are in use;

To the committee on Transportation.

H. 280

By Reps. Marcotte of Coventry and Page of Newport City,

House bill, entitled

An act relating to inspection and licensure of short-term rentals;

To the committee on General, Housing, and Military Affairs.

H. 281

By Reps. Cina of Burlington, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Gonzalez of Winooski, Haas of Rochester, Kornheiser of Brattleboro and Ralph of Hartland,

House bill, entitled

An act relating to the persons authorized to make contributions to candidates and political parties;

To the committee on Government Operations.

H. 282

By Reps. Rachelson of Burlington, Cina of Burlington, Colburn of Burlington, Gonzalez of Winooski, McCullough of Williston and Till of Jericho,

House bill, entitled

An act relating to integration of Vermont's inmate population into the State's health care reform initiatives;

To the committee on Corrections and Institutions.

H. 283

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to penalties for animal cruelty offenses;

To the committee on Judiciary.

H. 284

By Reps. Colburn of Burlington, LaLonde of South Burlington, Christie of Hartford, Cina of Burlington, Gonzalez of Winooski, Hashim of Dummerston, Rachelson of Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to data collection in the criminal justice system;

To the committee on Judiciary.

H. 285

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to supervisory union assessments and ballot language;

To the committee on Education.

H. 286

By Reps. Gonzalez of Winooski and Colston of Winooski,

House bill, entitled

An act relating to approval of amendments to the charter of the Winooski Incorporated School District;

To the committee on Government Operations.

H. 287

By Reps. LaLonde of South Burlington and Donahue of Northfield,
House bill, entitled
An act relating to small probate estates;
To the committee on Judiciary.

H. 288

By Rep. LaLonde of South Burlington,
House bill, entitled
An act relating to the Revised Uniform Arbitration Act;
To the committee on Judiciary.

H. 289

By Rep. Rachelson of Burlington,
House bill, entitled
An act relating to the sale of shell eggs;
To the committee on Agriculture and Forestry.

H. 290

By Reps. Stevens of Waterbury, Anthony of Barre City, Birong of Vergennes, Burke of Brattleboro, Chase of Colchester, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Gonzalez of Winooski, Hashim of Dummerston, Killacky of South Burlington, Kornheiser of Brattleboro, McCarthy of St. Albans City, Notte of Rutland City, Potter of Clarendon and Rachelson of Burlington,

House bill, entitled

An act relating to providing a deduction for student loan payments made by an employer;

To the committee on Ways and Means.

H. 291

By Reps. Scheuermann of Stowe, Mattos of Milton, Morrissey of Bennington, Strong of Albany and Toof of St. Albans Town,

House bill, entitled

An act relating to excluding reinvested capital gains from Vermont's income tax;

To the committee on Ways and Means.

H. 292

By Reps. Gannon of Wilmington and Pajala of Londonderry,

House bill, entitled

An act relating to town banners over highway rights-of-way;

To the committee on Government Operations.

H. 293

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to casino gaming;

To the committee on General, Housing, and Military Affairs.

H. 294

By Rep. Haas of Rochester,

House bill, entitled

An act relating to making civics a requirement for high school graduation;

To the committee on Education.

H. 295

By Reps. Gregoire of Fairfield, Dickinson of St. Albans Town, McFaun of Barre Town, Page of Newport City, Savage of Swanton and Toof of St. Albans Town,

House bill, entitled

An act relating to increasing the term of office for the clerk and treasurer of a union school district and a unified union district;

To the committee on Education.

H. 296

By Reps. Chesnut-Tangerman of Middletown Springs, Hill of Wolcott and Ralph of Hartland,

House bill, entitled

An act relating to creating the Self-Employment Assistance Program;

To the committee on Commerce and Economic Development.

H. 297

By Reps. Strong of Albany, Batchelor of Derby, Gamache of Swanton, Gregoire of Fairfield, Morrissey of Bennington and Quimby of Concord,

House bill, entitled

An act relating to protecting students from bullying;

To the committee on Education.

H. 298

By Reps. Scheuermann of Stowe, Beck of St. Johnsbury, Gannon of Wilmington, Hooper of Randolph, Mattos of Milton, Morrissey of Bennington, Murphy of Fairfax, Nicoll of Ludlow, Pajala of Londonderry, Sibia of Dover, Strong of Albany, Toof of St. Albans Town and Yantachka of Charlotte,

House bill, entitled

An act relating to the creation of the Tourism Marketing Promotion Fund;

To the committee on Commerce and Economic Development.

H. 299

By Reps. Gannon of Wilmington, Burke of Brattleboro, Carroll of Bennington, Kitzmiller of Montpelier and Sullivan of Dorset,

House bill, entitled

An act relating to municipal regulation of single-use plastic bags;

To the committee on Natural Resources, Fish, and Wildlife.

H. 300

By Reps. Marcotte of Coventry, Bancroft of Westford, Batchelor of Derby, Brumsted of Shelburne, Burke of Brattleboro, Carroll of Bennington, Dolan of Waitsfield, Hooper of Randolph, Hooper of Burlington, Jerome of Brandon, Kimbell of Woodstock, Kornheiser of Brattleboro, O'Sullivan of Burlington, Ode of Burlington, Ralph of Hartland, Redmond of Essex and Sullivan of Dorset,

House bill, entitled

An act relating to education and training for probation and parole officers;

To the committee on Corrections and Institutions.

Joint Resolution Adopted in Concurrence**J.R.S. 16**

By Senator Ashe,

J.R.S. 16. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 22, 2019, it be to meet again no later than Tuesday, February 26, 2019.

Was taken up, read and adopted in concurrence.

Second Reading; Bill Amended; Third Reading Ordered

H. 79

Rep. O'Brien of Tunbridge, for the committee on Agriculture and Forestry, to which had been referred House bill, entitled

An act relating to eligibility for farm-to-school grant assistance

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 4721 is amended to read:

§ 4721. LOCAL FOODS GRANT PROGRAM

(a) There is created in the Agency of Agriculture, Food and Markets the Roza McLaughlin Farm-to-School Program to execute, administer, and award local grants for the purpose of helping Vermont schools develop farm-to-school programs that will sustain relationships with local farmers and producers, enrich the educational experience of students, improve the health of Vermont children, and enhance Vermont's agricultural economy.

(b) A school, a school district, a consortium of schools, a consortium of school districts, ~~or a registered or licensed child care providers~~ provider, or an organization administering or assisting the development of farm-to-school programs may apply to the Secretary of Agriculture, Food and Markets for a grant award to:

(1) fund equipment, resources, training, and materials that will help to increase use of local foods in child nutrition programs;

(2) fund items, including local food products, gardening supplies, field trips to farms, gleaning on farms, and stipends to visiting farmers, that will help educators to use hands-on educational techniques to teach children about nutrition and farm-to-school connections;

(3) fund professional development and technical assistance, in partnership with the Agency of Education and farm-to-school technical service providers, to help teachers, child nutrition personnel, organizations administering or assisting the development of farm-to-school programs, and members of the farm-to-school community educate students about nutrition

and farm-to-school connections and assist schools and licensed or registered child care providers in developing a farm-to-school program; and

(4) fund technical assistance or support strategies to increase participation in federal child nutrition programs that increase the viability of sustainable meal programs.

(c) The Secretaries of Agriculture, Food and Markets and of Education and the Commissioner of Health, in consultation with farmers, child nutrition staff, educators, organizations administering or assisting the development of farm-to-school programs, and farm-to-school technical service providers jointly shall adopt procedures relating to the content of the grant application and the criteria for making awards.

(d) The Secretary shall determine that there is significant interest in the school community before making an award and shall give priority consideration to schools, school districts, and registered or licensed child care providers that are developing farm-to-school connections and education, that indicate a willingness to make changes to their child nutrition programs to increase student access and participation, and that are making progress toward the implementation of the Vermont School Wellness Policy Guidelines developed by the Agency of Agriculture, Food and Markets, the Agency of Education, and the Department of Health, updated in June 2015 or of the successor of these guidelines.

(e) No award shall be greater than ~~\$15,000.00~~ 20 percent of the total annual amount available for granting, with the exception of awards to service providers that may exceed the cap at the discretion of the Secretary of Agriculture, Food and Markets.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

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

Second Reading; Consideration Interrupted

H. 57

Rep. Pugh of South Burlington for the committee on Human Services, to which had been referred House bill entitled,

An act relating to preserving the right to abortion

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

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

Sec. 1. LEGISLATIVE INTENT

The General Assembly intends this act to safeguard the right to abortion in Vermont by ensuring that right is not denied, restricted, or infringed by a governmental entity. Nothing about this act shall be construed to contravene 18 U.S.C. § 1531.

Sec. 2. 18 V.S.A. Chapter 223 is added to read:

CHAPTER 223: REPRODUCTIVE RIGHTS

Subchapter 1. Freedom of Choice Act

§ 9493. INDIVIDUAL REPRODUCTIVE RIGHTS

(a) Every individual has the fundamental right to choose or refuse contraception or sterilization.

(b) Every individual who becomes pregnant has the fundamental right to choose to carry a pregnancy to term, give birth to a child, or to have an abortion.

§ 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PROHIBITED

(a) A public entity as defined in section 9496 of this title shall not, in the regulation or provision of benefits, facilities, services, or information, deny or interfere with an individual's fundamental rights to choose or refuse contraception or sterilization or to choose to carry a pregnancy to term, to give birth to a child, or to obtain an abortion.

(b) No State or local law enforcement shall prosecute any individual for inducing, performing, or attempting to induce or perform the individual's own abortion.

Subchapter 2. Prohibitions Relating to Access to Abortion

§ 9496. DEFINITIONS

As used in this subchapter:

(1) "Health care provider" means a person, partnership, or corporation, including a health care facility, that is licensed, certified, or otherwise authorized by law to provide professional health care services in this State to an individual during that individual's medical care, treatment, or confinement.

(2) "Public entity" means:

(A) the Legislative, Executive, or Judicial Branch of State Government, or any agency, department, office, or other subdivision of State government, or any elective or appointive officer or employee within any of those branches; or

(B) any municipality, or any agency, department, office, or other subdivision of municipal government, or any elective or appointive officer or employee within municipal government.

§ 9497. ABORTION; RESTRICTING ACCESS PROHIBITED

A public entity shall not:

(1) deprive a consenting individual of the choice of terminating the individual's pregnancy;

(2) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a consenting individual to terminate the individual's pregnancy;

(3) prohibit a health care provider, acting within the scope of the health care provider's license, from terminating or assisting in the termination of a patient's pregnancy; or

(4) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a health care provider acting within the scope of the health care provider's license to terminate or assist in the termination of a patient's pregnancy.

§ 9498. ENFORCEMENT

(a) An individual injured as a result of a violation of this chapter shall have a private right of action in Superior Court against a public entity for injunctive relief arising from the violation.

(b) In addition to any injunctive relief awarded, the court may award costs and reasonable attorney's fees to an injured person who substantially prevails in an action brought under this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Grad of Moretown, for the committee on Judiciary, recommended that the bill ought to pass when amended as recommended by the committee on Human Services and when further amended as follows:

First: By striking out Sec. 1 (Legislative Intent) in its entirety and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

Currently Vermont does not restrict the right to abortion. The General Assembly intends this act to safeguard the existing rights to access reproductive health services in Vermont by ensuring those rights are not denied, restricted, or infringed by a governmental entity. Nothing about this act shall be construed to undermine the supreme legislative power exercised by the Senate and House of Representatives in accordance with Chapter II, Section 2 of the Vermont Constitution or the judicial power vested in Vermont's unified judicial system in accordance with Chapter II, Section 4 of the Vermont Constitution, or to contravene 18 U.S.C. § 1531.

Second: In Sec. 2, 18 V.S.A. chapter 223 (Reproductive Rights), by striking out § 9493 (Individual Reproductive Rights) in its entirety and inserting in lieu thereof the following:

§ 9493. PURPOSE AND POLICY

(a) The State of Vermont recognizes the fundamental right of every individual to choose or refuse contraception or sterilization.

(b) The State of Vermont recognizes the fundamental right of every individual who becomes pregnant to choose to carry a pregnancy to term, to give birth to a child, or to have an abortion.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Recess

Pending the question Shall the report of the committee on Human Services be amended as recommended by the committee on Judiciary? At two o'clock in the afternoon, the Speaker declared a recess until two o'clock and thirty minutes in the afternoon.

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

Consideration Resumed; Bill Amended; Consideration Interrupted

H. 57

Consideration resumed on House bill, entitled

An act relating to preserving the right to abortion

Thereupon, the report of the Committee on Judiciary was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Human Services, as amended? **Rep. Rosenquist of Georgia** moved to amend the report of the committee on Human Services, as amended, as follows:

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9493 (purpose and policy), by adding a new subsection (c) as follows:

(c) The State of Vermont recognizes that a viable human fetus is a person under Vermont law.

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

“Notwithstanding subsection 9493(c) of this title, a”

Third: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

“Notwithstanding subsection 9493(c) of this title, a”

Pending the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Rosenquist of Georgia? **Rep. LaClair of Barre Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Rosenquist of Georgia? was decided in the negative. Yeas, 41. Nays, 106.

Those who voted in the affirmative are:

Bancroft of Westford	Gregoire of Fairfield	Norris of Shoreham
Batchelor of Derby	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Palasik of Milton
Brownell of Pownal	Helm of Fair Haven	Quimby of Concord
Browning of Arlington	Higley of Lowell	Rosenquist of Georgia
Canfield of Fair Haven	LaClair of Barre Town	Savage of Swanton
Cupoli of Rutland City	Marcotte of Coventry	Seymour of Sutton
Dickinson of St. Albans Town	Martel of Waterford	Shaw of Pittsford
Donahue of Northfield	Mattos of Milton	Smith of Derby
Fagan of Rutland City	McCoy of Poultney	Smith of New Haven
Gamache of Swanton	McFaun of Barre Town	Strong of Albany
Goslant of Northfield	Morgan of Milton	Terenzini of Rutland Town
Graham of Williamstown	Morrissey of Bennington	Toof of St. Albans Town
	Myers of Essex	Yantachka of Charlotte

Those who voted in the negative are:

Ancel of Calais	Forguites of Springfield	O'Brien of Tunbridge
Anthony of Barre City	Gannon of Wilmington	Ode of Burlington
Austin of Colchester	Gardner of Richmond	O'Sullivan of Burlington
Bartholomew of Hartland	Giambatista of Essex	Pajala of Londonderry
Bates of Bennington	Gonzalez of Winooski	Partridge of Windham
Beck of St. Johnsbury	Grad of Moretown	Patt of Worcester

Birong of Vergennes	Haas of Rochester	Potter of Clarendon
Bock of Chester	Hashim of Dummerston *	Pugh of South Burlington
Briglin of Thetford	Hooper of Montpelier	Rachelson of Burlington
Brumsted of Shelburne	Hooper of Randolph	Ralph of Hartland
Burditt of West Rutland	Hooper of Burlington	Redmond of Essex
Burke of Brattleboro	Houghton of Essex	Rogers of Waterville
Campbell of St. Johnsbury	James of Manchester	Scheu of Middlebury
Carroll of Bennington	Jerome of Brandon	Scheuermann of Stowe
Chase of Colchester	Jessup of Middlesex	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Sibilia of Dover
Christensen of Weathersfield	Killacky of South Burlington	Squirrell of Underhill
Christie of Hartford	Kimbell of Woodstock	Stevens of Waterbury
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Dorset
Coffey of Guilford	Kornheiser of Brattleboro	Sullivan of Burlington
Colburn of Burlington	Krowinski of Burlington	Szott of Barnard
Colston of Winooski	LaLonde of South Burlington	Taylor of Colchester
Conlon of Cornwall	Lanpher of Vergennes	Till of Jericho
Conquest of Newbury	Lefebvre of Newark	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Leffler of Enosburgh	Toll of Danville
Corcoran of Bennington	Lippert of Hinesburg	Townsend of South Burlington
Cordes of Lincoln	Long of Newfane	Trieber of Rockingham
Demrow of Corinth	Macaig of Williston	Troiano of Stannard
Dolan of Waitsfield	Masland of Thetford	Walz of Barre City
Donovan of Burlington	McCarthy of St. Albans City	Webb of Shelburne
Durfee of Shaftsbury	McCormack of Burlington	White of Hartford
Elder of Starksboro	McCullough of Williston	Wood of Waterbury
Emmons of Springfield	Mrowicki of Putney	Yacovone of Morristown
Fegard of Berkshire	Murphy of Fairfax	Young of Greensboro
Feltus of Lyndon	Nicoll of Ludlow	
	Notte of Rutland City	
	Noyes of Wolcott	

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

Hill of Wolcott

Howard of Rutland City

Rep. Hashim of Dummerston explained his vote as follows:

“Madam Speaker:

Creating fetal rights by identifying them as individual people is misguided at best, and subversive at worst. It would be misguided because this concept separates a woman from her fetus as different entities, and this is filled with risks in our legal system that would impede a woman’s right to abortion. The purpose of this bill as it stands is to maintain the status quo of a woman’s right to abortion, not to create impediments to that right.”

Pending the question, Shall the bill be amended as recommended by the committee on Human Services, as amended? **Reps. Rosenquist of Georgia**

and Bancroft of Westford moved to amend the report of the committee on Human Services, as amended, as follows:

First: In Sec. 2, 18 V.S.A. chapter 223, in subsection 9493(b), after “or to have an abortion”, by inserting the words “pursuant to this chapter”

Second: In Sec. 2, 18 V.S.A. chapter 223, by striking out section 9494 (interference with reproductive choice prohibited) in its entirety and inserting in lieu thereof the following:

§ 9494. ABORTION; PROHIBITED CONDUCT; LIMITATION ON PROSECUTION

(a) A health care provider as defined in section 9493 of this title, acting within his or her lawful scope of practice, may perform an abortion when, in the provider's professional judgment based on the facts of the patient's case, the patient is within 24 weeks from the commencement of pregnancy, or the fetus is not viable, or in the provider's reasonable medical judgment, the patient has a condition that so complicates the patient's pregnancy as to necessitate abortion to avert the patient's death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function.

(b) No person shall perform an abortion that does not meet the criteria established in subsection (a) of this section. A person who violates this subsection shall be imprisoned for up to five years or fined not more than \$10,000.00, or both.

(c) Any abortion provided by a health care provider that does not meet the criteria established in section (a) of this section shall constitute unprofessional conduct as provided in the relevant provisions of Title 26 and shall subject the health care provider to discipline pursuant to the applicable provisions of that title and of 3 V.S.A. chapter 5.

(d) No State or local law enforcement shall prosecute any individual for inducing, performing, or attempting to induce or perform the individual's own abortion.

Third: In Sec. 2, 18 V.S.A. chapter 223, in subdivision 9497(1) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

Fourth: In Sec. 2, 18 V.S.A. chapter 223, in subdivision 9497(2) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

Fifth: In Sec. 2, 18 V.S.A. chapter 223, subdivision 9497(3) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

Sixth: In Sec. 2, 18 V.S.A. chapter 223, in subdivision 9497(4) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

Pending the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Reps. Rosenquist of Georgia and Bancroft of Westford? **Rep. Rosenquist of Georgia** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Reps. Rosenquist of Georgia and Bancroft of Westford? was decided in the negative. Yeas, 40. Nays, 107.

Those who voted in the affirmative are:

Bancroft of Westford	Gregoire of Fairfield	Norris of Shoreham
Batchelor of Derby	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Palasik of Milton
Browning of Arlington	Helm of Fair Haven	Quimby of Concord
Canfield of Fair Haven	Higley of Lowell	Rosenquist of Georgia
Corcoran of Bennington	LaClair of Barre Town	Savage of Swanton
Cupoli of Rutland City	Marcotte of Coventry	Seymour of Sutton
Dickinson of St. Albans Town	Martel of Waterford	Shaw of Pittsford
Donahue of Northfield	Mattos of Milton	Smith of Derby
Fagan of Rutland City	McCoy of Poultney	Smith of New Haven
Gamache of Swanton	McFaun of Barre Town	Strong of Albany
Goslant of Northfield	Morgan of Milton	Terenzini of Rutland Town
Graham of Williamstown	Morrissey of Bennington	Toof of St. Albans Town
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Forguites of Springfield	O'Brien of Tunbridge
Anthony of Barre City	Gannon of Wilmington	Ode of Burlington
Austin of Colchester	Gardner of Richmond	O'Sullivan of Burlington
Bartholomew of Hartland	Giambatista of Essex	Pajala of Londonderry
Bates of Bennington	Gonzalez of Winooski	Partridge of Windham
Beck of St. Johnsbury	Grad of Moretown	Patt of Worcester
Birong of Vergennes	Haas of Rochester	Potter of Clarendon
Bock of Chester	Hashim of Dummerston	Pugh of South Burlington
Briglin of Thetford	Hooper of Montpelier	Rachelson of Burlington
Brownell of Pownal	Hooper of Randolph	Ralph of Hartland
Brumsted of Shelburne	Hooper of Burlington	Redmond of Essex
Burditt of West Rutland	Houghton of Essex	Rogers of Waterville
Burke of Brattleboro	James of Manchester	Scheu of Middlebury *
Campbell of St. Johnsbury	Jerome of Brandon	Scheuermann of Stowe

Carroll of Bennington	Jessup of Middlesex	Sheldon of Middlebury
Chase of Colchester	Jickling of Randolph	Sibilia of Dover *
Chesnut-Tangerman of Middletown Springs	Killacky of South Burlington	Squirrell of Underhill
Christensen of Weathersfield	Kimbell of Woodstock	Stevens of Waterbury
Christie of Hartford	Kitzmiller of Montpelier	Sullivan of Dorset
Cina of Burlington	Kornheiser of Brattleboro	Sullivan of Burlington
Coffey of Guilford	Krowinski of Burlington	Szott of Barnard
Colburn of Burlington	LaLonde of South Burlington	Taylor of Colchester
Colston of Winooski	Lanpher of Vergennes	Till of Jericho
Conlon of Cornwall	Lefebvre of Newark	Toleno of Brattleboro
Conquest of Newbury	Leffler of Enosburgh	Toll of Danville
Copeland-Hanzas of Bradford *	Lippert of Hinesburg	Townsend of South Burlington
Cordes of Lincoln	Long of Newfane	Trieber of Rockingham
Demrow of Corinth	Macaig of Williston	Troiano of Stannard
Dolan of Waitsfield	Masland of Thetford	Walz of Barre City
Donovan of Burlington	McCarthy of St. Albans City	Webb of Shelburne
Durfee of Shaftsbury	McCormack of Burlington	White of Hartford
Elder of Starksboro	McCullough of Williston	Wood of Waterbury
Emmons of Springfield	Mrowicki of Putney	Yacovone of Morristown
Fegard of Berkshire	Murphy of Fairfax	Yantachka of Charlotte
Feltus of Lyndon	Nicoll of Ludlow	Young of Greensboro
	Notte of Rutland City	
	Noyes of Wolcott	

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

Hill of Wolcott

Howard of Rutland City

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

“Madam Speaker:

Unless you have faced the horrific choice of what to do when you’re faced with a diagnosis of a fetus who is incompatible with life you cannot possibly comprehend the pain and suffering this diagnosis brings upon a woman.

Of all the amendments being offered today, all of which are designed to intrude in the doctor-patient relationship, this one has to be the most cruel.

Unless you have sat side by side with a woman agonizing over the sadness of mourning over the unviability of a hoped-for child and traumatized daily as friends and neighbors, noticing her ever-growing belly, joyfully asked her all the normal questions: due date, sex, names.

To insert government in between a woman and her doctor in this, the only type of situation in which doctors might perform abortions later in pregnancy, would effectively sentence this woman to months of re-traumatization and could be nothing short of cruel.”

Rep. Scheu of Middlebury explained her vote as follows:

“Madam Speaker:

I voted no on this amendment because it does nothing to maintain a woman’s inherent right to make her own decisions. There is plenty of medical oversight in the event that an abortion must be performed after 23 weeks. I can’t begin to imagine the pain and agony a woman would feel if she had to terminate her pregnancy at this time. This is an amendment in search of a problem that doesn’t exist.”

Rep. Sibilias of Dover explained her vote as follows:

“Madam Speaker:

I do not support changing Vermont women’s current access to abortion. I vote no.”

Pending the question, Shall the bill be amended as offered by the committee on Human Services, as amended? **Rep. Bancroft of Westford** moved to amend the recommendation of the committee on Human Services, as amended, as follows:

By striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 13 V.S.A. § 105 is added to read:

§ 105. PERFORMANCE OF AN ABORTION BY INDIVIDUAL WHO IS
NOT A PHYSICIAN; PROHIBITION

(a) Definitions. As used in this section:

(1) “Physician” means a physician licensed in accordance with 26 V.S.A. chapter 23 or an osteopathic physician licensed in accordance with 26 V.S.A. chapter 33.

(2) “Surgical abortion” means the use of a surgical instrument or a machine to terminate the clinically diagnosable pregnancy of an individual with knowledge that the termination will cause, with reasonable likelihood, the death of the unborn child. Surgical abortion does not include the use of any means to increase the probability of a live birth, to preserve the life or health of the child after a live birth, to terminate an ectopic pregnancy or to remove a dead fetus. Surgical abortion does not include patient care incidental to the procedure.

(b) Prohibition. An individual who is not a physician shall not perform a surgical abortion.

(c) Penalty. A person who violates subsection (b) of this section shall be imprisoned for up to five years or fined not more than \$10,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, **Rep. Bancroft of Westford** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the bill be amended as offered by the committee on Human Services, as amended? **Rep. Bancroft of Westford** moved to amend the report of the committee on Human Services, as amended, as follows:

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

“Except as provided in this chapter, a”

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

“Except as provided in this chapter, a”

Third: In Sec. 2, 18 V.S.A. chapter 223, after section 9498, by inserting a new section as follows:

§ 9499. ABORTION; INFORMED CONSENT; REQUIREMENTS

(a) As used in this section, “health care provider” means an individual licensed or certified or authorized by law to provide professional health care service in this State to a patient during that patient’s medical care, treatment, or confinement.

(b) An abortion shall not be performed or induced without the voluntary and informed consent of the patient on whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) At least 48 hours before the patient having any part of an abortion performed or induced, the health care provider who is to perform the abortion, or a qualified person working in conjunction with the health care provider, informs the patient orally and in-person of:

(A) the name of the health care provider who will perform the abortion;

(B) the nature of the proposed procedure or treatment;

(C) the immediate and long-term medical risks associated with the procedure that are relevant to the patient in the health care provider's professional clinical judgement; and

(D) the probable gestational age of the unborn child at the time the abortion is to be performed and the probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed.

(2) The individual certifies in writing prior to the abortion that, at least 48 hours prior to the patient having any part of an abortion performed or induced, the patient was given the information required by subdivision (1) of this section.

(c) A violation of this section shall constitute unprofessional conduct as provided in the relevant provisions of Title 26 and shall subject the health care provider to discipline pursuant to the applicable provisions of that title and of 3 V.S.A. chapter 5.

Pending the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Bancroft of Westford? **Rep. LaClair of Barre Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Bancroft of Westford? was decided in the negative. Yeas, 32. Nays, 115.

Those who voted in the affirmative are:

Bancroft of Westford	Graham of Williamstown	Myers of Essex
Batchelor of Derby	Gregoire of Fairfield	Page of Newport City
Brennan of Colchester	Hango of Berkshire	Palasik of Milton
Browning of Arlington	Helm of Fair Haven	Quimby of Concord
Canfield of Fair Haven	Higley of Lowell	Rosenquist of Georgia
Cupoli of Rutland City	LaClair of Barre Town	Savage of Swanton
Dickinson of St. Albans Town	Marcotte of Coventry	Seymour of Sutton
Donahue of Northfield	Martel of Waterford	Smith of Derby
Gamache of Swanton	Mattos of Milton	Strong of Albany
Goslant of Northfield	Morgan of Milton	Terenzini of Rutland Town
	Morrissey of Bennington	Toof of St. Albans Town

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	O'Brien of Tunbridge
Anthony of Barre City	Gardner of Richmond	Ode of Burlington
Austin of Colchester	Giambatista of Essex	O'Sullivan of Burlington
Bartholomew of Hartland	Gonzalez of Winooski *	Pajala of Londonderry
Bates of Bennington	Grad of Moretown	Partridge of Windham
Beck of St. Johnsbury	Haas of Rochester	Patt of Worcester
Birong of Vergennes	Harrison of Chittenden	Potter of Clarendon

Bock of Chester	Hashim of Dummerston	Pugh of South Burlington
Briglin of Thetford	Hooper of Montpelier	Rachelson of Burlington
Brownell of Pownal	Hooper of Randolph	Ralph of Hartland
Brumsted of Shelburne	Hooper of Burlington	Redmond of Essex
Burditt of West Rutland	Houghton of Essex	Rogers of Waterville
Burke of Brattleboro	James of Manchester	Scheu of Middlebury
Campbell of St. Johnsbury	Jerome of Brandon	Scheuermann of Stowe
Carroll of Bennington	Jessup of Middlesex	Shaw of Pittsford
Chase of Colchester	Jickling of Randolph	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Killacky of South Burlington	Sibilia of Dover
Christensen of Weathersfield	Kimbell of Woodstock	Smith of New Haven
Christie of Hartford	Kitzmiller of Montpelier	Squirrell of Underhill
Cina of Burlington	Kornheiser of Brattleboro	Stevens of Waterbury
Coffey of Guilford	Krowinski of Burlington	Sullivan of Dorset
Colburn of Burlington	LaLonde of South Burlington	Sullivan of Burlington
Colston of Winooski	Lanpher of Vergennes	Szott of Barnard
Conlon of Cornwall	Lefebvre of Newark	Taylor of Colchester
Conquest of Newbury	Leffler of Enosburgh	Till of Jericho
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Toleno of Brattleboro
Corcoran of Bennington	Long of Newfane	Toll of Danville
Cordes of Lincoln	Macaig of Williston	Townsend of South Burlington
Demrow of Corinth	Masland of Thetford	Trieber of Rockingham
Dolan of Waitsfield	McCarthy of St. Albans City	Troiano of Stannard
Donovan of Burlington	McCormack of Burlington	Walz of Barre City
Durfee of Shaftsbury	McCoy of Poultney	Webb of Shelburne
Elder of Starksboro	McCullough of Williston	White of Hartford
Emmons of Springfield	McFaun of Barre Town	Wood of Waterbury
Fagan of Rutland City	Mrowicki of Putney	Yacovone of Morristown
Fegard of Berkshire	Murphy of Fairfax	Yantachka of Charlotte
Feltus of Lyndon	Nicoll of Ludlow	Young of Greensboro
Forguites of Springfield	Norris of Shoreham	
	Notte of Rutland City	
	Noyes of Wolcott	

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

Hill of Wolcott

Howard of Rutland City

Rep. Gonzalez of Winooski explained her vote as follows:

“Madam Speaker:

We do not legally restrict access to medical procedures with waiting periods. Putting such a restriction on someone seeking the medical care of an abortion is beyond the scope of government. It disrespects the autonomy of a person seeking this care and disrespects our medical providers. Waiting periods are medically harmful, emotionally painful, and increase abortions performed later in pregnancies. For all these reasons I voted No.”

Pending the question, Shall the bill be amended as recommended by the committee on Human Services, as amended? **Rep. Bancroft of Westford** moved to amend the report of the committee on Human Services, as amended, as follows:

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

Except as provided in chapters 115 and 232 of this title, a

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

“Except as provided in chapters 115 and 232 of this title, a”

Third: By striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 18 V.S.A. chapter 115 is added to read:

CHAPTER 115. PARENTAL CONSENT TO A MINOR’S ABORTION

§ 5295. DEFINITIONS

As used in this chapter:

(1) “Abortion” means the use of any means to terminate the pregnancy of an individual known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus.

(2) “Fetus” means any individual human organism from fertilization until birth.

(3) “Health care provider” means any health care professional who is authorized to perform an abortion and is proposing to provide an abortion.

§ 5296. CONSENT

No abortion shall be performed upon an unemancipated minor or upon a minor for whom a guardian has been appointed without the written consent of least one parent of an unemancipated minor or the guardian of the minor.

§ 5297. LIMITATIONS

Consent required under section 5296 of this title shall not be required if:

(1) the attending health care provider proposing to provide the abortion certifies in the minor’s medical record that the abortion is necessary to prevent the minor’s death or serious physical injury to the minor, and there is insufficient time to provide the required consent to a parent or guardian; or

(2) the parent or guardian entitled to consent certifies in writing, with proof of identification, that he or she has been notified of the minor's intent to have an abortion and consents to the procedure; or

(3) a court authorizes the health care provider to proceed with the abortion pursuant to the following procedure:

(A) A minor, with the assistance of her health care provider and without the consent of a parent or guardian, may petition any Probate Division of the Superior Court for a waiver of the parental consent requirement. The petition shall be in simple form prescribed by rules adopted by the Vermont Supreme Court, and shall include a statement that the petitioner is pregnant, that consent has not been waived, and that the minor has not petitioned any other court for a waiver to the consent requirement relating to this pregnancy.

(B) The Probate Division of the Superior Court shall appoint an attorney and an appropriately trained guardian ad litem for the minor.

(C) The Probate Division of the Superior Court shall hold an ex parte hearing on a petition filed under this subdivision (3), which may be in a setting other than a traditional courtroom. The hearing shall be closed to the public and the rules of evidence shall not apply. Witnesses shall be sworn and the testimony shall be audio recorded. A copy of the audio recording shall be made available to the minor without cost.

(D) Probate Division of the Superior Court proceedings under this subdivision (3) shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly and in the best interests of the minor.

(E) The Probate Division of the Superior Court shall hear the matter and issue a written entry order within three business days after the petition is filed, except that the three-business-day limitation may be extended at the request of the minor. A certified copy of the court's written entry order shall be sent to the minor's health care provider. If the court fails to rule within three business days of receiving the petition or fails to rule by the expiration of any extension, the petition is granted. A certified copy of the automatic waiver of parental consent shall be delivered forthwith to the minor's health care provider.

(F) The Probate Division of the Superior Court shall issue an order authorizing the minor to consent to an abortion without the consent of a parent or guardian if the court finds, by clear and convincing evidence, any of the following:

(i) upon an evaluation of relevant factors, including a minor's age, intelligence, reasoning ability, and emotional state, the minor is sufficiently

mature to decide whether to terminate her pregnancy and provide for her own post-abortion care, and understands the nature, risks, and consequences of the procedure to be performed;

(ii) parental consent would place the minor at substantial risk of being physically or emotionally harmed by a parent or guardian;

(iii) parental consent would cause irreparable harm to the minor's relationship with her parent or guardian; or

(iv) parental consent is not in the best interests of the minor.

(G) All records of proceedings that take place under this section shall remain confidential and be placed under seal. Any information that is sent to the minor's health care provider in accordance with this section shall become part of the minor's confidential medical record.

(H) For purposes of this section, any Probate judge who grants a waiver of consent based upon a decision that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, or any guardian ad litem who has a suspicion that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, shall report or cause a report to be made within 24 hours after the decision, in accordance with the provisions of 33 V.S.A. §§ 4913 and 4914.

§ 5298. APPEAL

An expedited, confidential appeal to the presiding judge of the Family Division of the Superior Court in the county in which the Probate Division of the Superior Court action occurred, pursuant to section 5296 of this title, shall be available to any minor for whom the Probate Division of the Superior Court denies a waiver of consent.

(1) Notice of an appeal must be filed in family court within 11 days of the Probate Division of the Superior Court decision.

(2) Within three business days of filing the notice of appeal, the presiding judge of the Family Division of the Superior Court shall conduct a hearing de novo and issue a decision, including findings of fact and conclusions of law, on this matter. The three-business-day limitation may be extended at the request of the minor.

(3) The presiding judge of the Family Division of the Superior Court shall hold an ex parte hearing on a notice of appeal filed under this section, which may be in a setting other than a traditional courtroom. The hearing shall be informal and closed to the public. Strict rules of evidence shall not apply. Witnesses shall be sworn and the testimony shall be audio recorded. A copy of the audio recording shall be made available to the minor without cost.

(4) Family court proceedings under this section shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly and in the best interests of the minor.

(5) A certified copy of the Family Division of the Superior Court's written decision shall be sent to the minor's health care provider. If the Family Division of the Superior Court fails to rule within three business days of receiving the notice of appeal or fails to rule by the expiration of any extension, the request for a waiver of consent is granted. A certified copy of the automatic waiver of parental consent shall be delivered forthwith to the minor's health care provider.

(6) The presiding judge of the Family Division of the Superior Court shall issue an order authorizing the minor to consent to an abortion without the consent of a parent or guardian if the court finds, by clear and convincing evidence, that any of the requirements of subdivision 5297(3)(F) of this chapter have been met.

(7) All records of proceedings that take place under this section shall remain confidential and be placed under seal. Any information that is sent to the minor's health care provider in accordance with this section shall become part of the minor's confidential medical record.

(8) For purposes of this section, any presiding judge of a Family Division of the Superior Court who grants a waiver of consent based upon a finding that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, or any guardian ad litem who has a suspicion that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, shall report or cause a report to be made within 24 hours after the finding has been made, in accordance with the provisions of 33 V.S.A. §§ 4913 and 4914.

§ 5299. LIMITATIONS ON APPEAL

An order authorizing an abortion without consent shall not be subject to appeal.

§ 5299a. RECUSAL; FEES AND COSTS

(a) In the event of a judge's recusal, a substitute judge shall be appointed immediately, and the hearing and decision shall be concluded within two business days thereafter.

(b) No filing fees or court costs shall be required of the minor in either the Probate Division of the Superior Court or the Family Division of the Superior Court.

Sec. 4. 4 V.S.A. § 35 is amended to read:

§ 35. JURISDICTION; PROBATE DIVISION

The Probate Division shall have jurisdiction of:

* * *

(24) emancipation of minors proceedings filed pursuant to 12 V.S.A. chapter 217;

(25) grandparent visitation proceedings under 15 V.S.A. chapter 18; and

(26) waiver of parental consent prior to performing an abortion on an unemancipated minor; and

(27) other matters as provided by law.

Sec. 5. 4 V.S.A. § 311a is amended to read:

§ 311a. VENUE GENERALLY

For proceedings authorized to the Probate Division of Superior Court, venue shall lie as provided in Title 14A for the administration of trusts, and otherwise in a probate district as follows:

* * *

(31) Waiver of parental consent prior to performing an abortion on an unemancipated minor: in the district or county where the minor petitions the Probate Division of the Superior Court for a waiver of the parental consent requirement.

Sec. 6. 4 V.S.A. § 33 is amended to read:

§ 33. JURISDICTION; FAMILY DIVISION

(a) Notwithstanding any other provision of law to the contrary, the Family Division shall have exclusive jurisdiction to hear and dispose of the following proceedings filed or pending on or after October 1, 1990:

* * *

(c) The Family Division of the Superior Court shall have appellate jurisdiction to hear and dispose of an appeal from the Probate Division of the Superior Court regarding a waiver of parental consent prior to performing an abortion on an unemancipated minor.

Sec. 7. 18 V.S.A. chapter 232 is added to read:

CHAPTER 232. PREGNANCY INFORMATION AND COUNSELING FOR MINORS

§ 9751. PROVISION OF INFORMATION AND COUNSELING

Prior to providing services related to pregnancy, a health care provider, as defined in subdivision 9432(9) of this title, or a mental health professional, as defined in subdivision 7101(13) of this title, shall, to the extent already required by the providers' code of professional conduct, provide information and counseling in a manner and language that will be understood by the minor, including:

(1) An explanation that the information is being given objectively, and is not intended to coerce, persuade, or induce the minor to make a particular decision.

(2) An explanation that the minor may withdraw or reconsider a decision related to her pregnancy, within certain limits, which shall also be explained to her.

(3) An explanation to the minor of the options available for managing pregnancy decisions and follow-up care.

(4) An explanation that public and private agencies are available to assist the minor with services related to her pregnancy, and that a list of these agencies and the services available from each will be provided if the minor requests.

(5) A discussion of the possibility of involving the minor's parents, guardian, or other adult family members in the minor's reproductive health care decision making.

(6) An adequate opportunity for the minor to ask questions and receive answers concerning reproductive health care. The health care provider and mental health professional shall indicate where the minor can receive the information requested if he or she is unable to provide such information.

§ 9752. MEDICAL EMERGENCY EXCEPTION

Information and counseling required under section 9751 of this title shall not be required if a health care provider determines that a medical emergency exists that complicates the pregnancy or the health, safety, or well-being of the minor to the extent that an immediate abortion is necessary.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Bancroft of Westford? **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Human Services, as

amended, be amended as offered by Rep. Bancroft of Westford? was decided in the negative. Yeas, 24. Nays, 123.

Those who voted in the affirmative are:

Bancroft of Westford *	Graham of Williamstown	Quimby of Concord
Brennan of Colchester	Gregoire of Fairfield	Rosenquist of Georgia
Canfield of Fair Haven	Hango of Berkshire	Seymour of Sutton
Cupoli of Rutland City	Helm of Fair Haven	Smith of Derby
Dickinson of St. Albans Town	Higley of Lowell	Strong of Albany
Donahue of Northfield	LaClair of Barre Town	Terenzini of Rutland Town
Gamache of Swanton	Marcotte of Coventry	Toof of St. Albans Town
Goslant of Northfield	Morrissey of Bennington	
	Norris of Shoreham	

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Noyes of Wolcott
Anthony of Barre City	Gardner of Richmond	O'Brien of Tunbridge
Austin of Colchester	Giambatista of Essex	Ode of Burlington
Bartholomew of Hartland	Gonzalez of Winooski	O'Sullivan of Burlington
Batchelor of Derby	Grad of Moretown	Page of Newport City
Bates of Bennington	Haas of Rochester	Pajala of Londonderry
Beck of St. Johnsbury	Harrison of Chittenden	Palasik of Milton
Birong of Vergennes	Hashim of Dummerston	Partridge of Windham
Bock of Chester	Hooper of Montpelier	Patt of Worcester
Briglin of Thetford	Hooper of Randolph	Potter of Clarendon
Brownell of Pownal	Hooper of Burlington	Pugh of South Burlington
Browning of Arlington	Houghton of Essex	Rachelson of Burlington
Brumsted of Shelburne	James of Manchester	Ralph of Hartland
Burditt of West Rutland	Jerome of Brandon	Redmond of Essex
Burke of Brattleboro	Jessup of Middlesex	Rogers of Waterville
Campbell of St. Johnsbury	Jickling of Randolph	Savage of Swanton
Carroll of Bennington	Killacky of South Burlington	Scheu of Middlebury
Chase of Colchester	Kimbell of Woodstock	Scheuermann of Stowe
Chesnut-Tangerman of Middletown Springs	Kitzmiller of Montpelier	Shaw of Pittsford
Christensen of Weathersfield	Kornheiser of Brattleboro	Sheldon of Middlebury
Christie of Hartford	Krowinski of Burlington	Sibilia of Dover
Cina of Burlington	LaLonde of South Burlington	Smith of New Haven
Coffey of Guilford	Lanpher of Vergennes	Squirrell of Underhill
Colburn of Burlington *	Lefebvre of Newark	Stevens of Waterbury
Colston of Winooski	Leffler of Enosburgh	Sullivan of Dorset *
Conlon of Cornwall	Lippert of Hinesburg	Sullivan of Burlington
Conquest of Newbury	Long of Newfane	Szott of Barnard
Copeland-Hanzas of Bradford	Macaig of Williston	Taylor of Colchester
Corcoran of Bennington	Martel of Waterford	Till of Jericho
Cordes of Lincoln	Masland of Thetford	Toleno of Brattleboro
Demrow of Corinth	Mattos of Milton	Toll of Danville
Dolan of Waitsfield	McCarthy of St. Albans City	Townsend of South Burlington
	McCormack of Burlington	Trieber of Rockingham

Donovan of Burlington	McCoy of Poultney	Troiano of Stannard
Durfee of Shaftsbury	McCullough of Williston	Walz of Barre City
Elder of Starksboro	McFaun of Barre Town	Webb of Shelburne
Emmons of Springfield	Morgan of Milton	White of Hartford
Fagan of Rutland City	Mrowicki of Putney	Wood of Waterbury
Fegard of Berkshire	Murphy of Fairfax	Yacovone of Morristown
Feltus of Lyndon	Myers of Essex	Yantachka of Charlotte
Forguites of Springfield	Nicoll of Ludlow	Young of Greensboro
	Notte of Rutland City	

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

Hill of Wolcott Howard of Rutland City

Rep. Bancroft of Westford explained his vote as follows:

“Madam Speaker:

I offered this amendment to insure that parents are aware of a traumatic event in their minor daughter’s life and if she is being abused by an abusive boyfriend or a relative, then this amendment could expose the abuse and end it – not send her back to the abuse.”

Rep. Colburn of Burlington explained her vote as follows:

“Madam Speaker:

I have helped young women – sometimes very young women – who were facing this choice. One example stands out to me – a twelve year old who had been raped by her father. The idea of asking a young woman in that scenario to submit to the judicial bypass process set forth in this amendment, with its inherent trauma and delays, is unthinkable. I vote no.”

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

A minor in states with parental involvement laws is apparently old enough to decide to have a child but too young to decide not to have one. I voted no on this amendment because it clearly favors one resolution over the other and serves to restrict and coerce minors into making the choice that their legislators want them to choose, rather than the one that is best for them and their own lives.

Whether someone wants to have children or not should be completely up to the person carrying that pregnancy, as well as anyone else they want to involve. Having a child and having an abortion for that matter, affects the pregnant person more than it does anyone else.

We live in a world where a girl might have anti-choice parents and although she isn't ready to have a child, her parents will not grant her the consent needed to have an abortion. We live in a world where young people are abused by their caregivers and may even be pregnant as a result of this abuse!

From TRAP (Targeted Regulation of Abortion Providers) laws that have caused too many abortion clinics to close, to restrictions on gestational age that send many women traveling out of state, to mandatory ultrasounds, waiting periods and counseling laws that unnecessarily burden and traumatize patients, parental notification and consent laws are yet another law that stands in the way of women and their legal right to an abortion.

These laws affect everyone, but they make abortion particularly hard for those already experiencing social and economic marginalization, not limited to poor women, rural women, women of color, and girls under 18. In the context of all the seemingly small barriers to accessing abortion, parental involvement laws can add a major obstacle for minors.

For some minors, it may just be a matter of having to tell parents that may not be very supportive of their decision; for others, it may mean being kicked out of their home or further exacerbating an already abusive home life. Parental involvement laws assume that a minor's parents are going to help their child make the right decision and that parents always have their child's best interests in mind. But, unfortunately, we know that we don't live in that world. Without state laws minors actually will tend to tell their parents, and the younger they are, the more likely they are to seek parental support. For those who do not tell their parents, they often have important reasons for not doing so. So many of pregnant teens that have experienced abuse report being assaulted, most often by a family member, prior to, during, and after their pregnancy.

We must stop supporting parental involvement laws as if they have any kind of positive effect on the choices of girls. We have to stop ignoring the fact that girls have sex and they need access to birth control and abortion just as adults do.

Most of all, we need to stand with girls and include them in the fight for reproductive justice. Choosing to have a child has a larger impact on a person's life than choosing to have an abortion. It is more of a burden financially, it is more physically strenuous and dangerous to a person's health, it carries far larger consequences on a person's future, and it requires a certain amount of stability, emotionally and otherwise.

We do NOT require any kind of parental or court involvement before a minor can decide to carry a pregnancy to term. When we consider the safety

of a person wishing to obtain an abortion, not only do parental involvement laws place minors at risk for more complicated procedures, but also for potentially difficult relationships and home lives as well.”

Pending the question, Shall the bill be amended as recommended by the committee on Human Services, as amended? **Rep. Strong of Albany** moved to amend the report of the committee on Human Services, as amended, as follows:

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

Except as provided in chapter 224 of this title, a

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

Except as provided in chapter 224 of this title, a

Third: By striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 18 V.S.A. chapter 224 is added to read:

CHAPTER 224. FACILITIES PROVIDING ABORTIONS

Subchapter 1. General Provisions

§ 9499. DEFINITIONS

As used in this chapter:

(1) “Facility providing abortions” means any distinct entity that, as all or part of the health care services it provides, performs or induces abortions.

(2) “Patient” means a person admitted to or receiving health care services from a facility providing abortions.

(3) “Physician” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33.

Subchapter 2. Licensure of Facilities Providing Abortions

§ 9499a. LICENSE

No person shall establish, maintain, or operate a facility providing abortions in this State without first obtaining a license for the facility providing abortions in accordance with this subchapter.

§ 9499b. APPLICATION; FEE

(a) An application for licensure of a facility providing an abortion shall be made to the Department of Health on forms provided by the Department and shall include all information required by the Department. Each application for a license shall be accompanied by a license fee.

(b) The annual licensing fee for a facility providing abortions shall be \$2,000.00, provided that the fee for an applicant that presents evidence of current accreditation by an accrediting organization approved by the Department shall be reduced by the amount paid to the accrediting organization to obtain the accreditation.

(c) Fees collected under this section shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Department of Health to offset the costs of licensing facilities providing abortions.

§ 9499c. LICENSE REQUIREMENTS

(a) Upon receipt of an application for a license and the licensing fee, the Department of Health shall issue a license if it determines that the applicant and the facilities of the facility providing abortions meet the following minimum standards:

(1) The applicant shall demonstrate the capacity to operate a facility providing abortions in accordance with rules adopted by the Department.

(2) The applicant shall demonstrate that its facilities comply fully with standards for health, safety, and sanitation as required by State law, including standards set forth by the State Fire Marshal and the State Board of Health, and municipal ordinance.

(3) The facility providing abortions shall not mix functions or operations in a common space with another entity during concurrent or overlapping hours of operation.

(4) The clinical services provided by the facility providing abortions shall be managed by a medical director, who shall be a physician.

(5) The facility providing abortions shall ensure that all patients admitted to or receiving services from the facility providing abortions shall be under the care of a practicing physician.

(6) The nursing service of the facility providing abortions shall be directed at all times by a registered nurse or advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28.

(7) The facility providing abortions shall have an organized medical staff of not fewer than three members that shall meet at least annually.

(b) A license is not transferable or assignable and shall be issued only for the premises and persons named in the application.

§ 9499d. REVOCATION OF LICENSE, HEARING

The Department of Health, after notice and opportunity for hearing to the applicant or licensee, is authorized to deny, suspend, or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this chapter. Such notice shall be served by registered mail or by personal service, shall set forth the reasons for the proposed action, and shall set a date not less than 60 days from the date of the mailing or service on which the applicant or licensee shall be given opportunity for a hearing. After the hearing, or upon default of the applicant or licensee, the Department shall file its findings of fact and conclusions of law. A copy of the findings and decision shall be sent by registered mail or served personally upon the applicant or licensee. The procedure governing hearings authorized by this section shall be in accordance with the usual and customary rules provided for such hearings.

§ 9499e. APPEAL

Any applicant or licensee, or the State acting through the Attorney General, aggrieved by the decision of the Department of Health after a hearing may, within 30 days after entry of the decision as provided in section 2154 of this title, appeal to the Superior Court for the district in which the appellant is located. The court may affirm, modify, or reverse the Department's decision, and either the applicant or licensee or the Department or State may appeal to the Vermont Supreme Court for such further review as is provided by law. Pending final disposition of the matter, the status quo of the applicant or licensee shall be preserved, except as the court otherwise orders in the public interest.

§ 9499f. INSPECTIONS

The Department shall make or cause to be made such inspections and investigation as it deems necessary.

§ 9499g. RECORDS

Information received by the Department through filed reports, inspections, or as otherwise authorized by law:

(1) shall not be disclosed publicly in a manner that identifies or may lead to the identification of one or more individuals or facilities providing abortions;

(2) is exempt from public inspection and copying under the Public Records Act; and

(3) shall be kept confidential except as it relates to a proceeding regarding licensure of an facility providing abortions.

§ 9499h. RULES

The Department shall adopt rules pursuant to 3 V.S.A. chapter 25 as needed to carry out the purposes of this subchapter and subchapter 3 of this chapter. To the extent practicable, the Department's rules for licensure of facilities providing abortions shall align with its rules for licensure of hospitals.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage, provided that any facility providing abortions on that date shall have six months to complete the licensure process.

Pending the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Strong of Albany? **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Strong of Albany? was decided in the negative. Yeas, 33. Nays, 113.

Those who voted in the affirmative are:

Bancroft of Westford	Harrison of Chittenden	Quimby of Concord
Batchelor of Derby	Helm of Fair Haven	Rosenquist of Georgia
Brennan of Colchester	Higley of Lowell	Savage of Swanton
Canfield of Fair Haven	LaClair of Barre Town	Seymour of Sutton
Cupoli of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Dickinson of St. Albans Town	Martel of Waterford	Smith of Derby
Donahue of Northfield	McCoy of Poultney	Smith of New Haven
Gamache of Swanton	McFaun of Barre Town	Strong of Albany
Goslant of Northfield	Morrissey of Bennington	Terenzini of Rutland Town
Graham of Williamstown	Myers of Essex	Toof of St. Albans Town
Hango of Berkshire	Page of Newport City	
	Palasik of Milton	

Those who voted in the negative are:

Ancel of Calais	Feltus of Lyndon	Notte of Rutland City
Anthony of Barre City	Forguites of Springfield	Noyes of Wolcott
Austin of Colchester	Gannon of Wilmington	O'Brien of Tunbridge
Bartholomew of Hartland	Gardner of Richmond	Ode of Burlington
Bates of Bennington	Giambatista of Essex	O'Sullivan of Burlington
Beck of St. Johnsbury	Gonzalez of Winooski	Pajala of Londonderry
Birong of Vergennes	Grad of Moretown	Partridge of Windham
Bock of Chester	Gregoire of Fairfield	Patt of Worcester
Briglin of Thetford	Haas of Rochester	Potter of Clarendon
Brownell of Pownal	Hashim of Dummerston	Pugh of South Burlington
Browning of Arlington	Hooper of Montpelier	Rachelson of Burlington

Brumsted of Shelburne	Hooper of Randolph	Ralph of Hartland
Burditt of West Rutland	Hooper of Burlington	Redmond of Essex
Burke of Brattleboro	Houghton of Essex	Rogers of Waterville
Campbell of St. Johnsbury	James of Manchester	Scheu of Middlebury
Carroll of Bennington	Jerome of Brandon	Scheuermann of Stowe
Chase of Colchester	Jessup of Middlesex	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Sibilia of Dover
Christensen of Weathersfield	Killacky of South Burlington	Squirrel of Underhill
Christie of Hartford	Kimbell of Woodstock	Stevens of Waterbury
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Dorset
Coffey of Guilford	Kornheiser of Brattleboro	Sullivan of Burlington
Colburn of Burlington	Krowinski of Burlington	Szott of Barnard
Colston of Winooski	LaLonde of South Burlington	Taylor of Colchester
Conlon of Cornwall	Lanpher of Vergennes	Till of Jericho
Conquest of Newbury	Lefebvre of Newark	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Leffler of Enosburgh	Toll of Danville
Corcoran of Bennington	Lippert of Hinesburg	Townsend of South Burlington
Cordes of Lincoln	Long of Newfane	Trieber of Rockingham
Demrow of Corinth	Macaig of Williston	Troiano of Stannard
Dolan of Waitsfield	Masland of Thetford	Walz of Barre City
Donovan of Burlington	Mattos of Milton	Webb of Shelburne
Durfee of Shaftsbury	McCarthy of St. Albans City	White of Hartford
Elder of Starksboro	McCormack of Burlington	Wood of Waterbury
Emmons of Springfield	McCullough of Williston	Yacovone of Morristown
Fagan of Rutland City	Morgan of Milton	Yantachka of Charlotte
Fegard of Berkshire	Mrowicki of Putney	Young of Greensboro
	Murphy of Fairfax	
	Nicoll of Ludlow	

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

Hill of Wolcott Howard of Rutland City Norris of Shoreham

Pending the question, Shall the bill be amended as recommended by the committee on Human Services, as amended? **Rep. Strong of Albany** moved to amend the report of the committee on Human Services, as amended, as follows:

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

Except as provided in this chapter, a

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

Except as provided in this chapter, a

Third: In Sec. 2, 18 V.S.A. chapter 223, after section 9498, by inserting a new section as follows:

Sec. 3. 18 V.S.A. § 9499 is added to read:

§ 9499. ABORTION; INFORMED CONSENT; ULTRASOUND

REQUIRED

(a) As used in this section, “health care provider” means an individual licensed or certified or authorized by law to provide professional health care service in this State to a patient during that patient’s medical care, treatment, or confinement.

(b) An abortion shall not be performed or induced without the voluntary and informed consent of the individual on whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) At least 24 hours before the individual having any part of an abortion performed or induced, the health care provider who is to perform the abortion, or a qualified person working in conjunction with the health care provider shall:

(A) Perform fetal ultrasound imaging and auscultation of fetal heart tone services on the individual receiving the abortion.

(B) Offer to provide the individual with an opportunity to view the active ultrasound image of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The active ultrasound image must be of a quality consistent with standard medical practice in the community, contain the dimensions of the unborn child and accurately portray the presence of external members and internal organs, if present or viewable, of the unborn child. The auscultation of fetal heart tone must be of a quality consistent with standard medical practice in the community.

(C) Offer to provide the individual with a simultaneous explanation of what the ultrasound is depicting, including the presence and location of the unborn child within the uterus, the number of unborn children depicted, the dimensions of the unborn child and the presence of any external members and internal organs, if present or viewable.

(D) Offer to provide the individual with a physical picture of the ultrasound image of the unborn child.

(2) The individual certifies in writing prior to the abortion that the individual has been given the opportunity to view the active ultrasound image and hear the heartbeat of the unborn child if the heartbeat is audible and that

the individual opted to view or not view the active ultrasound image and hear or not hear the heartbeat of the unborn child.

(c) A violation of this section shall constitute unprofessional conduct as provided in the relevant provisions of Title 26 and shall subject the health care provider to discipline pursuant to the applicable provisions of that title and of 3 V.S.A. chapter 5.

Pending the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Strong of Albany? **Rep. Strong of Albany** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Strong of Albany? was decided in the negative. Yeas, 13. Nays, 131.

Those who voted in the affirmative are:

Bancroft of Westford	Town	Norris of Shoreham *
Batchelor of Derby	Gamache of Swanton	Quimby of Concord
Canfield of Fair Haven	Helm of Fair Haven	Rosenquist of Georgia
Cupoli of Rutland City	Higley of Lowell	Strong of Albany
Dickinson of St. Albans	Morrissey of Bennington	

Those who voted in the negative are:

Ancel of Calais	Giambatista of Essex	Ode of Burlington
Anthony of Barre City	Gonzalez of Winooski	O'Sullivan of Burlington
Austin of Colchester	Goslant of Northfield	Page of Newport City
Bartholomew of Hartland	Grad of Moretown	Pajala of Londonderry
Bates of Bennington	Graham of Williamstown	Palasik of Milton
Beck of St. Johnsbury	Gregoire of Fairfield	Partridge of Windham
Birong of Vergennes	Haas of Rochester	Patt of Worcester
Bock of Chester	Hango of Berkshire	Potter of Clarendon
Brennan of Colchester	Harrison of Chittenden	Pugh of South Burlington
Briglin of Thetford	Hashim of Dummerston	Rachelson of Burlington
Brownell of Pownal	Hooper of Montpelier	Ralph of Hartland
Browning of Arlington	Hooper of Randolph	Redmond of Essex
Brumsted of Shelburne	Hooper of Burlington	Rogers of Waterville
Burditt of West Rutland	Houghton of Essex	Savage of Swanton
Burke of Brattleboro	James of Manchester	Scheu of Middlebury
Campbell of St. Johnsbury	Jerome of Brandon	Scheuermann of Stowe
Carroll of Bennington	Jessup of Middlesex	Seymour of Sutton
Chase of Colchester	Jickling of Randolph	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Killacky of South Burlington	Sheldon of Middlebury
Christensen of Weathersfield	Kimbell of Woodstock	Sibilia of Dover
Christie of Hartford	Kornheiser of Brattleboro	Smith of Derby
Cina of Burlington	Krowinski of Burlington	Smith of New Haven
Coffey of Guilford	LaClair of Barre Town	Squirrell of Underhill
	LaLonde of South	Stevens of Waterbury

Colburn of Burlington	Burlington	Sullivan of Dorset
Colston of Winooski	Lanpher of Vergennes	Sullivan of Burlington
Conlon of Cornwall	Lefebvre of Newark	Szott of Barnard
Conquest of Newbury	Leffler of Enosburgh	Taylor of Colchester
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Terenzini of Rutland Town
Corcoran of Bennington	Long of Newfane	Till of Jericho
Cordes of Lincoln	Macaig of Williston	Toleno of Brattleboro
Demrow of Corinth	Martel of Waterford	Toll of Danville
Dolan of Waitsfield	Masland of Thetford	Toof of St. Albans Town
Donahue of Northfield	Mattos of Milton	Townsend of South Burlington
Donovan of Burlington	McCarthy of St. Albans City	Trieber of Rockingham
Durfee of Shaftsbury	McCormack of Burlington	Troiano of Stannard
Elder of Starksboro	McCoy of Poultney	Walz of Barre City
Emmons of Springfield	McCullough of Williston	Webb of Shelburne
Fagan of Rutland City	McFaun of Barre Town	White of Hartford
Fegard of Berkshire	Mrowicki of Putney	Wood of Waterbury
Feltus of Lyndon	Murphy of Fairfax	Yacovone of Morristown
Forguites of Springfield	Myers of Essex	Yantachka of Charlotte
Gannon of Wilmington	Nicoll of Ludlow	Young of Greensboro
Gardner of Richmond	Notte of Rutland City	
	Noyes of Wolcott	
	O'Brien of Tunbridge	

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

Hill of Wolcott	Kitzmiller of Montpelier	Morgan of Milton
Howard of Rutland City	Marcotte of Coventry	

Rep. Norris of Shoreham explained his vote as follows:

“Madam Speaker:

As a member of K of C Council #42 of Middlebury we purchased an ultrasound for Planned Parenthood of Middlebury for use with no cost as a policy of the Knights of Columbus.”

Recess

At six o'clock in the evening, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 57

Consideration resumed on House bill, entitled

An act relating to preserving the right to abortion

Pending the question, Shall the bill be amended as recommended by the committee on Human Services, as amended? **Rep. Bancroft of Westford** moved to amend the report of the committee on Human Services, as amended, as follows:

By striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 13 V.S.A. § 106 is added to read:

§ 105. PARTIAL-BIRTH ABORTIONS PROHIBITED

(a) Definition. As used in this section “partial-birth abortion” means an abortion in which the person performing the abortion:

(1) deliberately and intentionally vaginally delivers a living fetus until, in the case of a headfirst presentation, the entire fetal head is outside the body of the mother or, in the case of breech presentation, any part of the fetal trunk past the naval is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(2) performs an overt act, other than completion of delivery, that kills the partially delivered living fetus.

(b) Prohibition. No person shall knowingly perform a partial-birth abortion and as a result kill a human fetus.

(c) Penalty. A person who violates subsection (b) of this section shall be fined or imprisoned for up to two years, or both.

(d) Exceptions.

(1) This section does not apply to a partial-birth abortion that is necessary to save the life of a patient whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) An individual upon whom a partial-birth abortion is performed shall not be subject to criminal prosecution under this section.

(e) Evidence admissible at trial. A person engaged in the practice of medicine as defined in 26 V.S.A. § 1311 who is charged with a violation of this section may seek a hearing before the Board of Medical Practice on whether the person’s conduct was necessary to save the life of the patient. Any findings of the Board on this fact are admissible, at the court’s discretion, at the trial of the defendant. On the motion of the defendant, the court may, in its discretion, delay the trial for not more than 30 days to allow the hearing to occur.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Bancroft of Westford? **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Human Services, as amended, be amended as offered by Rep. Bancroft of Westford? was decided in the negative. Yeas, 43. Nays, 101.

Those who voted in the affirmative are:

Bancroft of Westford	Graham of Williamstown	Norris of Shoreham
Batchelor of Derby	Gregoire of Fairfield	Page of Newport City
Beck of St. Johnsbury	Hango of Berkshire	Palasik of Milton
Brennan of Colchester	Harrison of Chittenden	Quimby of Concord
Browning of Arlington	Helm of Fair Haven	Rosenquist of Georgia
Canfield of Fair Haven	Higley of Lowell	Savage of Swanton
Corcoran of Bennington	Jickling of Randolph	Scheuermann of Stowe
Cupoli of Rutland City	LaClair of Barre Town	Seymour of Sutton
Dickinson of St. Albans Town	Martel of Waterford	Shaw of Pittsford
Donahue of Northfield	Mattos of Milton	Smith of Derby
Fagan of Rutland City	McCoy of Poultney *	Smith of New Haven
Fegard of Berkshire	McFaun of Barre Town	Strong of Albany
Gamache of Swanton	Morrissey of Bennington	Terenzini of Rutland Town
Goslant of Northfield	Murphy of Fairfax	Toof of St. Albans Town
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Forguites of Springfield	Ode of Burlington
Anthony of Barre City	Gannon of Wilmington	O'Sullivan of Burlington
Austin of Colchester	Gardner of Richmond	Pajala of Londonderry
Bartholomew of Hartland	Giambatista of Essex	Partridge of Windham
Bates of Bennington	Gonzalez of Winooski	Patt of Worcester
Birong of Vergennes	Grad of Moretown	Potter of Clarendon
Bock of Chester	Haas of Rochester	Pugh of South Burlington
Briglin of Thetford	Hashim of Dummerston	Rachelson of Burlington
Brownell of Pownal	Hooper of Montpelier	Ralph of Hartland
Brumsted of Shelburne	Hooper of Randolph	Redmond of Essex
Burditt of West Rutland	Hooper of Burlington	Rogers of Waterville
Burke of Brattleboro	Houghton of Essex	Scheu of Middlebury
Campbell of St. Johnsbury	James of Manchester	Sheldon of Middlebury
Carroll of Bennington	Jerome of Brandon	Sibilia of Dover
Chase of Colchester	Jessup of Middlesex	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Killacky of South Burlington	Stevens of Waterbury
Christensen of Weathersfield	Kimbell of Woodstock	Sullivan of Dorset
Christie of Hartford	Kornheiser of Brattleboro	Sullivan of Burlington
	Krowinski of Burlington	Szott of Barnard

Cina of Burlington	LaLonde of South	Taylor of Colchester
Coffey of Guilford	Burlington	Till of Jericho
Colburn of Burlington	Lanpher of Vergennes	Toleno of Brattleboro
Colston of Winooski	Lefebvre of Newark	Toll of Danville
Conlon of Cornwall	Leffler of Enosburgh	Townsend of South
Conquest of Newbury	Lippert of Hinesburg	Burlington
Copeland-Hanzas of	Long of Newfane	Trieber of Rockingham
Bradford	Macaig of Williston	Troiano of Stannard
Cordes of Lincoln	Masland of Thetford	Walz of Barre City
Demrow of Corinth	McCarthy of St. Albans City	Webb of Shelburne
Dolan of Waitsfield	McCormack of Burlington	White of Hartford
Donovan of Burlington	McCullough of Williston	Wood of Waterbury
Durfee of Shaftsbury	Mrowicki of Putney	Yacovone of Morristown
Elder of Starksboro	Nicoll of Ludlow	Yantachka of Charlotte
Emmons of Springfield	Notte of Rutland City	Young of Greensboro
Feltus of Lyndon	Noyes of Wolcott	
	O'Brien of Tunbridge	

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

Hill of Wolcott	Kitzmiller of Montpelier	Morgan of Milton
Howard of Rutland City	Marcotte of Coventry	

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

If the purpose of House bill 57 is to ‘codify current practice’ then I believe this important piece of legislation should be included in the bill.”

Thereupon, the recommendation of the committee on Human Services, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 104. Nays, 40.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Ode of Burlington
Anthony of Barre City	Fegard of Berkshire	O'Sullivan of Burlington
Austin of Colchester	Gannon of Wilmington	Pajala of Londonderry
Bartholomew of Hartland	Gardner of Richmond	Partridge of Windham
Bates of Bennington	Giambatista of Essex	Patt of Worcester
Beck of St. Johnsbury	Gonzalez of Winooski *	Potter of Clarendon
Birong of Vergennes	Grad of Moretown	Pugh of South Burlington
Bock of Chester	Haas of Rochester	Rachelson of Burlington
Briglin of Thetford	Hashim of Dummerston	Ralph of Hartland
Brownell of Pownal	Hooper of Montpelier	Redmond of Essex
Browning of Arlington	Hooper of Randolph	Rogers of Waterville

Brumsted of Shelburne	Hooper of Burlington	Scheu of Middlebury
Burditt of West Rutland *	Houghton of Essex	Scheuermann of Stowe
Burke of Brattleboro	James of Manchester	Sheldon of Middlebury
Campbell of St. Johnsbury	Jerome of Brandon	Sibilia of Dover
Carroll of Bennington	Jessup of Middlesex	Squirrell of Underhill
Chase of Colchester	Jickling of Randolph	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Killacky of South Burlington	Sullivan of Dorset
Christensen of Weathersfield	Kimbell of Woodstock	Sullivan of Burlington
Christie of Hartford	Kornheiser of Brattleboro	Szott of Barnard
Cina of Burlington	Krowinski of Burlington *	Taylor of Colchester
Coffey of Guilford	LaLonde of South Burlington	Till of Jericho
Colburn of Burlington	Lanpher of Vergennes	Toleno of Brattleboro
Conlon of Winooski	Lippert of Hinesburg	Toll of Danville
Conlon of Cornwall	Long of Newfane	Townsend of South Burlington
Conquest of Newbury	Macaig of Williston	Trieber of Rockingham
Copeland-Hanzas of Bradford	Masland of Thetford	Troiano of Stannard
Corcoran of Bennington	McCarthy of St. Albans City	Walz of Barre City
Cordes of Lincoln	McCormack of Burlington	Webb of Shelburne
Demrow of Corinth	McCullough of Williston	White of Hartford
Dolan of Waitsfield	Mrowicki of Putney *	Wood of Waterbury
Donovan of Burlington	Murphy of Fairfax	Yacovone of Morristown
Durfee of Shaftsbury	Nicoll of Ludlow	Yantachka of Charlotte
Elder of Starksboro	Notte of Rutland City	Young of Greensboro
	Noyes of Wolcott	
	O'Brien of Tunbridge	

Those who voted in the negative are:

Bancroft of Westford	Gregoire of Fairfield	Norris of Shoreham
Batchelor of Derby	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden *	Palasik of Milton
Canfield of Fair Haven	Helm of Fair Haven	Quimby of Concord
Cupoli of Rutland City	Higley of Lowell	Rosenquist of Georgia
Dickinson of St. Albans Town	LaClair of Barre Town	Savage of Swanton
Donahue of Northfield	Lefebvre of Newark	Seymour of Sutton
Fagan of Rutland City	Leffler of Enosburgh	Shaw of Pittsford
Feltus of Lyndon	Martel of Waterford	Smith of Derby *
Forguites of Springfield	Mattos of Milton	Smith of New Haven
Gamache of Swanton	McCoy of Poultney	Strong of Albany
Goslant of Northfield	McFaun of Barre Town	Terenzini of Rutland Town
Graham of Williamstown	Morrissey of Bennington	Toof of St. Albans Town
	Myers of Essex	

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

Hill of Wolcott	Kitzmiller of Montpelier	Morgan of Milton
Howard of Rutland City	Marcotte of Coventry	

Rep. Burditt of West Rutland explained his vote as follows:

“Madam Speaker:

Agree or disagree with me – tonight I vote to move H.57 to third reading. Tomorrow is another day.”

Rep. Gonzalez of Winooski explained her vote as follows:

“Madam Speaker:

Today I voted yes. Protecting the right to this medical procedure is important for the health of Vermonters. Access to reproductive health care, including abortions, is important physical health, emotional health, economic health, and gender equity.”

Rep. Harrison of Chittenden explained his vote as follows:

I came here today hoping H.57 would get amended and I could support the legislation in the end. I came looking for compromise that would maintain a women’s right to choose, keep us compliant with Roe v Wade, but would also recognize the interests of the unborn in their later stages of development.

That didn’t happen with the voting down of each and every amendment. Consequently I vote No. I leave with disappointment no doubt shared by many others.

H.57 goes too far.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

This legislation codifies what current practice is in Vermont on abortion care so there is no question – depending on what happens with the Supreme Court. I believe it is a deeply personal decision of whether or when to become a parent and it should be left to a woman and her health care provider. I trust women and that’s why I voted yes.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

I want to first thank all the courageous women who blazed the trail we are keeping open with our work today and the women who have spoken so eloquently today. My vote supports their privacy and self-determination on this most sensitive health care decision. A decision that is – and should remain – solely between a woman and her health care provider. Government has no business imposing itself into these decisions.

This bill changes nothing from current practice but ensures that instability in Washington won’t affect rights for women that have been in place for 46

years. Plain and simple, my vote affirms a woman's right to choose for herself."

Rep. Smith of Derby explained his vote as follows:

"Madam Speaker:

This bill is a piece of fear legislation. The fear being the possible loss of a U.S. Supreme Court Justice and being followed by a Presidential appointment. That, I believe is the fear behind H. 57. Absolutely."

Adjournment

At seven o'clock and two minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.