

Journal of the House

Thursday, February 21, 2019

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

Devotional Exercises

Devotional exercises were conducted by Rev. Elissa Johnk, The Old Meeting House, East Montpelier, 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. 301

By Reps. Cordes of Lincoln, Christensen of Weathersfield and Cina of Burlington,

House bill, entitled

An act relating to prohibiting the use of the herbicide glyphosate;

To the committee on Agriculture and Forestry.

H. 302

By Reps. Strong of Albany, Brennan of Colchester, Cupoli of Rutland City, Dickinson of St. Albans Town, Gregoire of Fairfield, Morrissey of Bennington and Rosenquist of Georgia,

House bill, entitled

An act relating to testing and remediation of lead in drinking water of schools;

To the committee on Education.

H. 303

By Reps. Cordes of Lincoln, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Elder of Starksboro, Gonzalez of Winooski, Rogers of Waterville, Sullivan of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to disclosure of hospital administrator salaries in hospital

budget review;

To the committee on Health Care.

H. 304

By Reps. Cordes of Lincoln, Anthony of Barre City, Christensen of Weathersfield, Christie of Hartford, Colburn of Burlington, Gardner of Richmond, McCarthy of St. Albans City, Pajala of Londonderry, Patt of Worcester, Troiano of Stannard and Yantachka of Charlotte,

House bill, entitled

An act relating to legislative leave;

To the committee on Government Operations.

H. 305

By Reps. Ralph of Hartland, Carroll of Bennington, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Fegard of Berkshire, Gonzalez of Winooski, Hooper of Randolph, Hooper of Burlington, Jerome of Brandon, LaLonde of South Burlington, Nicoll of Ludlow, O'Sullivan of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to requiring implicit bias training for State employees;

To the committee on Government Operations.

H. 306

By Reps. Dolan of Waitsfield, Anthony of Barre City, Birong of Vergennes, Bock of Chester, Carroll of Bennington, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Colston of Winooski, Conlon of Cornwall, Durfee of Shaftsbury, Fegard of Berkshire, Forguites of Springfield, Gonzalez of Winooski, Hill of Wolcott, Hooper of Burlington, James of Manchester, Killacky of South Burlington, McCullough of Williston, O'Brien of Tunbridge, Ode of Burlington, Ralph of Hartland, Redmond of Essex, Sheldon of Middlebury, Squirrell of Underhill, Szott of Barnard, Walz of Barre City and Webb of Shelburne,

House bill, entitled

An act relating to the Vermont Housing and Conservation Trust Fund and the Historic Barns Preservation Grant Program;

To the committee on Appropriations.

H. 307

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to strict liability for damages caused by domestic dogs;

To the committee on Judiciary.

H. 308

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to fishing and hunting licensing;

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

H. 309

By Reps. Birong of Vergennes, Briglin of Thetford, Durfee of Shaftsbury, Lanpher of Vergennes, Sheldon of Middlebury, Szott of Barnard and Young of Greensboro,

House bill, entitled

An act relating to creating a working group to study establishing a program to facilitate the enrollment of forestlands in carbon markets;

To the committee on Agriculture and Forestry.

H. 310

By Reps. Burditt of West Rutland, Strong of Albany, Batchelor of Derby, Kitzmiller of Montpelier, Lefebvre of Newark, Masland of Thetford, Mrowicki of Putney and Troiano of Stannard,

House bill, entitled

An act relating to informed consent for the administration of immunizations;

To the committee on Health Care.

H. 311

By Reps. Strong of Albany, Batchelor of Derby, Burditt of West Rutland, Chesnut-Tangerman of Middletown Springs, Grad of Moretown, Jessup of Middlesex, Kitzmiller of Montpelier, Lefebvre of Newark, Masland of Thetford and Mrowicki of Putney,

House bill, entitled

An act relating to reporting on adverse reactions related to immunizations;
To the committee on Health Care.

H. 312

By Reps. Yantachka of Charlotte, Cordes of Lincoln, Gardner of Richmond, Killacky of South Burlington, McCormack of Burlington, McCullough of Williston, Patt of Worcester, Potter of Clarendon, Rosenquist of Georgia, Smith of New Haven, Sullivan of Burlington and Walz of Barre City,

House bill, entitled

An act relating to open movie captioning in movie theaters;
To the committee on Human Services.

H. 313

By Reps. Cordes of Lincoln, Cina of Burlington, Colston of Winooski, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to safe patient handling and staff-to-patient ratios;
To the committee on Health Care.

H. 315

By Reps. Townsend of South Burlington and Fagan of Rutland City,

House bill, entitled

An act relating to requiring clubs to file quarterly reports of break-open ticket sales;

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

H. 316

By Reps. Noyes of Wolcott, Brumsted of Shelburne and Hill of Wolcott,

House bill, entitled

An act relating to creating an automotive workforce training pilot program;
To the committee on Commerce and Economic Development.

H. 317

By Reps. Ralph of Hartland, Austin of Colchester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Colburn of Burlington, Haas of Rochester, Hooper of Randolph, Hooper of Burlington and Nicoll of Ludlow,

House bill, entitled

An act relating to the Statewide Unified Lending Study Committee;
To the committee on Government Operations.

H. 318

By Reps. Yacovone of Morristown, Anthony of Barre City, Brumsted of Shelburne, Cordes of Lincoln, Donovan of Burlington, Noyes of Wolcott, Patt of Worcester and Walz of Barre City,

House bill, entitled

An act relating to the study and design of a long-term care trust fund;
To the committee on Human Services.

H. 319

By Rep. Till of Jericho,

House bill, entitled

An act relating to prohibiting licensed midwives from performing home births after cesarean delivery;

To the committee on Human Services.

H. 320

By Reps. Hooper of Burlington, Birong of Vergennes, Brownell of Pownal, Durfee of Shaftsbury, Gannon of Wilmington, Gardner of Richmond, Hashim of Dummerston, Kitzmiller of Montpelier, Macaig of Williston, Mrowicki of Putney, Nicoll of Ludlow, O'Sullivan of Burlington, Palasik of Milton, Ralph of Hartland, Redmond of Essex and Troiano of Stannard,

House bill, entitled

An act relating to reduced motor vehicle registration fees for veterans, exempting certain pensions from taxable income, and the maintenance of a database of veterans in Vermont;

To the committee on Transportation.

H. 321

By Reps. Savage of Swanton, Batchelor of Derby, Burditt of West Rutland, Gregoire of Fairfield, McFaun of Barre Town, Myers of Essex, Page of Newport City, Rosenquist of Georgia and Terenzini of Rutland Town,

House bill, entitled

An act relating to aggravated murder for killing a firefighter or an emergency medical provider;

To the committee on Judiciary.

H. 322

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to family leave and insurance protections for organ donors;

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

H. 323

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to Medicaid coverage for acupuncture;

To the committee on Health Care.

H. 324

By Reps. Rachelson of Burlington, McCullough of Williston, Mrowicki of Putney, Walz of Barre City and White of Hartford,

House bill, entitled

An act relating to parole eligibility and furlough violations;

To the committee on Corrections and Institutions.

H. 325

By Reps. Rachelson of Burlington, Brownell of Pownal, Chesnut-Tangerman of Middletown Springs, Christensen of Weathersfield, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Gonzalez of Winooski, Mrowicki of Putney, Nicoll of Ludlow, Notte of Rutland City, Patt of Worcester and Ralph of Hartland,

House bill, entitled

An act relating to providing a deduction for interest on student loans;

To the committee on Ways and Means.

H. 326

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to promoting maker spaces;

To the committee on Commerce and Economic Development.

H. 327

By Rep. Young of Greensboro,

House bill, entitled

An act relating to automatic renewal contract provisions;

To the committee on Commerce and Economic Development.

H. 328

By Reps. Noyes of Wolcott and Hill of Wolcott,

House bill, entitled

An act relating to supporting workforce development at Salvation Farms;

To the committee on Commerce and Economic Development.

H. 329

By Reps. Rachelson of Burlington, McCormack of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to safe storage of firearms;

To the committee on Judiciary.

H. 330

By Reps. LaLonde of South Burlington and Grad of Moretown,

House bill, entitled

An act relating to repealing the statute of limitations for civil actions based on childhood sexual abuse;

To the committee on Judiciary.

H. 331

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to the regulation of court reporters;

To the committee on Judiciary.

H. 332

By Rep. Wood of Waterbury,

House bill, entitled

An act relating to the establishment of Developmental Disabilities Independence Day;

To the committee on Human Services.

H. 333

By Reps. Rachelson of Burlington, Brownell of Pownal, Burke of Brattleboro, Colburn of Burlington, Gonzalez of Winooski, Hooper of Montpelier, LaLonde of South Burlington, McCullough of Williston, Nicoll of Ludlow and Pajala of Londonderry,

House bill, entitled

An act relating to prohibiting discrimination based on an individual's criminal history;

To the committee on Judiciary.

H. 334

By Reps. Gannon of Wilmington, Gardner of Richmond, Hooper of Burlington and Mrowicki of Putney,

House bill, entitled

An act relating to temporary State employees;

To the committee on Government Operations.

H. 335

By Reps. Pugh of South Burlington and Copeland-Hanzas of Bradford,

House bill, entitled

An act relating to providing workers' compensation coverage for post-traumatic stress disorder suffered by Family Services Division caseworkers;

To the committee on Commerce and Economic Development.

H. 336

By Reps. Townsend of South Burlington, Christensen of Weathersfield, Cordes of Lincoln, Gardner of Richmond, James of Manchester, Jerome of Brandon, Killacky of South Burlington, Kornheiser of Brattleboro, Leffler of Enosburgh, McCullough of Williston, Mrowicki of Putney, Notte of Rutland City, O'Sullivan of Burlington, Partridge of Windham, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Toll of Danville, Walz of Barre City, White of Hartford, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to including psychological abuse as the basis for obtaining a civil abuse protection order;

To the committee on Judiciary.

H. 337

By Reps. Chesnut-Tangerman of Middletown Springs and Yantachka of Charlotte,

House bill, entitled

An act relating to energy transformation projects under the Renewable Energy Standard;

To the committee on Energy and Technology.

H. 338

By Reps. Chesnut-Tangerman of Middletown Springs and Yantachka of Charlotte,

House bill, entitled

An act relating to the Standard Offer Program and hydroelectric plants;

To the committee on Energy and Technology.

H. 339

By Reps. Chesnut-Tangerman of Middletown Springs and Yantachka of Charlotte,

House bill, entitled

An act relating to energy efficiency programs and equipment powered by fossil fuels;

To the committee on Energy and Technology.

H. 340

By Reps. Savage of Swanton, Batchelor of Derby, Gamache of Swanton, Gregoire of Fairfield, Higley of Lowell, Leffler of Enosburgh, Martel of Waterford, Page of Newport City, Quimby of Concord and Rosenquist of Georgia,

House bill, entitled

An act relating to the dissolution of the State Board of Education;

To the committee on Education.

H. 341

By Reps. Chase of Colchester, Higley of Lowell, Kornheiser of Brattleboro, Nicoll of Ludlow and Sibia of Dover,

House bill, entitled

An act relating to waived motor vehicle registration fees for veterans and first responders;

To the committee on Transportation.

H. 342

By Reps. Colburn of Burlington and Hashim of Dummerston,

House bill, entitled

An act relating to qualification for a public defender;

To the committee on Judiciary.

H. 343

By Reps. Till of Jericho, Brumsted of Shelburne, Campbell of St. Johnsbury, Carroll of Bennington, Christensen of Weathersfield, Cordes of Lincoln, Durfee of Shaftsbury, Houghton of Essex, LaLonde of South Burlington, Lanpher of Vergennes, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, Squirrell of Underhill and Yantachka of Charlotte,

House bill, entitled

An act relating to the imposition of an excise tax on sugar-sweetened beverages;

To the committee on Human Services.

H. 344

By Reps. Chase of Colchester, Birong of Vergennes, Brownell of Pownal, Hooper of Burlington, Nicoll of Ludlow and O'Brien of Tunbridge,

House bill, entitled

An act relating to the definition of homestead;

To the committee on Ways and Means.

H. 345

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to the placement of inspection certificates;
To the committee on Transportation.

H. 346

By Rep. Burditt of West Rutland,
House bill, entitled
An act relating to the use of head protection on all-terrain vehicles;
To the committee on Transportation.

H. 347

By Reps. Colburn of Burlington, Copeland-Hanzas of Bradford and Rachelson of Burlington,
House bill, entitled
An act relating to the creation of the Task Force on Campus Sexual Harm;
To the committee on Education.

H. 348

By Reps. Patt of Worcester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christensen of Weathersfield, Hooper of Burlington, Killacky of South Burlington, Kornheiser of Brattleboro, Macaig of Williston, McCullough of Williston, Mrowicki of Putney, Squirrell of Underhill, Szott of Barnard, Wood of Waterbury and Yantachka of Charlotte,
House bill, entitled
An act relating to health insurance coverage for hearing aids;
To the committee on Health Care.

H. 349

By Reps. McFaun of Barre Town, Bancroft of Westford, Brumsted of Shelburne, Dickinson of St. Albans Town, Feltus of Lyndon, Gamache of Swanton, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Harrison of Chittenden, LaClair of Barre Town, McCoy of Poultney, Morgan of Milton, Myers of Essex, Nicoll of Ludlow, Page of Newport City, Redmond of Essex, Rosenquist of Georgia, Savage of Swanton, Smith of Derby, Strong of Albany and Wood of Waterbury,
House bill, entitled
An act relating to raising revenue to improve access to affordable, high quality child care and early learning;

To the committee on Human Services.

Action on Bill Postponed

H. 97

House bill, entitled

An act relating to fiscal year 2019 budget adjustments

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until February 26, 2019.

Third Reading; Bill Passed

H. 79

House bill, entitled

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

Was taken up, read the third time and passed.

Bill Committed

H. 275

House bill, entitled

An act relating to the Farm-to-Plate Investment Program

Appearing on the Calendar for action and pending second reading of the bill, Rep. Partridge of Windham moved to commit the bill to Agriculture and Forestry, which was agreed to.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 58

Rep. Colston of Winooski, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 59

Rep. Harrison of Chittenden, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the codification of the charter of the Rutland County Solid Waste District

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Recess

At one o'clock and thirty-five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Read Third Time; Bill Passed

H. 57

House bill, entitled

An act relating to preserving the right to abortion

Was taken up and pending third reading of the bill, **Rep. Bancroft of Westford** moved to amend the bill as follows:

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

Sec. 3. 18 V.S.A. § 5224 is amended to read:

§ 5224. DISPOSITION OF REMAINS; PERMITS

(a) Fetal remains shall be disposed of by burial or cremation unless released to an educational institution for scientific purposes or disposed of by the hospital or as directed by the attending physician in a manner ~~which~~ that will not create a public health hazard ~~or violate subsection (d) of this section~~. Permission shall be obtained from one of the parents, if competent, for disposition in all cases where a funeral director is not involved. One copy of the fetal death report shall be printed in such manner that completion and signing by the physician or medical examiner shall constitute permission to make final disposition of the fetal remains.

(b) When a funeral director is involved or when the fetal remains are to be privately buried or disposed of by a commercial crematory, the funeral director or other person taking charge of the remains shall obtain from the hospital or physician the disposition permit portion of the report and shall deliver it to the sexton or other person having care of the cemetery, tomb, vault, or crematory before burial or other disposition takes place. These permits shall be delivered each month to the clerk of the town in which burial or disposition took place, in the same manner as permits for burial of dead bodies; so also shall all other provisions of sections 5209-5216 of this title be applicable to fetal remains as are applicable to dead bodies.

(c) When disposition of fetal remains is by means other than those specified in subsection (b) of this section and a funeral director is not involved, the disposition permit copy of the report shall be completed by the appropriate official of the hospital or by the physician or other person in charge of disposition and sent to the Commissioner within 10 days of such disposition. These permits may be destroyed after five years.

(d)(1) As used in this subsection, "human fetal tissue" means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.

(2) A person shall not buy or sell or offer to buy or sell any human fetal tissue resulting from a legal abortion. A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$5,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Bartholomew of Hartland raised a Point of Order in that the amendment was not germane as it did not address the right to an abortion but dealt with the disposition of remains which the Speaker ruled well taken.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill 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 NOTIFICATION OF 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. NOTIFICATION

No abortion shall be performed upon an unemancipated minor or upon a minor for whom a guardian has been appointed until 48 hours after written notification of the pending abortion has been delivered to at least one parent of the unemancipated minor or to the guardian of the minor. The notification shall be delivered at the parent’s or guardian’s usual place of abode, if possible; otherwise, at any other appropriate place, and shall be:

(1) personally delivered to the parent or guardian by the attending health care provider proposing to provide the abortion or an agent of the health care provider; or

(2) sent to the parent or guardian by certified mail, return receipt requested, delivery restricted to the addressee. Time of delivery shall be deemed to occur at the time the return receipt is signed by the recipient.

§ 5297. LIMITATIONS

Notification 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 notification to a parent or guardian; or

(2) the parent or guardian entitled to notification certifies in writing, with proof of identification, that he or she has been notified of the minor's intent to have an abortion; 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 notification of a parent or guardian, may petition any Probate Division of the Superior Court for a waiver of the parental notification 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 notification has not been waived, and that the minor has not petitioned any other court for a waiver to the notification 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 notification 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 notification 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 notification would place the minor at substantial risk of being physically or emotionally harmed by a parent or guardian;

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

(iv) parental notification 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 notification 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 notification.

(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 notification is granted. A certified copy of the automatic waiver of parental notification 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 notification 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 notification 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 parental notification 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 notification 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 notification 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 notification 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 notification 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 January 1, 2020.

Pending the question, Shall the bill be amended as offered by Rep. Donahue of Northfield? **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 amended as offered by Rep. Donahue of Northfield? was decided in the negative. Yeas, 37. Nays, 109.

Those who voted in the affirmative are:

| | | |
|---------------------------------|-------------------------|---------------------------|
| Bancroft of Westford | Hango of Berkshire | Page of Newport City |
| Batchelor of Derby | Harrison of Chittenden | Palasik of Milton |
| Brennan of Colchester | 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 | Shaw of Pittsford |
| Fagan of Rutland City | Mattos of Milton | Smith of Derby |
| Gamache of Swanton | McCoy of Poultney | Smith of New Haven |
| Goslant of Northfield | McFaun of Barre Town | Strong of Albany |
| Graham of Williamstown | Morrissey of Bennington | Terenzini of Rutland Town |
| Gregoire of Fairfield | Myers of Essex | Toof of St. Albans Town |
| | Norris of Shoreham | |

Those who voted in the negative are:

| | | |
|--|--------------------------------|---------------------------------|
| Ancel of Calais | Feltus of Lyndon | 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 |
| Browning of Arlington | Houghton of Essex | Redmond of Essex |
| Brumsted of Shelburne | Howard of Rutland City | Rogers of Waterville |
| Burditt of West Rutland | James of Manchester | Scheu of Middlebury * |
| Burke of Brattleboro | Jerome of Brandon | Scheuermann of Stowe |
| Campbell of St. Johnsbury | Jessup of Middlesex | Sheldon of Middlebury |
| Carroll of Bennington | Jickling of Randolph | Sibilia of Dover |
| Chase of Colchester | Killacky of South Burlington | Squirrell of Underhill |
| Chesnut-Tangerman of Middletown Springs | Kimbell of Woodstock | Stevens of Waterbury |
| Christensen of Weathersfield | Kitzmiller of Montpelier | Sullivan of Dorset |
| Christie of Hartford | Kornheiser of Brattleboro | Sullivan of Burlington |
| Cina of Burlington | Krowinski of Burlington | Szott of Barnard |
| Coffey of Guilford | LaLonde of South Burlington | Taylor of Colchester |
| Colburn of Burlington | Lanpher of Vergennes | Till of Jericho |
| Colston of Winooski | Lefebvre of Newark | Toleno of Brattleboro |
| Conlon of Cornwall | Leffler of Enosburgh | Toll of Danville |
| Conquest of Newbury | Lippert of Hinesburg | Townsend of South Burlington |

| | | |
|--------------------------------|--|--|
| Copeland-Hanzas of Bradford | Long of Newfane Macaig of Williston | Trieber of Rockingham Troiano of Stannard |
| Corcoran of Bennington | Masland of Thetford | Walz of Barre City |
| Cordes of Lincoln | McCarthy of St. Albans City | Webb of Shelburne |
| Demrow of Corinth | McCormack of Burlington | White of Hartford |
| Dolan of Waitsfield | McCullough of Williston | Wood of Waterbury |
| Donovan of Burlington | Morgan of Milton | Yacovone of Morristown |
| Durfee of Shaftsbury | Mrowicki of Putney | Yantachka of Charlotte |
| Elder of Starksboro | Murphy of Fairfax | Young of Greensboro |
| Emmons of Springfield | Nicoll of Ludlow | |
| Fegard of Berkshire | Notte of Rutland City | |
| | Noyes of Wolcott | |

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

| | | |
|--------------------------|-----------------|----------------------|
| Forguites of Springfield | Hill of Wolcott | Hooper of Burlington |
|--------------------------|-----------------|----------------------|

Rep. Gonzalez of Winooski explained her vote as follows:

“Madam Speaker:

Lesbian, bisexual, queer, gay, and questioning youth are 120% more likely to experience homelessness than their heterosexual peers. Transgender and gender queer youth are at even greater risk. They are also 3.40% more likely to experience pregnancy. Forcing youth to disclose a pregnancy may force other disclosures, exacerbate risk, and reduce youth wellbeing on multiple fronts.”

Rep. Scheu of Middlebury explained her vote as follows:

“Madam Speaker:

The primary factor in determining whether a young woman consults her parents before seeking abortion care is the quality of her relationship with her parents. As we’ve heard, most young women do consult their parents. However, many young people live in dysfunctional or unsafe family environments, and no amount of legislation is going to turn these families into stable homes or make communications easier. Forcing vulnerable teens with bad family circumstances to notify their parents puts them at risk of violence or being turned out of their homes. The alternate requirement, compelling a young woman, who is already dealing with a traumatic situation, to stand in front of a perfect stranger or a judge with another stranger who has been appointed as her attorney will not only add to her emotional distress, but also delay the process. For these reasons, I vote no on this amendment.”

Thereupon, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill 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. § 2312 is added to read:

§ 2312. VIABLE FETUS; TREATMENT AS VICTIM

(a) As used in this section, “viable fetus” means a human fetus that has reached the end of the 20th week after conception or, in the case of in vitro fertilization, the end of the 20th week after implantation, until birth.

(b) Except as provided in subsection (c) of this section, a prosecution may be maintained for a violation of section 2301 (murder) or 2304 (manslaughter) of this chapter when the victim of the homicide is a viable fetus.

(c) This section shall not apply to acts performed during an abortion or pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment, or to acts committed by a pregnant person toward the person’s own viable fetus.

(d) This section shall not be construed to confer, deny, expand, or contract the legal status or legal rights of a viable fetus.

Sec. 4. 23 V.S.A. § 1091(e) is added to read:

(e)(1) A prosecution may be maintained for grossly negligent operation of a motor vehicle with death resulting in violation of subdivision (b)(3) of this section when the victim of the violation is a viable fetus as defined in 13 V.S.A. § 2312(a).

(2) This subsection shall not be construed to confer, deny, expand, or contract the legal status or legal rights of a viable fetus.

Sec. 5. 23 V.S.A. § 1210(f) is amended to read:

(f)(1) Death resulting. If the death of any person results from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$10,000.00 or imprisoned not less than one year nor more than 15 years, or both. The provisions of this subsection do not limit or restrict prosecutions for manslaughter.

(2) If the death of more than one person results from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each decedent.

* * *

(4) Fetal death.

(A) A prosecution may be maintained for operating a motor vehicle under the influence of alcohol or drugs with death resulting in violation of this

section and section 1201 of this title when the victim of the violation is a viable fetus as defined in 13 V.S.A. § 2312(a).

(B) This subsection shall not be construed to confer, deny, expand, or contract the legal status or legal rights of a viable fetus.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the bill be amended as offered by Rep. Donahue of Northfield? **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 amended as offered by Rep. Donahue of Northfield? was decided in the negative. Yeas, 40. Nays, 106.

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

Those who voted in the negative are:

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

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

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

| | | |
|--------------------------|-----------------|----------------------|
| Forguites of Springfield | Hill of Wolcott | Hooper of Burlington |
|--------------------------|-----------------|----------------------|

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

First: In Sec. 1 (legislative intent), after the first sentence, by striking out the word “The” and inserting the following: The General Assembly recognizes that the fertilization of a human egg begins the development of a genetically distinct human life, however, it prioritizes an individual’s choice to decide whether to sustain a life in utero prior to and until the time of birth. Therefore, the

Second: In Sec. 1 (legislative intent), after the words “safeguard the existing rights to access” by inserting the words “abortion and”

Pending the question, Shall the bill be amended as offered by Rep. Donahue of Northfield? **Rep. Donahue of Northfield** 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 amended as offered by Rep. Donahue of Northfield? was decided in the negative. Yeas, 37. Nays, 108.

Those who voted in the affirmative are:

| | | |
|----------------------|------------------------|----------------------|
| Bancroft of Westford | Graham of Williamstown | Page of Newport City |
| Batchelor of Derby | Gregoire of Fairfield | Palasik of Milton |

| | | |
|---------------------------------|-------------------------|---------------------------|
| Brennan of Colchester | Hango of Berkshire | 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 | LaClair of Barre Town | Seymour of Sutton |
| Cupoli of Rutland City | Marcotte of Coventry | Smith of Derby |
| Dickinson of St. Albans Town | Martel of Waterford | Smith of New Haven |
| Donahue of Northfield | McFaun of Barre Town | Strong of Albany |
| Feltus of Lyndon | Morrissey of Bennington | Terenzini of Rutland Town |
| Gamache of Swanton | Murphy of Fairfax | Toof of St. Albans Town |
| Goslant of Northfield | Myers of Essex | Yantachka of Charlotte |
| | Norris of Shoreham | |

Those who voted in the negative are:

| | | |
|--|--------------------------------|---------------------------------|
| Ancel of Calais | Gannon of Wilmington | Notte of Rutland City |
| Anthony of Barre City | Gardner of Richmond | Noyes of Wolcott |
| Austin of Colchester | Giambatista of Essex | O'Brien of Tunbridge |
| Bartholomew of Hartland | Gonzalez of Winooski | Ode of Burlington |
| Bates of Bennington | Grad of Moretown | O'Sullivan of Burlington |
| Beck of St. Johnsbury | Haas of Rochester | Pajala of Londonderry |
| Birong of Vergennes | Harrison of Chittenden | Partridge of Windham |
| Bock of Chester | Hashim of Dummerston | Patt of Worcester |
| Briglin of Thetford | Hooper of Montpelier | Potter of Clarendon |
| Brownell of Pownal | Hooper of Randolph | Pugh of South Burlington |
| Brumsted of Shelburne | Houghton of Essex | Rachelson of Burlington |
| Burditt of West Rutland | Howard of Rutland City | Ralph of Hartland |
| Burke of Brattleboro | James of Manchester | Redmond of Essex |
| Campbell of St. Johnsbury | Jerome of Brandon | Rogers of Waterville |
| Carroll of Bennington | Jessup of Middlesex | Scheu of Middlebury |
| Chase of Colchester | Jickling of Randolph | Scheuermann of Stowe |
| Chesnut-Tangerman of Middletown Springs | Killacky of South Burlington | Shaw of Pittsford |
| Christensen of Weathersfield | Kimbell of Woodstock | Sheldon of Middlebury |
| Christie of Hartford | Kitzmiller of Montpelier | Sibilia of Dover |
| Cina of Burlington | Kornheiser of Brattleboro | Squirrell of Underhill |
| Coffey of Guilford | Krowinski of Burlington | Stevens of Waterbury |
| Colburn of Burlington | LaLonde of South 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 | Till of Jericho |
| Cordes of Lincoln | Long of Newfane | Toleno of Brattleboro |
| Demrow of Corinth | Macaig of Williston | Toll of Danville |
| Dolan of Waitsfield | Masland of Thetford | Townsend of South Burlington |
| Donovan of Burlington | Mattos of Milton | Trieber of Rockingham |
| Durfee of Shaftsbury | McCarthy of St. Albans City | Troiano of Stannard |
| Elder of Starksboro | McCormack of Burlington | Walz of Barre City |
| Emmons of Springfield | McCoy of Poultney | Webb of Shelburne |
| Fagan of Rutland City | McCullough of Williston | White of Hartford |
| Fegard of Berkshire | Morgan of Milton | Yacovone of Morristown |
| | Mrowicki of Putney | Young of Greensboro |

Nicoll of Ludlow

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

Forguites of Springfield
Hill of Wolcott

Hooper of Burlington
Wood of Waterbury

Pending third reading of the bill, **Rep. McFaun of Barre Town** moved to amend the bill as follows:

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

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9494(a) (interference with reproductive choice prohibited), after “or to obtain an abortion”, by inserting the words “except as otherwise provided in this chapter”

Third: In Sec. 2, 18 V.S.A. chapter 223, in subdivision 9497 before “A public entity shall not” by inserting the words “Except as otherwise provided in this chapter,”

Fourth: By striking out Sec. 3 in its entirety and inserting in lieu thereof the following:

§ 9499. ABORTION; PROHIBITED CONDUCT; LIMITATION ON

PROSECUTION

(a) A health care provider as defined in section 9496 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 the abortion is necessary to preserve the life or physical or mental health of the patient.

(b) 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.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the bill be amended as offered by Rep. McFaun of Barre Town? **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 bill be amended as offered

by Rep. McFaun of Barre Town? was decided in the negative. Yeas, 37. Nays, 106.

Those who voted in the affirmative are:

| | | |
|---------------------------------|-------------------------|---------------------------|
| Bancroft of Westford | Gregoire of Fairfield | Myers of Essex |
| Batchelor of Derby | 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 | Seymour of Sutton |
| Cupoli of Rutland City | LaClair of Barre Town | Shaw of Pittsford |
| Dickinson of St. Albans Town | Leffler of Enosburgh | Smith of Derby |
| Donahue of Northfield | Mattos of Milton | Smith of New Haven |
| Gamache of Swanton | McCoy of Poultney | Terenzini of Rutland Town |
| Goslant of Northfield | McFaun of Barre Town | Toof of St. Albans Town |
| Graham of Williamstown | Morrissey of Bennington | Wood of Waterbury |
| | Murphy of Fairfax | |

Those who voted in the negative are:

| | | |
|--|--------------------------------|---------------------------------|
| Ancel of Calais | Feltus of Lyndon | 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 |
| Beck of St. Johnsbury | Grad of Moretown | Potter of Clarendon |
| Birong of Vergennes | Haas of Rochester | Pugh of South Burlington |
| Bock of Chester | Hashim of Dummerston | Rachelson of Burlington |
| Briglin of Thetford | Hooper of Montpelier | Ralph of Hartland |
| Brownell of Pownal | Hooper of Randolph | Redmond of Essex |
| Brumsted of Shelburne | Houghton of Essex | Rogers of Waterville |
| Burditt of West Rutland | Howard of Rutland City | Scheu of Middlebury |
| Burke of Brattleboro | James of Manchester | Scheuermann of Stowe |
| Campbell of St. Johnsbury | Jerome of Brandon | Sheldon of Middlebury |
| Carroll of Bennington | Jessup of Middlesex | Sibilia of Dover |
| Chase of Colchester | Killacky of South Burlington | Squirrell of Underhill |
| Chesnut-Tangerman of Middletown Springs | Kimbell of Woodstock | Stevens of Waterbury |
| Christensen of Weathersfield | Kitzmiller of Montpelier | Strong of Albany |
| Christie of Hartford | Kornheiser of Brattleboro | Sullivan of Dorset |
| Cina of Burlington | Krowinski of Burlington | Sullivan of Burlington |
| Coffey of Guilford | LaLonde of South Burlington | Szott of Barnard |
| Colburn of Burlington | Lanpher of Vergennes | Taylor of Colchester |
| Colston of Winooski | Lefebvre of Newark | Till of Jericho |
| Conlon of Cornwall | Lippert of Hinesburg | Toleno of Brattleboro |
| Conquest of Newbury | Long of Newfane | Toll of Danville |
| Copeland-Hanzas of Bradford | Macaig of Williston | Townsend of South Burlington |
| Cordes of Lincoln | Marcotte of Coventry | Trieber of Rockingham |
| Demrow of Corinth | Masland of Thetford | Troiano of Stannard |
| | McCarthy of St. Albans City | Walz of Barre City |

| | | |
|-----------------------|-------------------------|------------------------|
| Dolan of Waitsfield | McCormack of Burlington | Webb of Shelburne |
| Donovan of Burlington | McCullough of Williston | White of Hartford |
| Durfee of Shaftsbury | Morgan of Milton | Yacovone of Morristown |
| Elder of Starksboro * | Mrowicki of Putney | Yantachka of Charlotte |
| Emmons of Springfield | Nicoll of Ludlow | Young of Greensboro |
| Fagan of Rutland City | Notte of Rutland City | |
| Fegard of Berkshire | Noyes of Wolcott | |
| | O'Brien of Tunbridge | |

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

| | | |
|--------------------------|----------------------|----------------------|
| Forguites of Springfield | Hooper of Burlington | Norris of Shoreham |
| Hill of Wolcott | Martel of Waterford | Page of Newport City |

Rep. Elder of Starksboro explained his vote as follows:

“Madam Speaker:

This amendment would establish medical providers as the gatekeepers to abortion services. I trust women to make their own decision and then to consult with their chosen provider, their family and their friends as they see fit.”

Pending third reading of the bill, **Rep. Bancroft of Westford** moved to amend the bill 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 otherwise 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 otherwise 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; MANDATORY COUNSELING FOR UNSUPPORTED MINORS; REQUIREMENTS

(a) Definition. As used in this section, “designated agency” means a designated community mental health and developmental disability agency as described in subsection 8907(a) of this title.

(b) Prohibition. Except as provided in subsection (d) of this section, no abortion shall be performed upon an unemancipated minor or upon a minor for whom a guardian has been appointed who does not have the support of a

parent or guardian without a certification from a designated agency that the minor has received counseling as required by subsection (c) of this section.

(c) Counseling requirement.

(1) Prior to the minor patient described in subsection (b) of this section having any part of an abortion performed or induced, a health care provider shall refer the patient to a designated agency to receive counseling, which shall include:

(A) an explanation that the information is being given objectively, and is not intended to coerce, persuade, or induce the patient to make a particular decision;

(B) an explanation of all the options available to the patient, including information regarding adoption, abortion, and support services available to assist the patient if she chooses to carry the pregnancy to term; and

(C) the nature of the proposed abortion procedure and the immediate and long-term medical risks associated with the procedure.

(2) The counselor at the designated agency shall certify in writing that the patient received the counseling required in this subsection and that, in his or her professional judgement, the patient is seeking abortion care voluntarily, and that the patient is able to access appropriate post-abortion care.

(d) Exceptions. This section shall not apply in the case of a medical emergency in which the minor's life or health is at risk, if the health care provider has reason to believe that the pregnancy is the result of rape or incest, or in cases of ectopic pregnancy.

(e) Discipline. 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 bill be amended as offered by Rep. Bancroft of Westford? **Rep. Bancroft of Westford** 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 amended as offered by Rep. Bancroft of Westford? was decided in the negative. Yeas, 28. Nays, 113.

Those who voted in the affirmative are:

| | | |
|------------------------|------------------------|-----------------------|
| Bancroft of Westford | Graham of Williamstown | Quimby of Concord |
| Batchelor of Derby | Gregoire of Fairfield | Rosenquist of Georgia |
| Beck of St. Johnsbury | Hango of Berkshire | Savage of Swanton |
| Brennan of Colchester | Harrison of Chittenden | Seymour of Sutton |
| Canfield of Fair Haven | Helm of Fair Haven | Smith of Derby |

| | | |
|---------------------------------|-------------------------|---------------------------|
| Cupoli of Rutland City | Higley of Lowell | Smith of New Haven |
| Dickinson of St. Albans Town | LaClair of Barre Town | Strong of Albany |
| Donahue of Northfield | McCoy of Poultney | Terenzini of Rutland Town |
| Goslant of Northfield | McFaun of Barre Town | Toof of St. Albans Town |
| | Morrissey of Bennington | |

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

Forguites of Springfield
Gamache of Swanton
Hill of Wolcott

Hooper of Burlington
Martel of Waterford
McCarthy of St. Albans City

Norris of Shoreham
Page of Newport City

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **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 pass? was decided in the affirmative. Yeas, 105. Nays, 37.

Those who voted in the affirmative are:

Ancel of Calais
Anthony of Barre City
Austin of Colchester
Bartholomew of Hartland
Bates of Bennington
Beck of St. Johnsbury
Birong of Vergennes
Bock of Chester
Briglin of Thetford
Brownell of Pownal
Browning of Arlington
Brumsted of Shelburne
Burke of Brattleboro
Campbell of St. Johnsbury
Carroll of Bennington
Chase of Colchester
Chesnut-Tangerman of
Middletown Springs
Christensen of Weathersfield
*
Christie of Hartford
Cina of Burlington
Coffey of Guilford
Colburn of Burlington *
Colston of Winooski
Conlon of Cornwall
Conquest of Newbury
Copeland-Hanzas of
Bradford *
Corcoran of Bennington
Cordes of Lincoln
Demrow of Corinth
Dolan of Waitsfield
Donovan of Burlington
Durfee of Shaftsbury
Elder of Starksboro
Emmons of Springfield

Fegard of Berkshire
Gannon of Wilmington
Gardner of Richmond
Giambatista of Essex
Gonzalez of Winooski
Grad of Moretown *
Haas of Rochester
Hashim of Dummerston
Hooper of Montpelier
Hooper of Randolph
Houghton of Essex
Howard of Rutland City
James of Manchester
Jerome of Brandon
Jessup of Middlesex
Jickling of Randolph
Killacky of South Burlington
Kimbell of Woodstock
Kitzmiller of Montpelier
Kornheiser of Brattleboro
Krowinski of Burlington
LaLonde of South
Burlington
Lanpher of Vergennes
Lippert of Hinesburg
Long of Newfane
Macaig of Williston
Masland of Thetford
McCarthy of St. Albans City
McCormack of Burlington
McCullough of Williston
McFaun of Barre Town *
Mrowicki of Putney
Murphy of Fairfax
Nicoll of Ludlow
Notte of Rutland City
Noyes of Wolcott
O'Brien of Tunbridge

Ode of Burlington
O'Sullivan of Burlington
Pajala of Londonderry
Partridge of Windham
Patt of Worcester
Potter of Clarendon
Pugh of South Burlington
Rachelson of Burlington
Ralph of Hartland
Redmond of Essex
Rogers of Waterville
Scheu of Middlebury
Scheuermann of Stowe
Sheldon of Middlebury
Sibilia of Dover
Squirrell of Underhill
Stevens of Waterbury *
Sullivan of Dorset *
Sullivan of Burlington
Szott of Barnard
Taylor of Colchester
Till of Jericho
Toleno of Brattleboro
Toll of Danville
Townsend of South
Burlington
Trieber of Rockingham
Troiano of Stannard
Walz of Barre City
Webb of Shelburne *
White of Hartford *
Wood of Waterbury
Yacovone of Morristown
Yantachka of Charlotte *
Young of Greensboro

Those who voted in the negative are:

| | | |
|---------------------------------|------------------------|-------------------------|
| Bancroft of Westford * | Graham of Williamstown | Morrissey of Bennington |
| Batchelor of Derby | Gregoire of Fairfield | Myers of Essex |
| Brennan of Colchester | Hango of Berkshire | Norris of Shoreham |
| Burditt of West Rutland | 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 | Marcotte of Coventry | Smith of Derby |
| Gamache of Swanton | Mattos of Milton | Strong of Albany |
| Goslant of Northfield | McCoy of Poultney * | Toof of St. Albans Town |
| | Morgan of Milton | |

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

| | | |
|--------------------------|----------------------|---------------------------|
| Forguites of Springfield | Hooper of Burlington | Page of Newport City |
| Hill of Wolcott | Martel of Waterford | Smith of New Haven |
| | | Terenzini of Rutland Town |

Rep. Bancroft of Westford explained his vote as follows:

“Madam Speaker:

We are fortunate in Vermont that we do not have any pressing financial and social problems, so that we can devote thousands of person hours to passing a bill that does not change anything. I am constantly amazed at my naiveté. I would hope that legislation dealing with such a complex and emotional issue as abortion would require an exhaustive examination of the issues and develop a comprehensive bill based on the best science. This is certainly not the case with H.57. The purpose behind H.57 is simple to provide a platform for political grandstanding.

I am pleased that this avenue for political grandstanding on the issue of abortion was chosen instead of the resolution path used in the past. This allowed for a greater opportunity to look at the complexity underlying this issue. Instead of a simple binary choice, the amendments to H.57 allowed for those with different views to have their voices heard. Planned Parent Hood and the ACLU are not the only organizations that will report on how members voted.”

Rep. Christensen of Weathersfield explained her vote as follows:

“Madam Speaker:

I am a woman of an age who remembers what it was like before abortions were legal. Women of means left the country to have an abortion. Women with no means traveled to dark alleys.”

Rep. Colburn of Burlington explained her vote as follows:

“Madam Speaker:

In my work with Vermont Access to Reproductive Freedom, women shared their stories with me as they faced, what for so many was the most difficult decision of their lives. Again and again people told me whether or not they had considered them selves pro-choice prior to their decisions, access to abortion was keeping their families together and saving their lives. I vote yes tonight to honor their candor and experiences. They taught me that a legislature can never anticipate the totality of circumstances that impact these choices.”

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

“Madam Speaker:

It is 2019. Women demand equal treatment. We demand equal opportunity. We demand equal agency over our bodies and our lives. We demand privacy in our own health care decisions. To paraphrase a Pastor from a Vermont church, “The underlying assumption in the debate is that women are not capable of making such deeply important decisions for themselves.” The idea that society must step in and make these decisions for them is something this body has firmly rejected today.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

The failure to acknowledge the deeply troubling conflict between the interests of a genetically distinct life and a person’s right to control their own body when it is being called upon to sustain that interconnected life, makes it impossible for me to support this bill. It is a bill the symbolic value only, since the fact is that a change in the Roe v. Wade precedent would have no effect on Vermont, and since this bill also carries no weight regarding any future actions in Vermont law.”

Rep. Grad of Moretown explained her vote as follows:

“Madam Speaker:

I voted yes because H. 57 codifies the current State of Vermont law that has no restrictions on a woman’s access to reproductive healthcare services. H. 57 will ensure a woman’s right to access reproductive health care services,

including abortion, remains unconstrained by the law. It will give Vermont women certainty within the law.”

Rep. Leffler of Enosburgh explained her vote as follows:

“Madam Speaker:

My time in this chamber is because of and for Vermonters. In this role, I strive to preserve and promote our rights and liberties to the best of my abilities. My vote on this bill is because, while I support an individual’s right to choose, this is not the avenue in which to codify choice. There are serious concerns and questions that this bill raises for me and many of my constituents. Primary of these concerns is that this bill seeks to solve a problem that currently, in this state, does not exist. I support choice; however, to express the will of my constituents, I cannot support this bill. Thank you.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

If this bill were to never become law, nothing would change in the State of Vermont. Let me be clear: I am pro-choice; however, I cannot support a bill without addressing the viability of a fetus. Simply stating over and over ‘We’re codifying current practice,’ is just not good enough. What is current practice?”

Rep. McFaun of Barre Town explained his vote as follows:

“Madam Speaker:

I don’t believe anyone has a right to tell a woman what to do with her body. I vote yes out of respect for my wife, 2 daughters, and 3 granddaughters. It’s their choice. I hope the never have to make this choice.”

Rep. Stevens of Waterbury explained his vote as follows:

“Madam Speaker:

The right to choose - in this case to have a safe and legal abortion – has long been established by law. That law, on a federal level, has protected Vermonters and has allowed for a mother – and most times a father – the ability to plan for the family they think they can raise in health and safety. The fact that right is threatened on the federal level has forced us to capture in our statutes that protect that right. H. 57 puts the laws in our books and it allows us to continue this discussion in the future here in this building. H. 57 is about the health of the mother, plain and simple. It is her mental and physical health that matters in these decisions, and they are best left to the woman and her doctor.”

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

The principal at stake today is not whether abortion is right or wrong. It is about a woman’s relationship with our government, and specifically her freedom from government control over the most highly personal decision she might make affecting her body. It does not belong to the government and it certainly does not belong to a local prosecutor’s office. It belongs to us, as women.”

Rep. Webb of Shelburne explained her vote as follows:

“Madam Speaker:

The Chamber has spoken. Let us now take our attention off abortion. Let us instead take this same degree of time, concern, intensity, and media attention to focus on creating conditions for women who want to bring healthy and thriving families into the world. We will have bills and appropriation requests to support young mothers. To support child care. To support children growing up with trauma so severe it is changing the network connections of their brains. Let us come back together, pro-birth and pro-choice, to work together for a world where Vermont children are born and cared for and the need for abortion is rare. Let us expand what we mean by “pro-life.”

Rep. White of Hartford explained her vote as follows:

“Madam Speaker:

As a woman, and particularly a young woman, I vote today to support H. 57. For far too long the individuals least impacted by access to safe and legal abortion have been making the laws that govern abortions. I trust women. Therefore, I cast my vote in favor of codifying the protections Vermonters’ have and safe guarding this fundamental reproductive right.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker,

I support the intent of H.57 to ensure reproductive autonomy for women. I also strongly believe that our understanding of biology confirms that a fetus, having reached viability in the womb, is as much a human being as it is after birth. While H.57 does not explicitly address this fact, I am reassured from speaking with several physicians that established medical procedure, including prior consultation with an ethics panel, recognizes this and does not permit abortions after 23 weeks without a medical necessity such as a non-viable fetus or a threat to the patient's life. Furthermore, the federal law prohibiting partial

birth abortions is explicitly referenced. With that understanding, I vote yes on H.57.”

Message from the Senate No. 18

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 43. An act relating to prohibiting prior authorization requirements for medication-assisted treatment.

In the passage of which the concurrence of the House is requested.

Adjournment

At five o'clock and fifty-seven minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.