

# Journal of the Senate

TUESDAY, SEPTEMBER 1, 2020

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

## Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey J. Parent
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil

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Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Alice W. Nitka

**Message from the House No. 69**

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 967.** An act relating to the provision of child care at family child care homes during remote learning days.

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

**Joint Senate Resolution Adopted on the Part of the Senate**

**J.R.S. 61.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

**J.R.S. 61.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Thursday, September 3, 2020, or, Friday, September 4, 2020, it be to meet again no later than Tuesday, September 8, 2020.

**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 967.**

An act relating to the provision of child care at family child care homes during remote learning days.

To the Committee on Health and Welfare.

**Proposal of Amendment; Third Reading Ordered****H. 578.**

Senator Sears, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to operator's license and privilege to operate suspensions and proof of financial responsibility.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out all three reader assistance headings in their entirety

Second: By striking out Sec. 1, 4 V.S.A. § 1109(c)(4), in its entirety and inserting a new Sec. 1 to read as follows:

Sec. 1. [Deleted.]

Third: In Sec. 4, waiver of proof of financial responsibility, in subsection (a), by striking out the date "January 1, 2021" and inserting in lieu thereof April 1, 2021 and, in subsection (b), by striking out the date "January 1, 2021" and inserting in lieu thereof April 1, 2021

Fourth: In Sec. 5, effective date, by striking out the date "July 1, 2020" and inserting in lieu thereof January 1, 2021

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

An act relating to proof of financial responsibility.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

**Proposal of Amendment; Third Reading Ordered****H. 663.**

Senator Ingram, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to expanding access to contraceptives.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 11, effective dates, and its reader assistance in their entirety and inserting in lieu thereof the following:

\* \* \* School Wellness \* \* \*

Sec. 11. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS  
AND COMPREHENSIVE HEALTH

(a) As used in this section:

\* \* \*

(5) “Wellness program” means a program that includes comprehensive health education as defined in section 131 of this title, fitness, and nutrition.

(b) ~~The Secretary with the approval of the State Board shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members associated with the health services field with expertise in health services, health education, or health policy. The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs. The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools and shall meet not less than twice a year.~~

(c) The Secretary shall collaborate with other officials, agencies, and councils working on childhood wellness, including the Director of Trauma Prevention and Resilience Development established in 33 V.S.A. § 3403 and the Substance Misuse Prevention Oversight and Advisory Council created in 18 V.S.A. § 4803, to:

(1) ~~Supervise the preparation of appropriate nutrition and fitness wellness program curricula for use in the public schools, promote programs for the preparation of teachers to teach these curricula, and assist in the development of wellness programs.~~

\* \* \*

(5) ~~Create a process for schools to share with the Department of Health any data collected about the height and weight of students in kindergarten through grade six. The Commissioner of Health may report any data compiled under this subdivision on a countywide basis. Any reporting of data must protect the privacy of individual students and the identity of participating schools.~~

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**Sec. 12. SCHOOL WELLNESS POLICY**

On or before January 15, 2021, the Agency of Education, in collaboration with the Advisory Council on Wellness and Comprehensive Health created under 16 V.S.A. § 136, shall update and distribute to school districts a model wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child Model.

\* \* \* Menstrual Hygiene Products \* \* \*

Sec. 13. 16 V.S.A. § 1432 is added to read:

§ 1432. MENSTRUAL HYGIENE PRODUCTS

(a) By enacting this statute, the General Assembly intends to ensure that a female student attending a public school or an approved independent school has access to menstrual hygiene products at no cost and without the embarrassment of having to request them.

(b) A school district and an approved independent school shall make menstrual hygiene products available at no cost in a majority of gender-neutral bathrooms and bathrooms designated for females that are generally used by females in any of grades five through 12 in each school within the district or under the jurisdiction of the board of the independent school. The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for females to stock with menstrual hygiene products and which brands to use.

(c) School districts and approved independent schools shall bear the cost of supplying menstrual hygiene products and may seek grants or partner with a nonprofit or community-based organization to fulfill this obligation.

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

**Sec. 14. EFFECTIVE DATES**

(a) Secs. 2 (8 V.S.A. § 4099c), 7 (26 V.S.A. § 2022), and 8 (26 V.S.A. § 2023) shall take effect on January 1, 2021.

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(b) Sec. 13 (16 V.S.A. § 1432) shall take effect on November 1, 2020, and school districts and approved independent schools shall comply with the requirements of that section for the 2021–2022 school year and thereafter.

(c) The remainder of this act shall take effect on November 1, 2020.

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

An act relating to contraceptives, school wellness, and menstrual hygiene products.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, September 2, 2020.