

1 .TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 663 entitled “An act relating to expanding access to contraceptives”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out Sec. 11,
6 effective dates, and its reader assistance heading in their entirety and
7 inserting in lieu thereof the following:

8 * * * School Wellness * * *

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

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

12 (a) As used in this section:

13 * * *

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

16 (b) The Secretary ~~with the approval of the State Board~~ shall establish an
17 Advisory Council on Wellness and Comprehensive Health that shall include at
18 least three members ~~associated with the health services field~~ with expertise in
19 health services, health education, or health policy. The members shall serve
20 without compensation ~~but shall receive their actual expenses incurred in~~
21 ~~connection with their duties relating to wellness and comprehensive health~~

1 ~~programs~~. The Council shall assist the Agency to plan, coordinate, and
2 encourage wellness and comprehensive health programs in the public schools
3 and shall meet not less than twice a year.

4 (c) The Secretary shall collaborate with other officials, agencies, and
5 councils working on childhood wellness, including the Director of Trauma
6 Prevention and Resilience Development established in 33 V.S.A. § 3403 and
7 the Substance Misuse Prevention Oversight and Advisory Council created in
8 18 V.S.A. § 4803, to:

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

13 * * *

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

20 * * *

1 Sec. 12. SCHOOL WELLNESS POLICY

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

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

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

12 * * * Menstrual Hygiene Products * * *

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

14 § 1432. MENSTRUAL HYGIENE PRODUCTS

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

19 (b) A school district and an approved independent school shall make
20 menstrual hygiene products available at no cost in a majority of gender-neutral
21 bathrooms and bathrooms designated for females that are generally used by

1 females in any of grades five through 12 in each school within the district or
2 under the jurisdiction of the board of the independent school. The school
3 district or independent school, in consultation with the school nurse who
4 provides services to the school, shall determine which of the gender-neutral
5 bathrooms and bathrooms designated for females to stock with menstrual
6 hygiene products and which brands to use.

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

10 * * * Effective Dates * * *

11 Sec. 14. EFFECTIVE DATES

12 (a) Secs. 2 (8 V.S.A. § 4099c), 7 (26 V.S.A. § 2022), and 8 (26 V.S.A.
13 § 2023) shall take effect on January 1, 2021.

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

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

18 and that after passage the title of the bill be amended to read: “An act relating
19 to contraceptives, school wellness, and menstrual hygiene products”

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21

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE