

# Journal of the Senate

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MONDAY, SEPTEMBER 21, 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 Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Orange District	Senator Mark A. MacDonald
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
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

**Proposal of Amendment; Third Reading Ordered**

**H. 673.**

Senator Parent, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to tree wardens.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 871. ORGANIZATION OF SELECTBOARD; APPOINTMENTS

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

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

\* \* \*

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

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

CHAPTER 67. PARKS AND SHADE TREES

\* \* \*

§ 2501a. DEFINITIONS

As used in this chapter:

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

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

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

(A) was planted by the municipality; or

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

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

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

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

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

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

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

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

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

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

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

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

(c) The shade tree preservation plan may:

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

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

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

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

#### § 2503. APPROPRIATIONS

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

#### § 2504. REMOVAL OF SHADE TREES; EXCEPTION

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

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

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§ 2505. DEPUTY TREE WARDENS

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

§ 2506. REGULATIONS FOR PROTECTION OF SHADE TREES

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

§ 2507. COOPERATION

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

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

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

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

§ 2508. CUTTING SHADE TREES; REGULATIONS PROHIBITED

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

§ 2509. CUTTING SHADE TREES; NOTICE AND HEARING

(a) ~~A public shade tree within the residential part of a municipality shall not be felled without a public hearing by the tree warden, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required.~~ The tree warden shall

post public notice of the intent to cut or remove a shade tree. The notice shall be posted a minimum of 15 days prior to cutting or removing the tree. If the cutting or removal is appealed pursuant to subsection (c) of this section, the legislative body of the municipality shall hold a public hearing. This subsection shall not apply to the cutting or removal of a shade tree or trees that:

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

(2) are a hazard to public safety; or

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

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

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

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

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

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

#### § 2510. PENALTY

(a) Whoever shall, willfully, mar or deface a public shade tree without the written permission of a tree warden or legislative body of the municipality

shall be fined not more than \$50.00 for the use of the municipality.

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

#### § 2511. CONTROL OF INFESTATIONS

When an insect or disease pest infestation upon or in ~~public or private~~ public or private shade or private trees threatens other public or private trees, is considered detrimental to a ~~community~~ municipal shade tree preservation program, or threatens the public safety, the tree warden may request surveys and recommendations for control action from the Secretary of Agriculture, Food and Markets or Commissioner of Forests, Parks and Recreation in accordance with 6 V.S.A. chapter 84. ~~On recommendation of the Secretary of Agriculture, Food and Markets, the tree warden may designate areas threatened or affected in which control measures are to be applied and shall publish notice of the proposal in one or more newspapers having a general circulation in the area in which control measures are to be undertaken. On recommendation of the Secretary, the tree warden may apply measures of infestation control on public and private land to any trees, shrubs, or plants thereon harboring or which may harbor the threatening insect or disease pest. He or she may enter into agreements with owners of such lands covering the control work on their lands, but the failure of the tree warden to negotiate with any owner shall not impair his or her right to enter on the lands of said owner to conduct recommended control measures, the cost of which shall be paid by the municipality.~~

\* \* \*

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

#### Subchapter 1. General Duties of Towns

#### § 901. REMOVAL OF ROADSIDE GROWTH

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

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

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

~~selectmen for town highways~~ legislative body.

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

#### § 902. PENALTY FOR REMOVAL

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

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

\* \* \*

#### § 904. TREE AND BRUSH REMOVAL

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

\* \* \*

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on November 1, 2020.

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.

**Proposals of Amendment; Third Reading Ordered**

**H. 833.**

Senator Bray, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to the interbasin transfer of surface waters.

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

First: In Sec. 1, Surface Waters Diversions and Transfers Study Group; report, in subsection (c), by striking out subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) identify whether the State of Vermont should develop and implement a statewide permitting or other regulatory regime for diversions or other transfers of surface water, including:

(A) the scale or size of a watershed subject to regulation;

(B) how a permitting program would comply with the Vermont water quality standards;

(C) how or if the permitting program should address the impact of a diversion on groundwater; and

(D) how to address reducing the demands for water through water recycling, reuse, and efficiency measures.

Second: In Sec. 1, Surface Waters Diversions and Transfers Study Group; report, in subsection (e), by striking out “January 15” where it appears and inserting in lieu thereof December 15

Third: In Sec. 1, Surface Waters Diversions and Transfers Study Group; report, in subdivision (f)(4), by striking out “2021” where it appears and inserting in lieu thereof 2022

Fourth: By striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 2. 10 V.S.A. § 1979(b) is amended to read:

(b)(1) The Secretary shall approve the use of sewage holding and pumpout tanks for existing or proposed buildings or structures that are owned by a charitable, religious, or nonprofit organization when he or she determines that:

(A) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;

(B) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than the construction and operation of sewage holding and pumpout tanks, based on a projected 20-year life of the project; and

(C) the design flows do not exceed 600 gallons per day or the existing or proposed building or structure shall not be used to host events on more than 28 days in any calendar year.

~~(2) Before constructing a holding tank permitted under this subsection, the applicant shall post a bond or other financial surety sufficient to finance maintenance of the holding tank for the life of the system, which shall be at least 20 years. [Repealed.]~~

(3)(A) A permit issued under this subsection shall run with the land for the duration of the permit and shall apply to all subsequent owners of the property being served by the holding tank regardless of whether the owner is a charitable, religious, or nonprofit organization.

(B) All permit conditions, ~~including the financial surety requirement of subdivision (2) of this subsection (b)~~, shall apply to a subsequent owner.

(C) A subsequent owner shall not increase the design flows of the holding and pumpout tank system without approval from the Secretary.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Nitka, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Natural Resources and Energy.

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.

**House Proposal of Amendment to Senate Proposal of Amendment  
Concurred In**

**H. 663.**

House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to expanding access to contraceptives.

Was taken up.

The House concurs with the Senate proposal of amendment with further proposal of amendment as follows:

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

\* \* \* Purpose \* \* \*

Sec. 1. PURPOSE

Vermont has taken many steps to improve access to effective methods of contraception, including requiring health insurance to cover at least one drug, device, or product in each of the 18 methods of contraception for women without cost-sharing, as well as covering voluntary sterilizations for men and women without cost sharing and allowing a patient to have a 12-month supply of oral contraceptives dispensed all at once, as codified at 8 V.S.A. § 4099c, and directing Medicaid reimbursement policies that encourage the use of long-acting reversible contraceptives, as found in 2015 Acts and Resolves No. 120, Sec. 2 and in 33 V.S.A. § 1901j. The General Assembly finds, however, that some of these initiatives have not been implemented consistently across the State. In addition to a request that the Department of Financial Regulation investigate compliance with existing State and federal laws regarding access to contraceptives and take appropriate enforcement action as needed, this bill seeks to provide further opportunities for Vermonters to learn about and obtain contraceptives in order to prevent or reduce unintended pregnancies and sexually transmitted diseases in this State.

\* \* \* Expanding Access to Contraceptives \* \* \*

Sec. 2. 8 V.S.A. § 4099c is amended to read:

§ 4099c. REPRODUCTIVE HEALTH EQUITY IN HEALTH INSURANCE  
COVERAGE

(a) As used in this section, “health insurance plan” means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health

benefit plan offered, issued, or renewed for any person in this State by a health insurer, as defined by 18 V.S.A. § 9402. The term shall not include benefit plans providing coverage for a specific disease or other limited benefit coverage.

(b) A health insurance plan shall provide coverage for outpatient contraceptive services including sterilizations, and shall provide coverage for the purchase of all prescription contraceptives and prescription contraceptive devices approved by the federal Food and Drug Administration, except that a health insurance plan that does not provide coverage of prescription drugs is not required to provide coverage of prescription contraceptives and prescription contraceptive devices. A health insurance plan providing coverage required under this section shall not establish any rate, term, or condition that places a greater financial burden on an insured or beneficiary for access to contraceptive services, prescription contraceptives, and prescription contraceptive devices than for access to treatment, prescriptions, or devices for any other health condition.

(c) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for at least one drug, device, or other product within each method of contraception for women identified by the U.S. Food and Drug Administration (FDA) and prescribed by an insured's health care provider.

(1) The coverage provided pursuant to this subsection shall include patient education and counseling by the patient's health care provider regarding the appropriate use of the contraceptive method prescribed.

(2)(A) If there is a therapeutic equivalent of a drug, device, or other product for an FDA-approved contraceptive method, a health insurance plan may provide coverage for more than one drug, device, or other product and may impose cost-sharing requirements as long as at least one drug, device, or other product for that method is available without cost-sharing.

(B) If an insured's health care provider recommends a particular service or FDA-approved drug, device, or other product for the insured based on a determination of medical necessity, the health insurance plan shall defer to the provider's determination and judgment and shall provide coverage without cost-sharing for the drug, device, or product prescribed by the provider for the insured.

(d) A health insurance plan shall provide coverage for voluntary sterilization procedures for men and women without any deductible, coinsurance, co-payment, or other cost-sharing requirement, except to the extent that such coverage would disqualify a high-deductible health plan from

eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(e) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for clinical services associated with providing the drugs, devices, products, and procedures covered under this section and related follow-up services, including management of side effects, counseling for continued adherence, and device insertion and removal.

(f)(1) A health insurance plan shall provide coverage for a supply of prescribed contraceptives intended to last over a 12-month duration, which may be furnished or dispensed all at once or over the course of the 12 months at the discretion of the health care provider. The health insurance plan shall reimburse a health care provider or dispensing entity per unit for furnishing or dispensing a supply of contraceptives intended to last for 12 months.

(2) This subsection shall apply to Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State.

(g) Benefits provided to an insured under this section shall be the same for the insured's covered spouse and other covered dependents.

(h) The coverage requirements of this section shall apply to self-administered hormonal contraceptives prescribed for an insured by a pharmacist in accordance with 26 V.S.A. § 2023.

Sec. 3. 16 V.S.A. § 131 is amended to read:

§ 131. ~~DEFINITIONS~~ DEFINITION

~~For purposes of~~ As used in this subchapter title, “comprehensive health education” means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

(1) Body structure and function, including the physical, psychosocial, and psychological basis of human development, sexuality, and reproduction.

(2) Community health to include environmental health, pollution, public health, and world health.

(3) Safety, including:

(A) first aid, disaster prevention, and accident prevention; and

(B) information regarding and practice of compression-only cardiopulmonary resuscitation and the use of automated external defibrillators.

(4) Disease, such as HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of disease.

(5) Family health and mental health, including instruction that promotes the development of responsible personal behavior involving decision making about sexual activity, including abstinence; skills that strengthen existing family ties involving communication, cooperation, and interaction between parents and students; and instruction to aid in the establishment of strong family life in the future, thereby contributing to the enrichment of the community; and which promotes an understanding of depression and the signs of suicide risk in a family member or fellow student that includes how to respond appropriately and seek help and provides an awareness of the available school and community resources such as the local suicide crisis hotline.

(6) Personal health habits, including dental health.

(7) Consumer health, including health careers, health costs, and utilizing health services.

(8) Human growth and development, including understanding the physical, emotional, and social elements of individual development and interpersonal relationships, including instruction in parenting methods and styles. This shall include information regarding the possible outcomes of premature sexual activity, contraceptives, adolescent pregnancy, childbirth, adoption, and abortion.

(9) Drugs, including education about alcohol, caffeine, nicotine, and prescribed drugs.

(10) Nutrition.

(11) How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources. An employee of the school shall be in the room during the provision of all instruction or information presented under this subdivision.

Sec. 4. 16 V.S.A. § 132 is added to read:

§ 132. SECONDARY SCHOOLS; PROVISION OF CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually transmitted diseases, each school district shall make condoms available to all students in its secondary schools, free of charge. School district administrative teams, in consultation with school district nursing staff, shall determine the

best manner in which to make condoms available to students. At a minimum, condoms shall be placed in locations that are safe and readily accessible to students, including the school nurse's office.

Sec. 5. 18 V.S.A. § 12 is added to read:

§ 12. PROVISION OF INFORMATION REGARDING CONTRACEPTIVES

In order to prevent or reduce unintended pregnancies and sexually transmitted diseases, the Department of Health, in partnership with health care providers and health insurers, shall communicate to adolescents and other individuals of reproductive age information regarding contraceptive access and coverage.

\* \* \* Exception to Mandatory Reporting for School Employees  
Providing Condoms \* \* \*

Sec. 6. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL ACTION

(a) A mandated reporter is any:

\* \* \*

(2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including any:

(A) school superintendent;

(B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;

(C) school teacher;

(D) student teacher;

(E) school librarian;

(F) school principal; and

(G) school guidance counselor;

\* \* \*

(1) A mandated reporter as described in subdivision (a)(2) of this section shall not be deemed to have violated the requirements of this section solely on the basis of making condoms available to a secondary school student in accordance with 16 V.S.A. § 132.

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. COMPREHENSIVE HEALTH EDUCATION; REPORT

On or before April 15, 2021, the Agency of Education and Department of Health shall report to the House Committees on Human Services and on Education and the Senate Committees on Health and Welfare and on Education regarding their continued efforts to support schools and school districts in providing comprehensive health education to Vermont students, as required by 16 V.S.A. § 906(b)(3) and as defined in 16 V.S.A. § 131, including sexual health and safety.

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

Sec. 11. EFFECTIVE DATES

(a) Secs. 2 (8 V.S.A. § 4099c), 4 (16 V.S.A. § 132), and 6 (33 V.S.A. § 4913) shall take effect on July 1, 2021.

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

Thereupon, the question, Shall the Senate concur in the House proposal of amendment to the Senate proposal of amendment?, was decided in the affirmative.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until nine o'clock and thirty minutes in the morning.