

House Calendar

Thursday, March 10, 2022

66th DAY OF THE ADJOURNED SESSION

House Convenes at 3:00 PM

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ACTION CALENDAR

Third Reading

H. 517

An act relating to the Vermont National Guard Tuition Benefit Program

Amendment to be offered by Reps. Marcotte of Coventry, Dickinson of St. Albans Town, Jerome of Brandon, Kascenska of Burke, Kimbell of Woodstock, Kitzmiller of Montpelier, Laroche of Franklin, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nigro of Bennington and White of Bethel to H. 517

That the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 2857(c) is amended to read:

(c) Eligibility.

(1) To be eligible for the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

~~(1)~~(A) be an active member of the Vermont National Guard;

~~(2)~~(B) have successfully completed basic training;

~~(3)~~(C) be enrolled at UVM, a Vermont State College, or any other college or university located in Vermont in a program that leads to an undergraduate certificate or degree or at an eligible training institution in a program that leads to a certificate or other credential recognized by VSAC;

~~(4)~~(D) have not previously earned an undergraduate bachelor's degree;

~~(5)~~(E) continually demonstrate satisfactory academic progress as determined by criteria established by the Vermont National Guard and VSAC, in consultation with the educational institution at which the individual is enrolled under the Program;

~~(6)~~(F) have used available post-September 11, 2001 tuition benefits and other federally funded military tuition assistance; provided, however, that this subdivision shall not apply to:

(A)(i) tuition benefits and other federally funded military tuition assistance for which the individual has not yet earned the full amount of the benefit or tuition;

- ~~(B)~~(ii) Montgomery GI Bill benefits;
- ~~(C)~~(iii) post-September 11, 2001 educational program housing allowances;
- ~~(D)~~(iv) federal educational entitlements;
- ~~(E)~~(v) National Guard scholarship grants;
- ~~(F)~~(vi) loans under section 2856 of this title; and
- ~~(G)~~(vii) other nontuition benefits; and

~~(7)~~(G) have submitted a statement of good standing to VSAC signed by the individual's commanding officer within 30 days prior to the beginning of each semester.

(2) An individual may receive more than one undergraduate certificate or other credential recognized by VSAC under the Program, provided that the cost of all certificates and credentials received by the individual under the Program does not exceed the full-time in-state tuition rate charged by NVU for completion of an undergraduate baccalaureate degree.

Sec. 2. VERMONT NATIONAL GUARD TUITION BENEFIT

PROGRAM EXTENSION; MASTER'S DEGREE OR A SECOND BACCALAUREATE DEGREE; PILOT

(a) The provisions of this section shall apply notwithstanding 16 V.S.A. § 2857.

(b) A National Guard member shall be eligible to pursue a second undergraduate baccalaureate degree under the Vermont National Guard Tuition Benefit Program, whether a resident or nonresident, if the individual received a first undergraduate baccalaureate degree that was not funded under the Program or any other State funding source designed exclusively for members of the Vermont National Guard.

(c)(1) A National Guard member shall be eligible to pursue a graduate degree under the Program, whether a resident or nonresident, if the individual agrees in the promissory note under 16 V.S.A. § 2857(b) to, upon receipt of the graduate degree and until the individual's service commitment under 16 V.S.A. § 2857(d) is satisfied, be employed full time in Vermont or, if unemployed, be actively seeking full-time employment in Vermont.

(2) An individual may pursue a graduate degree under the Program even if the individual has received an undergraduate baccalaureate degree under the Program.

(3) The Office of the Vermont Adjutant and Inspector General may terminate the tuition benefit provided to an individual who has earned a graduate degree under the Program for failure to satisfy the work requirement under subdivision (1) this subsection.

Sec. 3. REPEAL

Sec. 2 of this act is repealed on July 1, 2025.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Favorable with Amendment

H. 115

An act relating to household products containing hazardous substances

Rep. Dolan of Waitsfield, for the Committee on Natural Resources, Fish, and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Thousands of household products sold in the State contain substances designated as hazardous under State or federal law.

(2) Vermont's hazardous waste rules establish specific requirements for the management of hazardous waste, including a prohibition on disposal in landfills.

(3) Leftover household products, known as household hazardous waste (HHW), are regulated through a requirement that municipal solid waste management entities (SWMEs) include provisions in solid waste implementation plans for the management and diversion of unregulated hazardous waste. The State solid waste management plan also requires the SWMEs to each hold a minimum of two HHW collection events every year.

(4) Many SWMEs already offer more than two HHW collection events, and seven of the SWMEs have established permanent facilities for the regular collection of HHW.

(5) HHW collection events or permanent facilities are expensive to operate, and SWMEs spend approximately \$1.6 million a year to manage HHW, costs that are subsequently passed on to the residents of Vermont through taxes or disposal charges.

(6) As a result of the failure to divert HHW, it is estimated that 640 tons or more per year of HHW are being disposed of in landfills.

(7) There is general agreement among the SWMEs and the Agency of Natural Resources that additional collection sites and educational and informational activities are necessary to capture more of the HHW being disposed of in landfills.

(8) Funding constraints are a current barrier to new collection sites and educational and informational activities.

(9) HHW released into the environment can contaminate air, groundwater, and surface waters, thereby posing a significant threat to the environment and public health.

(10) To improve diversion of HHW from landfills, reduce the financial burden on SWMEs and taxpayers, reduce the cost of the overall system of managing HHW, and lessen the environmental and public health risk posed by improperly disposed of HHW, the State shall implement a program to require the manufacturers of household products containing a hazardous substance to implement a stewardship organization to collect household products containing a hazardous substance free of charge to the public.

Sec. 2. 10 V.S.A. chapter 164B is added to read:

CHAPTER 164B. COLLECTION AND MANAGEMENT OF
HOUSEHOLD HAZARDOUS PRODUCTS

§ 7181. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Natural Resources.

(2) “Consumer product” means any product that is regularly used or purchased to be used for personal, family, or household purposes.

(3) “Covered entity” means any person who presents to a collection facility that is included in an approved collection plan any number of covered household hazardous products.

(4)(A) “Covered household hazardous product” means a consumer product offered for retail sale that is contained in the receptacle in which the product is offered for retail sale, if the product has any of the following characteristics:

(i) The product or a component of the product is a hazardous waste under the federal Resource Conservation and Recovery Act of 1976, Pub. L. No. 94-580, as amended, including due to characteristics of

ignitability, corrosivity, reactivity, or toxicity as defined in 40 C.F.R. §§ 261.20–261.24, regardless of the status of the generator of the hazardous waste.

(ii) The physical properties of the product meet the criteria for designation as a class 2, 3, 4, 5, 6, or 8 hazardous material, as defined in 49 C.F.R. Part 173, by the U.S. Department of Transportation under the Hazardous Materials Transportation Act of 1975, 49 U.S.C. §§ 5101–5128, as amended.

(iii) The product is a marine pollutant as defined in 49 C.F.R. § 171.8.

(iv) The product meets the criteria for hazardous waste code VT02 or VT08 as set forth in section 7-211 of the Vermont Hazardous Waste Management Regulations.

(v) The product is a nonrefillable propane cannister.

(vi) The product is a pesticide registered with the Agency of Agriculture, Food and Markets as a Class C pesticide and identified by the Secretary of Natural Resources by rule as requiring regulation under this chapter.

(B) “Covered product” does not mean any of the following:

(i) a primary battery or rechargeable battery;

(ii) a lamp that contains mercury;

(iii) a thermostat that contains mercury;

(iv) architectural paint as that term is defined in section 6672 of this chapter;

(v) a covered electronic device as that term is defined in section 7551 of this title; or

(vi) a pharmaceutical drug.

(5)(A) “Manufacturer” means a person who:

(i) manufactures or manufactured a covered household hazardous product under its own brand or label for sale in the State;

(ii) sells in the State under its own brand or label a covered household hazardous product produced by another supplier;

(iii) owns a brand that it licenses or licensed to another person for use on a covered household hazardous product sold in the State;

(iv) imports into the United States for sale in the State a covered household hazardous product manufactured by a person without a presence in the United States;

(v) manufactures a covered household hazardous product for sale in the State without affixing a brand name; or

(vi) assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (i) through (v) of this subdivision (5)(A), provided that the Secretary may enforce the requirements of this chapter against a manufacturer defined under subdivisions (i) through (v) of this subdivision (5)(A) if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

(B) "Manufacturer" shall not mean a person set forth under subdivisions (i) through (vi) of subdivision (5)(A) of this section if the person manufacturers, sells, licenses, or imports less than \$5,000.00 of covered products in a program year.

(6) "Program year" means the period from January 1 through December 31.

(7) "Retailer" means a person who sells a covered household hazardous product in the State through any means, including a sales outlet, a catalogue, the telephone, the Internet, or any electronic means.

(8) "Secretary" means the Secretary of Natural Resources.

(9) "Sell" or "sale" means any transfer for consideration of title or of the right to use by lease or sales contract a covered household hazardous product to a person in the State of Vermont. "Sell" or "sale" does not include the sale, resale, lease, or transfer of a used covered household hazardous product or a manufacturer's wholesale transaction with a distributor or a retailer.

(10) "Stewardship organization" means an organization, association, or entity that has developed a system, method, or other mechanism that assumes the responsibilities, obligations, and liabilities under this chapter of multiple manufacturers of covered household hazardous products.

§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCT;

STEWARDSHIP ORGANIZATION REGISTRATION

(a) Sale prohibited. Beginning on January 1, 2025, except as set forth under section 7188 of this title, a manufacturer of a covered household hazardous product shall not sell, offer for sale, or deliver to a retailer for

subsequent sale a covered household hazardous product unless all the following have been met:

(1) The manufacturer is participating in a stewardship organization implementing an approved collection plan.

(2) The name of the manufacturer, the manufacturer's brand, and the name of the covered household hazardous product are submitted to the Agency of Natural Resources by a stewardship organization and listed on the stewardship organization's website as covered by an approved collection plan.

(3) The stewardship organization in which the manufacturer participates has submitted an annual report under section 7185 of this title.

(4) The stewardship organization in which the manufacturer participates has conducted a plan audit consistent with the requirements of subsection 7185(b) of this title.

(b) Stewardship organization registration requirements.

(1) Beginning on January 1, 2024 and annually thereafter, a stewardship organization shall file a registration form with the Secretary. The Secretary shall provide the registration form to a stewardship organization. The registration form shall include:

(A) a list of the manufacturers participating in the stewardship organization;

(B) a list of the brands of each manufacturer participating in the stewardship organization;

(C) a list of the covered household hazardous products of each manufacturer participating in the stewardship organization;

(D) the name, address, and contact information of a person responsible for ensuring the manufacturer's compliance with this chapter;

(E) a description of how the stewardship organization meets the requirements of subsection 7184(b) of this title, including any reasonable requirements for participation in the stewardship organization; and

(F) the name, address, and contact information of a person for a nonmember manufacturer to contact regarding how to participate in the stewardship organization to satisfy the requirements of this chapter.

(2) A renewal of a registration without changes may be accomplished through notifying the Agency of Natural Resources on a form provided by the Agency.

§ 7183. COLLECTION PLANS

(a) Collection plan required. Prior to July 1, 2024, a stewardship organization representing manufacturers of covered household hazardous products shall submit a collection plan to the Secretary for review.

(b) Collection plan; minimum requirements. Each collection plan shall include, at a minimum, all of the following requirements:

(1) A list of the manufacturers, brands, and products participating in the collection plan and a methodology for adding and removing manufacturers and notifying the Agency of new participants.

(2) Free collection of covered household hazardous products. The collection program shall provide for free collection from covered entities of covered household hazardous products statewide. A stewardship organization shall accept all covered household hazardous products collected from a covered entity and shall not refuse the collection of a covered household hazardous product based on the brand or manufacturer of the covered household hazardous product. The collection program shall also provide for the payment of collection, processing, and end-of-life management of the covered household hazardous product. Collection costs include facility and equipment costs, event contractor or facility set-up fees, facility maintenance, and labor.

(3) Convenient collection location. The stewardship organization shall develop a collection program that:

(A) allows all municipal collection programs and facilities to opt to be part of a collection plan; and

(B) maintains the current level of convenience, including hours and days available to the public, provided by programs in operation prior to July 1, 2024.

(4) Public education and outreach. The collection plan shall include an education and outreach program that will include a website and may include media advertising, retail displays, articles in trade and other journals and publications, and other public educational efforts. The education and outreach program and website shall notify the public of the following:

(A) that there is a free collection program for covered household hazardous products;

(B) the location and hours of operation of collection points and how a covered entity can access this collection program;

(C) the special handling considerations associated with covered household hazardous products; and

(D) source reduction information for consumers to reduce leftover covered household products.

(5) Compliance with appropriate environmental standards. In implementing a collection plan, a stewardship organization shall comply with all applicable laws related to the collection, transportation, and disposal of hazardous waste. A stewardship organization shall comply with any special handling or disposal standards established by the Secretary for covered household hazardous products or for the collection plan of the manufacturer.

(6) Method of disposition. The collection plan shall describe how covered household hazardous products will be managed in the most environmentally and economically sound manner, including following the waste-management hierarchy. The management of covered household hazardous products under the collection plan shall use management activities in the following priority order: source reduction, reuse, recycling, energy recovery, and disposal. Collected covered household hazardous products shall be recycled when technically and economically feasible.

(7) Roles and responsibilities. A collection plan shall list all key participants in the covered household hazardous products collection chain, including:

(A) the name and location of the collection facilities accepting covered household hazardous products under the collection plan and the address and contact information for each facility;

(B) the name and contact information of the contractor responsible for transporting the covered household hazardous products; and

(C) the name and address of the recycling and disposal facilities where the covered household hazardous products collected are deposited.

(8) Participation rate. A collection plan shall include a collection participation rate as a performance goal for covered household hazardous products based on the participation rate determined by the number of total participants in the collection plan during a program year divided by the total number of households in the State. At a minimum, the collection participation rate shall be participation by five percent of the population of each county in the State. If a stewardship organization does not meet its participation rate, the Secretary may require the stewardship organization to revise the collection plan to provide for one or more of the following: additional public education

and outreach, additional collection events, or additional hours of operation for collection sites.

(9) Collection plan funding. The collection plan shall describe how the stewardship organization will fund the implementation of the collection plan and collection activities under the plan, including the costs for education and outreach, collection, processing, and end-of-life management of the covered household hazardous product. Collection costs include facility and event costs including equipment costs, maintenance, and labor. The collection plan must include how municipalities will be compensated for all costs associated with collection of covered household hazardous products.

(c) Term of collection plan. A collection plan approved by the Secretary under section 7187 of this title shall have a term not to exceed five years, provided that the manufacturer remains in compliance with the requirements of this chapter and the terms of the approved collection plan.

(d) Collection plan implementation. A stewardship organization shall implement a collection plan on or before January 1, 2025.

§ 7184. STEWARDSHIP ORGANIZATIONS

(a) Participation in a stewardship organization. A manufacturer shall meet the requirements of this chapter by participating in a stewardship organization that undertakes the responsibilities under sections 7182, 7183, and 7185 of this title.

(b) Qualifications for a stewardship organization. To qualify as a stewardship organization under this chapter, an organization shall:

(1) commit to assume the responsibilities, obligations, and liabilities of all manufacturers participating in the stewardship organization;

(2) not create unreasonable barriers for participation in the stewardship organization; and

(3) maintain a public website that lists all manufacturers and manufacturers' brands and products covered by the stewardship organization's approved collection plan.

§ 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

(a) Annual report. On or before March 1, 2026 and annually thereafter, a stewardship organization of manufacturers of covered household hazardous products shall submit a report to the Secretary that contains all of the following:

(1) A description of the collection program.

(2) The volume or weight by hazard category of covered household hazardous products collected, the disposition of the collected covered household hazardous products, and the number of covered entities participating at each collection facility or collection event from which the covered household hazardous products were collected.

(3) An estimate of the weight or volume by hazard category of covered household hazardous products sold in the State in the previous calendar year by manufacturer participating in stewardship organization's collection plan. Sales data and other confidential business information provided under this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Confidential information shall be redacted from any final public report.

(4) A comparison of the collection plan's participation rate compared to actual participation rate and how the program will be improved if the participation rate goal was not met.

(5) A description of the methods used to reduce, reuse, collect, transport, recycle, and process the covered household hazardous products.

(6) The cost of implementing the collection plan, including the costs of administration, collection, transportation, recycling, disposal, and education and outreach.

(7) A description and evaluation of the success of the education and outreach materials.

(8) Recommendations for any changes to the program.

(b) Collection plan audit. On or before March 1, 2030 and every five years thereafter, a stewardship organization of manufacturers of covered household hazardous products shall hire an independent third party to audit the collection plan and the plan's operation. The auditor shall examine the effectiveness of the program in collecting and disposing of covered household hazardous products. The auditor shall examine the cost-effectiveness of the program and compare it to that of collection programs for covered household hazardous products in other jurisdictions. The auditor shall make recommendations to the Secretary on ways to increase the program's efficacy and cost-effectiveness.

(c) Public posting. A stewardship organization shall post a report or audit required under this section to the website of the stewardship organization.

§ 7186. ANTITRUST; CONDUCT AUTHORIZED

(a) Activity authorized. A manufacturer, group of manufacturers, or stewardship organization implementing or participating in an approved collection plan under this chapter for the collection, transport, processing, and end-of-life management of covered household hazardous products is individually or jointly immune from liability for conduct under State laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1, to the extent that the conduct is reasonably necessary to plan, implement, and comply with the stewardship organization's chosen system for managing discarded covered household hazardous products.

(b) Limitations on antitrust activity. Subsection (a) of this section shall not apply to an agreement among producers, groups of manufacturers, retailers, wholesalers, or stewardship organizations affecting the price of covered household hazardous products or any agreement restricting the geographic area in which or customers to whom covered household hazardous products shall be sold.

§ 7187. AGENCY RESPONSIBILITIES

(a) Review and approve collection plans. The Secretary shall review and approve or deny collection plans submitted under section 7183 of this title. The Secretary shall approve a collection plan if the Secretary finds that the collection plan:

(1) complies with the requirements of subsection 7183(b) of this title;

(2) provides adequate notice to the public of the collection opportunities available for covered household hazardous products;

(3) ensures that collection of covered household hazardous products will occur in an environmentally sound fashion that is consistent with the law or with any special handling requirements adopted by the Secretary; and

(4) promotes the collection and disposal of covered household hazardous products.

(b) Collection plan amendment. The Secretary, in his or her discretion or at the request of a manufacturer or a stewardship organization, may require a stewardship organization to amend an approved collection plan. Collection plan amendments shall be subject to the public input provisions of subsection (c) of this section.

(c) Public input. The Secretary shall establish a process under which a collection plan for covered household hazardous products is available for public review and comment for 30 days prior to collection plan approval or amendment. In establishing such a process, the Secretary shall consult with

interested persons, including manufacturers, environmental groups, wholesalers, retailers, municipalities, and solid waste districts.

(d) Registrations. The Secretary shall accept, review, and approve or deny registrations required by this chapter. The Secretary may revoke a registration of a stewardship organization for actions that are unreasonable, unnecessary, or contrary to the requirements or the policy of this chapter.

(e) Supervisory capacity. The Secretary shall act in a supervisory capacity over the actions of a stewardship organization registered under this section. In acting in this capacity, the Secretary shall review the actions of the stewardship organization to ensure that they are reasonable, necessary, and limited to carrying out requirements of and policy established by this chapter.

(f) Special handling requirements. The Secretary may adopt, by rule, special handling requirements for the collection, transport, and disposal of covered household hazardous products.

(g) Identification of regulated pesticides. The Secretary, annually, shall confer with the Secretary of Agriculture, Food and Markets for the purpose of identifying those pesticides that are subject to regulation under this chapter due to registration with the Agency of Agriculture, Food and Markets as Class C pesticides.

§ 7188. REIMBURSEMENT; AUTHORIZATION

(a) Reimbursement of stewardship organization.

(1) A manufacturer or stewardship organization operating an approved collection plan that collects covered household hazardous products that are not listed under its approved collection plan shall be entitled to reimbursement from the manufacturer of the covered household hazardous product of reimbursable costs per unit of weight incurred in collecting the covered household hazardous products.

(2) Reimbursement may be requested by a collecting manufacturer or stewardship organization only after the stewardship organization has achieved the collection rate performance goal approved by the Secretary under section 7183 of this title.

(b) Reimbursable costs. Reimbursement shall be allowed only for those costs incurred in collecting the covered household hazardous products subject to the reimbursement request. Reimbursable costs include:

(1) costs of collection, transport, recycling, and other methods of disposition identified in a collection plan approved under section 7187 of this title; and

(2) reasonable educational, promotional, or administrative costs.

(c) Reimbursement request.

(1) A manufacturer or stewardship organization that incurs reimbursable costs under this section shall submit a request to the manufacturer of the collected covered household hazardous product or the stewardship organization in which the manufacturer is participating.

(2) A manufacturer or stewardship organization that receives a request for reimbursement may, prior to payment and within 30 days of receipt of the request for reimbursement, request an independent audit of submitted reimbursement costs.

(3) The independent auditor shall be responsible for verifying the reasonableness of the reimbursement request, including the costs sought for reimbursement, the amount of reimbursement, and the reimbursable costs assessed by each of the two programs.

(4) If the independent audit confirms the reasonableness of the reimbursement request, the manufacturer or stewardship organization requesting the audit shall pay the cost of the audit and the amount of the reimbursement calculated by the independent auditor. If the independent audit indicates the reimbursement request was not reasonable, the manufacturer or stewardship organization that initiated the reimbursement request shall pay the cost of the audit and the amount of the reimbursement calculated by the independent auditor.

(d) Role of Agency. The Agency shall not be required to provide assistance or otherwise participate in a reimbursement request, audit, or other action under this section, unless subject to subpoena before a court of jurisdiction.

§ 7189. PRIVATE RIGHT OF ACTION

(a) Action against manufacturer with no collection plan. A manufacturer or stewardship organization in compliance with the requirements of this chapter may bring a civil action against another manufacturer or stewardship organization when:

(1) the plaintiff manufacturer or stewardship organization incurs more than \$1,000.00 in actual reimbursable costs collecting, handling, recycling, or properly disposing of covered household hazardous products sold or offered for sale in the State by the other manufacturer; and

(2) the manufacturer from whom damages are sought:

(A) can be identified as the manufacturer of the collected covered household hazardous products from a brand or marking on the discarded covered household hazardous products or from other information available to the plaintiff manufacturer or stewardship organization; and

(B) does not operate or participate in an approved stewardship organization in the State or is not otherwise in compliance with the requirements of this chapter.

(b) Action against manufacturer participating in an approved stewardship organization. A manufacturer or stewardship organization in compliance with the requirements of this chapter may bring a civil action for damages against a manufacturer or stewardship organization in the State that is in compliance with the requirements of this chapter, provided that the conditions of subsection (c) of this section have been met.

(c) Condition precedent to cause of action. Except as authorized under subsection (a) of this section, a cause of action under this section shall be allowed only if:

(1) a plaintiff manufacturer or stewardship organization submitted a reimbursement request to another manufacturer or stewardship organization under section 7188 of this title; and

(2) the manufacturer or stewardship organization does not receive reimbursement within:

(A) 90 days of the reimbursement request, if no independent audit is requested under section 7188 of this title; or

(B) 60 days after completion of an audit if an independent audit is requested under section 7188 of this title, and the audit confirms the validity of the reimbursement request.

(d) Action against individual manufacturer.

(1) A civil action under this section may be brought against an individual manufacturer only if the manufacturer is implementing its own collection plan and the manufacturer has failed to register to participate in a stewardship organization.

(2) A manufacturer participating in an approved stewardship organization covering multiple manufacturers shall not be sued individually for reimbursement.

(3) An action against a manufacturer participating in a stewardship organization covering multiple manufacturers shall be brought against the stewardship organization implementing the collection plan.

(e) Role of Agency. The Agency shall not be a party to or be required to provide assistance or otherwise participate in a civil action authorized under this section solely due to its regulatory requirements under this chapter, unless subject to subpoena before a court of jurisdiction.

(f) Damages; definition. As used in this section, “damages” means the actual, reimbursable costs a plaintiff manufacturer or stewardship organization incurs in collecting, handling, recycling, or properly disposing of covered household hazardous products identified as having originated from another manufacturer.

§ 7190. OTHER DISPOSAL PROGRAMS

A municipality or other public agency shall not require covered entities to use public facilities to dispose of covered household hazardous products to the exclusion of other lawful programs available. A municipality and other public agencies are encouraged to work with manufacturers to assist them in meeting their collection and disposal obligations under this chapter. Nothing in this chapter prohibits or restricts the operation of any program collecting and disposing of covered household hazardous products in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or disposing of covered household hazardous products, provided that all other applicable laws are met.

§ 7191. RULEMAKING

The Secretary of Natural Resources may adopt rules to implement the requirements of this chapter.

Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF REGISTRATION FEE FOR COVERED HOUSEHOLD HAZARDOUS PRODUCTS

On or before January 15, 2025, the Secretary of Natural Resources shall submit to the House Committees on Ways and Means and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy a recommended fee for the registration of stewardship organizations under the covered household hazardous product program under 10 V.S.A. chapter 164B.

Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

(a) In accordance with the following schedule, no person shall knowingly dispose of the following materials in solid waste or in landfills:

* * *

(12) Covered household hazardous products after January 1, 2025.

Sec. 5. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

* * *

(30) 3 V.S.A. § 2810, relating to interim environmental media standards; and

(31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts or products; and

(32) 10 V.S.A. chapter 164B, relating to collection and management of covered household hazardous products.

* * *

Sec. 6. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(V) chapter 124 (trade in covered animal parts or products);

(W) chapter 164B (collection and management of covered household hazardous products).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

(4) 3 V.S.A. § 2810 (interim environmental media standards).

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-0-2)

NOTICE CALENDAR
Favorable with Amendment
H. 279

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

Rep. Page of Newport City, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1992 is amended to read:

§ 1992. MEDICAID COVERAGE FOR ADULT DENTAL SERVICES

(a) Vermont Medicaid shall provide coverage for medically necessary dental services provided by a dentist, dental therapist, or dental hygienist working within the scope of the provider's license as follows:

(1) ~~Up to two visits per calendar year for preventive~~ Preventive services, including prophylaxis and fluoride treatment, with no co-payment. These services shall not be counted toward the annual maximum benefit amount set forth in subdivision (2) of this subsection.

* * *

Sec. 2. 33 V.S.A. § 2001 is amended to read:

§ 2001. LEGISLATIVE OVERSIGHT

(a) ~~In connection with the Pharmacy Best Practices and Cost Control Program, the Commissioner of Vermont Health Access shall report for review by the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare prior to any modifications:~~

~~(1) the compilation that constitutes the preferred drug list or list of drugs subject to prior authorization or any other utilization review procedures;~~

~~(2) any utilization review procedures, including any prior authorization procedures; and~~

~~(3) the procedures by which drugs will be identified as preferred on the preferred drug list, and the procedures by which drugs will be selected for prior authorization or any other utilization review procedure.~~

~~(b) The Committees shall closely monitor implementation of the preferred drug list and utilization review procedures to ensure that the consumer protection standards enacted pursuant to section 1999 of this title are not~~

~~diminished as a result of implementing the preferred drug list and the utilization review procedures, including any unnecessary delay in access to appropriate medications. The Committees shall ensure that all affected interests, including consumers, health care providers, pharmacists, and others with pharmaceutical expertise have an opportunity to comment on the preferred drug list and procedures reviewed under this subsection.~~

(e) The Notwithstanding the provisions of 2 V.S.A. § 20(d), the Commissioner of Vermont Health Access shall report annually on or before October 30 to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare concerning the Pharmacy Best Practices and Cost Control Program and the operation of Vermont's pharmaceutical assistance programs for the most recent State fiscal year. Topics covered in the report shall include:

- (1) issues related to drug cost and utilization;
- (2) the effect of national trends on the pharmacy ~~program~~ programs;
- (3) comparisons to other states;
- (4) the Department's administration of Vermont's pharmaceutical assistance programs;
- (5) the Department's use of prior authorization requirements for prescription drugs; and
- (6) decisions made by the Department's Drug Utilization Review Board in relation to both drug utilization review efforts and the placement of drugs on the Department's preferred drug list.

~~(d) [Repealed.]~~

~~(e)(b)(1) [Repealed.]~~

(2) The Commissioner shall not enter into a contract with a pharmacy benefit manager unless the pharmacy benefit manager has agreed to disclose to the Commissioner the terms and the financial impact on Vermont and on Vermont beneficiaries of:

* * *

~~(3)~~(2) The Commissioner shall not enter into a contract with a pharmacy benefit manager who has entered into an agreement or engaged in a practice described in subdivision ~~(2)~~(1) of this subsection, unless the Commissioner determines that the agreement or practice furthers the financial interests of

Vermont and does not adversely affect the medical interests of Vermont beneficiaries.

Sec. 3. 33 V.S.A. § 2081 is amended to read:

§ 2081. ~~RULES AND LEGISLATIVE OVERSIGHT~~ RULEMAKING

~~(a) The Agency of Human Services shall submit the proposed rule to the Health Care Oversight Committee. The Health Care Oversight Committee shall review and advise on the Agency rules and policies developed under this subsection and shall submit for consideration any recommendations to the joint Legislative Committee on Administrative Rules.~~
(a) The Agency of Human Services shall adopt rules necessary to implement and administer the provisions of this subchapter, including standards and schedules establishing coverage and exclusion of pharmaceuticals and maximum quantities of pharmaceuticals to be dispensed, and to comply with the requirements of the Medicare Modernization Act. The Agency of Human Services shall submit the proposed rule to the Health Care Oversight Committee. The Health Care Oversight Committee shall review and advise on the Agency rules and policies developed under this subsection and shall submit for consideration any recommendations to the joint Legislative Committee on Administrative Rules.

~~(b) DVHA shall report on the status of the pharmaceutical assistance programs established by this subchapter to the Health Care Oversight Committee.~~

Sec. 4. SEPARATE INDIVIDUAL AND SMALL GROUP HEALTH

INSURANCE MARKETS FOR PLAN YEAR 2023 IF FEDERAL
SUBSIDIES EXTENDED

(a) Purpose. The purpose of this section is to allow for separate individual and small group health insurance markets for plan year 2023 in the event that Congress extends increased opportunities for federal advanced premium tax credits to include plan year 2023 and that extension is enacted on or before September 1, 2022.

(b) Definitions. As used in this section, “health benefit plan,” “registered carrier,” and “small employer” have the same meanings as in 33 V.S.A. § 1811.

(c) Separate plans and community rating. Notwithstanding any provision of 33 V.S.A. § 1811 to the contrary, if the Department of Vermont Health Access, after consultation with interested stakeholders, determines on or before September 1, 2022 that Congress has extended the increased opportunities for federal premium assistance originally made available through the American Rescue Plan Act of 2021, Pub. L. No. 117-2 to eligible households purchasing qualified health benefit plans in the individual market to include plan year 2023, or has made substantially similar opportunities available, then for plan year 2023, a registered carrier shall:

(1) offer separate health benefit plans to individuals and families in the individual market and to small employers in the small group market;

(2) apply community rating in accordance with 33 V.S.A. § 1811(f) to determine the premiums for the carrier's plan year 2023 individual market plans separately from the premiums for its small group market plans; and

(3) file premium rates with the Green Mountain Care Board pursuant to 8 V.S.A. § 4062 separately for the carrier's individual market and small group market plans.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-0-2)

H. 572

An act relating to the retirement allowance for interim educators

Rep. Copeland Hanzas of Bradford, for the Committee on Government Operations, recommends the bill be amended as follows:

In Sec. 1, amending 16 V.S.A. § 1939, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d)(1) Notwithstanding any other provision of law, in any fiscal year, a beneficiary who retired from the System as a Group A or a Group C member may resume service under subsection (a) of this section to serve as an interim school educator for a period not to exceed one school year and receive the beneficiary's retirement allowance for the entire period that service is resumed, provided that:

(A) the beneficiary has received a retirement allowance for six months or more prior to resuming service;

(B) the beneficiary maintains or obtains an active educator's license in the area in which the beneficiary will serve as an interim educator;

(C) the beneficiary makes contributions at the rate established for members of the beneficiary's group for the entire period that service is resumed;

(D) the source of funding for the employer's contributions for the beneficiary for the entire period that service is resumed is consistent with how contributions are paid for new members in the beneficiary's group as of the date service is resumed; and

(E) the employer of the beneficiary makes payments into the Retired Teachers' Health and Medical Benefits Fund, established in section 1944b of this title, for the entire period that service is resumed in a manner consistent with how those payments are made for new members in the beneficiary's group as of the date service is resumed.

(2) Upon subsequent retirement of a person who once again becomes a member under subdivision (1) of this subsection, the beneficiary shall not be entitled to a retirement allowance separately computed for the period that service was resumed.

(e)(1) Annually, on or before July 15 each year, each superintendent shall submit to the Agency of Education a report on the number of beneficiaries of the System who have resumed service pursuant to subsection (d) of this section.

(2) On or before August 15 each year, the Secretary of Education shall compile the data received by each superintendent pursuant to subdivision (1) of this subsection and submit a report to the Joint Pension Oversight Committee.

(Committee Vote: 10-0-1)

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations.

(Committee Vote:10-0-1)

H. 629

An act relating to access to adoption records

Rep. Goslant of Northfield, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this act is to permit an adopted person who is 18 years of age or older to obtain a certified copy of the person's original birth certificate regardless of whether the adoptee's former parent has consented to such disclosure.

Sec. 2. 15A V.S.A. § 3-802 is amended to read:

§ 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

* * *

(c) In the case of birth certificates registered prior to July 1, 2019 that are to be replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the State Registrar shall notify the town clerk or clerks with custody of the certificate, who shall substitute the new or amended birth certificate for the original birth certificate. ~~The~~ Except as otherwise provided in this title, the original certificate and all copies of the certificate in the files shall be sealed and shall not be subject to inspection or copying until 99 years after the adoptee's date of birth, ~~except as provided by this title.~~

* * *

Sec. 3. 15A V.S.A. § 6-105 is amended to read:

§ 6-105. DISCLOSURE OF IDENTIFYING INFORMATION

(a) ~~Identifying~~ Unless a former parent has filed a request for nondisclosure, identifying information about an adoptee's former parent shall be disclosed by the registry to any of the following persons upon request:

(1) ~~An~~ an adoptee who is 18 ~~or more~~ years old; of age or older;

(2) ~~An~~ an adoptee who is emancipated; and

(3) ~~A~~ a deceased adoptee's direct descendant who is 18 ~~or more~~ years old of age or older or the parent or guardian of a direct descendant who is less than 18 years ~~old~~ of age.

(b) ~~From July 1, 1996 to December 31, 1997, the registry shall disclose identifying information under subsection (a) of this section only if the former parent consents to such disclosure. After December 31, 1997, the registry shall disclose information under subsection (a) of this section as follows:~~

(1) ~~For adoptions that were finalized prior to July 1, 1986, the registry shall disclose identifying information if the former parent has filed in any Probate Division of the Superior Court or agency any kind of document that clearly indicates that he or she consents to such disclosure.~~

(2) ~~For adoptions that were finalized on or after July 1, 1986, the registry shall disclose identifying information without requiring the consent of the former parent except the registry shall not disclose such information if the former parent has filed a request for nondisclosure in accordance with the provisions of section 6-106 of this title and has not withdrawn the request or, prior to July 1, 1996, has filed in any court or agency any kind of document that clearly indicates that his or her identity not be disclosed and has not withdrawn the document. [Repealed]~~

(c) An adult descendant of a deceased former parent or the guardian of a former parent who has been declared incompetent may consent to the disclosure of information as provided for in subsection (a) of this section.

(d) If an adoptee, who is 18 ~~or more~~ years old, of age or older consents, identifying information about the adoptee shall be disclosed by the registry to any of the following persons upon request:

(1) ~~The~~ the adoptee's former parent; and

(2) ~~The~~ the adoptee's sibling who is 18 ~~or more~~ years old of age or older.

(e) Identifying information about the adoptee shall be disclosed to the adoptee's former parent if the parent of an adoptee who is less than 18 years old of age consents to the disclosure.

(f) Identifying information about a deceased adoptee shall be disclosed by the registry to the adoptee's former parent or sibling upon request if:

(1) the deceased adoptee's direct descendant is 18 ~~or more~~ years old of age or older and consents to the disclosure; or

(2) the parent or guardian of a direct descendant who is less than 18 years old of age consents to the disclosure.

(g) Identifying information about a sibling of an adoptee shall be disclosed by the registry to the adoptee upon request if both the sibling and the adoptee are 18 ~~or more~~ years old of age or older and the sibling consents to disclosure.

Sec. 4. 15A V.S.A. § 6-106 is amended to read:

§ 6-106. REQUEST FOR NONDISCLOSURE

~~A former parent of an adoptee may prevent disclosure of identifying information about himself or herself by filing a request for nondisclosure with the registry as provided in section 6-105 of this title. A request for nondisclosure may be withdrawn by a former parent at any time. If a former parent of an adoptee filed a request for nondisclosure of identifying information prior to July 1, 2024, the request shall be honored and a request for disclosure of identifying information made pursuant to section 6-105 of this title shall be denied. This section shall not be interpreted to interfere with a person's right to obtain a copy of an original birth certificate pursuant to section 6-107 of this title.~~

Sec. 5. 15A V.S.A. § 6-107 is amended to read:

§ 6-107. RELEASE OF ORIGINAL BIRTH CERTIFICATE

(a) A copy of the adoptee's original birth certificate may be released to the adoptee upon the request of an adoptee who has attained the age of 18 and who has access to identifying information under this article certified copy of an adoptee's original birth certificate and any evidence of the adoption previously filed with the State Registrar shall be released to persons identified in subsection 6-105(a) of this title upon request. The copy of the original birth certificate shall clearly indicate that it may not be used for identification purposes. The State Registrar shall develop a notice to accompany an original birth certificate requested pursuant to this section that advises the requestor of the potential availability of former parent contact preference information that may be obtained through the Registry.

(b) When 99 years have elapsed after the date of birth of an adoptee whose original birth certificate is sealed under this title, the Department of Health shall unseal the original certificate and file it with any new or amended certificate that has been issued. The unsealed certificate becomes a public record in accordance with any statute or regulation applicable to the retention and disclosure of birth certificates.

(c)(1) A person who is listed as a parent on an adoptee's original birth certificate may file a contact preference form with the Registry. The contact preference form shall be developed by the Registry and shall indicate whether the parent would:

(A) like to be contacted by the adoptee;

(B) prefer to be contacted by the adoptee only through an intermediary; or

(C) prefer not to be contacted by the adoptee at this time.

(2) A contact preference form may be withdrawn or revised at any time.

(d) Upon filing with the Registry, the contact preference form shall be confidential and exempt from public inspection and copying under the Public Records Act pursuant to section 6-102 of this title.

(e) Upon request, persons identified in subsection 6-105(a) of this title may receive from the Registry the indicated contact preference choice from the filed contact preference form or nondisclosure form provided by the adoptee's former parent.

Sec. 6. 15A V.S.A. § 6-111 is amended to read:

§ 6-111. PUBLIC NOTICE OF STATUTORY CHANGE

The Department, with the cooperation of other departments of State government, shall make reasonable efforts to notify members of the public

who may be affected by changes in statute governing the release of identifying and nonidentifying information and access to original birth certificates, including:

(1) informing the general public by submitting press releases to the news media in Vermont and other states;

(2) informing adoptee, birth parent, and genealogy groups in Vermont and other states;

(3) including information in motor vehicle registration and license renewals;

(4) including information in appropriate locations on the Internet; and

(5) contacting the adoption coordinators in each state and determining what agencies or groups in that state should be notified.

Sec. 7. 15A V.S.A. § 6-112 is amended to read:

§ 6-112. ACTION FOR DISCLOSURE OF INFORMATION

(a) A person denied disclosure of information under section 6-104, ~~subdivision 6-105(b)(1) or (2), or section 6-107~~ of this title may file a petition in the court to obtain the information being sought.

(b) In determining whether to grant a petition under this section, the court shall review the records of the relevant proceeding for adoption and shall make specific findings concerning:

(1) the reasons the information is sought;

(2) ~~whether the individual about whom information is sought has filed a request for nondisclosure under section 6-106 of this title or any other kind of document requesting that his or her identity not be disclosed, has not filed any document, or has otherwise indicated a preference regarding the disclosure of his or her identity; [Repealed.]~~

(3) if known, whether the individual about whom information is sought is alive;

(4) whether it is possible to satisfy the petitioner's request without disclosing the identity of another individual; and

(5) the expressed needs of the adoptee, including the emotional and mental health needs of the adoptee.

(c) Before making a determination under this section, the court shall make a reasonable effort to confidentially contact the person whose identity is being

sought in order to determine that person's response to the petition and shall consider any response in reaching its decision.

~~(d) If the reason the petitioner was denied disclosure was due to the fact that there was no consent on file and there is no request for nondisclosure filed under section 6-106 or any other kind of document in the court or agency that clearly indicates that the identity of the person being sought not be disclosed, the court shall order disclosure of the requested information if the court finds by a preponderance of the evidence that disclosure is in the best interests of the petitioner and that disclosure is unlikely to cause harm to the person whose identity is being sought. [Repealed.]~~

~~(e) If the reason the petitioner was denied disclosure was due to the fact that there was no consent on file and a request for nondisclosure was filed under section 6-106 or any kind of document was filed in the court or agency that clearly indicates that the identity of the person being sought not be disclosed, the court shall not make a search under subsection (c) of this section and shall not order the disclosure of the requested information except for compelling reasons. [Repealed.]~~

Sec. 8. IMPLEMENTATION

Not later than September 1, 2022, the Department for Children and Families shall:

(1) develop contact preference forms and make such forms readily available to the public; and

(2) initiate plans to notify members of the public about this act.

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 1 and 8 shall take effect on passage.

(b) Secs. 2-7 shall take effect July 1, 2024.

(Committee Vote: 10-1-0)

H. 711

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

Rep. Garofano of Essex, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 93 is amended to read:

CHAPTER 93. ~~TREATMENT OF OPIOID ADDICTION~~ USE DISORDER

Subchapter 1. Treatment of Opioid Use Disorder

* * *

Subchapter 2. Opioid Settlement

§ 4771. PURPOSE

It is the purpose of this subchapter to comply with any opioid litigation settlements to which the State or municipalities within the State were a party regarding the management and expenditure of monies received by the State. While an opioid litigation settlement may designate a portion of the monies for local or State use, this subchapter applies to only monies from abatement accounts funds.

§ 4772. OPIOID SETTLEMENT ADVISORY COMMITTEE

(a) Creation. There is created the Opioid Settlement Advisory Committee to provide advice and recommendations regarding remediation spending from the Opioid Abatement Special Fund established pursuant to this subchapter.

(b) Membership.

(1) The Advisory Committee shall be composed of the following members and shall reflect the diversity of Vermont in terms of gender, race, age, ethnicity, sexual orientation, gender identity, disability status, and socioeconomic status and ensure inclusion of individuals with lived experience of opioid use disorder and their family members whenever possible:

(A) the Commissioner of Health or designee, who shall serve as a nonvoting chair;

(B) the Commissioner of Mental Health or designee;

(C) the Chief Prevention Officer established pursuant to 3 V.S.A. § 2321;

(D) one current member of the House of Representatives, appointed by the Speaker of the House;

(E) one current member of the Senate, appointed by the Committee on Committees;

(F) a primary care prescriber with experience providing medication-assisted treatment within the Blueprint for Health hub and spoke model, appointed by the Executive Director of the Blueprint for Health, to provide a statewide perspective on the provision of medication-assisted treatment services;

(G) an individual with experience providing substance misuse prevention services and education programming, appointed by the Substance Misuse Prevention Oversight and Advisory Council, to provide a statewide perspective on prevention services and education;

(H) an individual with experience providing substance misuse treatment or recovery services, appointed by the Clinical Director of the Alcohol and Drug Abuse Program or its successor, to provide a statewide perspective on the provision of treatment or recovery, or both;

(I) a provider with academic research credentials, appointed by the University of Vermont, to provide a statewide perspective on academic research relating to opioid use disorder;

(J) two individuals with lived experience of opioid use disorder, including at least one of whom is in recovery, one member appointed by the Howard Center's Safe Recovery program and one member appointed by the Vermont Association of Mental Health and Addiction Recovery, to provide a statewide perspective on the experience of living with opioid use disorder;

(K) an assistant judge, appointed by the Vermont Association of County Judges; and

(L) ten individuals, each employed by or an agent of a different city or town that collectively reflect Vermont's diverse population and geography, appointed by the Vermont League of Cities and Towns.

(2)(A) The term of office of each appointed member shall be four years. Of the members first appointed, 11 shall be appointed for a term of three years and 11 shall be appointed for a term of four years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(B) A member may be removed from the Advisory Committee by the member's appointing entity for cause, which includes only neglect of duty, gross misconduct, conviction of a crime, or inability to perform the responsibilities of the office. The Chair of the Advisory Committee shall simultaneously notify the Governor, the Speaker of the House, and the President Pro Tempore that the member has been removed from the Advisory Committee.

(c) Powers and duties. The Advisory Committee shall demonstrate broad ongoing consultation with individuals living with opioid use disorder about their direct experience with related systems, including medication-assisted

treatment, residential treatment, recovery services, harm reduction services, overdose, supervision by the Department of Corrections, and involvement with the Department for Children and Families' Family Services Division. To that end, the Advisory Committee shall demonstrate consultation with individuals with direct lived experience of opioid use disorder, frontline support professionals, the Substance Misuse Advisory Council, and other stakeholders to identify spending priorities as related to opioid use disorder prevention, intervention, treatment, and recovery services and harm reduction strategies for the purpose of providing recommendations to the Governor, the Department of Health, and the General Assembly on prioritizing spending from the Opioid Abatement Special Fund. The Advisory Committee shall consider:

(1) the impact of the opioid crisis on communities throughout Vermont, including communities' abatement needs and proposals for abatement strategies and responses;

(2) the perspectives of and proposals from opioid use disorder prevention coalitions, recovery centers, and medication-assisted treatment providers; and

(3) the ongoing challenges of the opioid crisis on marginalized populations, including individuals who have a lived experience of opioid use disorder.

(d) Assistance. The Advisory Committee shall have the administrative, technical, and legal assistance of the Department of Health.

(e) Presentation. Annually, the Advisory Committee shall present its recommendations for expenditures from the Opioid Abatement Special Fund established pursuant to this subchapter to the Department of Health and concurrently submit its recommendations in writing to the House Committees on Appropriations and on Humans Services and the Senate Committees on Appropriations and on Health and Welfare.

(f) Meetings.

(1) The Commissioner of Health shall call the first meeting of the Advisory Committee to occur on or before June 30, 2022.

(2) The Advisory Committee shall meet at least quarterly but not more than six times per calendar year.

(3) The Advisory Committee shall adopt procedures to govern its proceedings, including voting procedures and how the staggered terms shall be apportioned among members.

(4) All meetings of the Advisory Committee shall be consistent with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Advisory Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

(2) Other members of Advisory Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

§ 4773. DESIGNATION OF LEAD STATE AGENCY

The Department of Health shall serve as the lead State agency and single point of contact for submitting requests for funding to the national settlement fund administrator. Approved requests shall be disbursed to the Department for deposit into the Opioid Abatement Special Fund established in section 4774 of this subchapter.

§ 4774. OPIOID ABATEMENT SPECIAL FUND

(a)(1) There is created the Opioid Abatement Special Fund, a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and administered by the Department of Health. The Opioid Abatement Special Fund shall consist of all abatement account fund monies disbursed by the national settlement fund administrator to the Department.

(2) The Department shall include a spending plan, informed by the recommendations of the Opioid Settlement Advisory Committee established pursuant to section 4772 of this subchapter, as part of its annual budget submission, and once approved, the Department shall request to have the funds formally released from the national abatement accounts fund. The Department shall disburse monies from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.

(3) Disbursements from the Opioid Abatement Special Fund shall supplement and not supplant or replace any existing or future local, State, or federal government funding for infrastructure, programs, supports, and resources, including health insurance benefits, federal grant funding, and Medicaid and Medicare funds.

(b) Expenditures from the Opioid Abatement Special Fund shall be used for the following opioid prevention, intervention, treatment, recovery, harm reduction, and evaluation activities:

- (1) preventing overdose deaths and other harms;
- (2) treatment of opioid use disorder;
- (3) support for individuals in treatment and recovery and their families;
- (4) connecting individuals who need help to the help needed;
- (5) addressing the needs of criminal justice-involved persons;
- (6) addressing the needs of pregnant or parenting individuals and their families, including babies with neonatal abstinence syndrome;
- (7) preventing overprescribing and ensuring appropriate prescribing and dispensing of opioids;
- (8) preventing the misuse of opioids;
- (9) educating law enforcement and other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs and providing wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events;
- (10) supporting efforts to provide leadership, planning, coordination, facilitation, training, and technical assistance to abate the opioid epidemic;
- (11) researching opioid abatement;
- (12) implementing other evidence-based or evidence-informed programs or strategies that support prevention, harm reduction, treatment, or recovery of opioid use disorder and any co-occurring substance use or mental health disorder; and
- (13) the cost of the administrative, technical, and legal assistance provided to the Advisory Committee by the Department of Health.

(c) Priority for expenditures from the Opioid Abatement Special Fund shall be aimed at reducing overdose deaths, including the following:

- (1) promoting the appropriate use of naloxone and other U.S. Food and Drug Administration-approved drugs to reverse opioid overdoses, specifically:
 - (A) expanding training for first responders, schools, community support groups, families; and

(B) increasing distribution to individuals who are uninsured or whose health insurance does not cover the needed goods and services;

(2) increasing access to medication-assisted treatment and other opioid-related treatment, specifically:

(A) increasing distribution of medication-assisted treatment to individuals who are uninsured or whose health insurance does not cover the needed goods and services;

(B) providing education to school-based and youth-focused programs that discourage or prevent misuse, including how to access opioid use disorder treatment;

(C) providing medication-assisted education and awareness training to health care providers, emergency medical technicians, law enforcement, and other first responders; and

(D) providing treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allows or integrates medication and other support services;

(3) assisting pregnant and postpartum individuals, specifically:

(A) enhancing services for expanding screening, brief intervention, and referral to treatment (SBIRT) services to non-Medicaid eligible or uninsured pregnant individuals;

(B) expanding comprehensive evidence-based or evidence-informed treatment and recovery services, including medication-assisted treatment, for individuals with co-occurring opioid use disorder and other substance or mental health disorders for up to 12 months postpartum; and

(C) providing comprehensive wraparound services to pregnant and postpartum individuals with opioid use disorder, including housing, transportation, job placement, training, and child care;

(4) expanding treatment for neonatal abstinence syndrome (NAS), specifically:

(A) expanding comprehensive evidence-based or evidence-informed recovery support for babies with NAS;

(B) expanding services for better continuum of care to address infant needs and support the parent-child relationship; and

(C) expanding long-term treatment and services for medical monitoring of babies with NAS and their families;

(5) expanding the availability of warm handoff programs and recovery services, specifically:

(A) expanding services such as navigators and on-call teams to begin medication-assisted treatment in hospital emergency departments;

(B) expanding warm handoff services to transition to recovery services;

(C) broadening the scope of recovery services to include co-occurring substance use disorder or mental health conditions;

(D) providing comprehensive wraparound services to individuals in recovery, including housing, transportation, job placement, training, and child care; and

(E) hiring additional workers to facilitate the expansions listed in this subdivision (5);

(6) treating incarcerated populations, specifically;

(A) providing evidence-based or evidence-informed treatment and recovery support, including medication-assisted treatment for individuals with opioid use disorder or co-occurring substance use or mental health disorders while transitioning out of the criminal justice system; and

(B) increasing funding for correctional facilities to provide treatment and recovery support to inmates with opioid use disorder;

(7) supporting prevention programs, specifically;

(A) funding for media campaigns to prevent opioid misuse;

(B) funding for evidence-based or evidence-informed prevention in schools;

(C) funding for health care provider education and outreach regarding best prescribing practices for opioids consistent with current Department of Health and U.S. Centers for Disease Control and Prevention guidelines, including providers at hospitals;

(D) funding for community drug disposal programs; and

(E) funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to mental health services and supports;

(8) expanding syringe service programs, specifically providing comprehensive syringe services programs with more wraparound services,

including linkages to opioid use disorder treatment, access to sterile syringes, and linkages to care and treatment of infectious diseases; and

(9) facilitating evidence-based or evidence-informed data collection and research analyzing and evaluating the effectiveness of the abatement strategies within Vermont.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

Action Postponed Until March 11, 2022

Governors Veto

H. 361

An act relating to approval of amendments to the charter of the Town of Brattleboro.

Text of Veto Message

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **House Bill No. H. 361** to the House is as follows:

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.361, *An Act Relating to Approval of Amendments to the Charter of the Town of Brattleboro*, without my signature.

While I applaud 16- and 17-year-old Vermonters who take an interest in the issues affecting their communities, their state and their country, I do not support lowering the voting age in Brattleboro.

First, given how inconsistent Vermont law already is on the age of adulthood, this proposal will only worsen the problem. For example, the Legislature has repeatedly raised the age of accountability to reduce the consequences when young adults commit criminal offenses. They have argued this approach is justified because these offenders are not mature enough to contemplate the full range of risks and impacts of their actions.

Testimony given by leaders from Columbia University's Justice Lab, who said Vermont should raise the upper age of juvenile jurisdiction for most crimes, (including some violent crimes) described adolescents and what they called "emerging adults" as more volatile; more susceptible to peer influence; greater risk-takers; and less future-oriented than adults. This view was cited by the

Legislature as justification to expand the definition of “child” to those 18 to 22 for purposes of criminal accountability. “Youthful offenders” up to age 22 may now avoid criminal responsibility for their crimes.

Second, if the Legislature is interested in expanding voting access to school-aged children, they should debate this policy change on a statewide basis. I do not support creating a patchwork of core election laws and policies that are different from town to town. The fundamentals of voting should be universal and implemented statewide.

For these reasons, I am returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

I understand this is a well-intended local issue. I urge the Legislature to take up a thorough and meaningful debate on Vermont’s age of majority and come up with consistent, statewide policy for both voting and criminal justice.

Sincerely,
Philip B. Scott
Governor

Action Postponed Until April 20, 2022

Governors Veto

H. 157

An act relating to registration of construction contractors.

For Text of Veto Message, please see House Journal of February 10, 2022

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Senate Secretary’s office or the House Clerk’s office. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 109

House concurrent resolution congratulating the 2022 Essex High School Hornets girls’ indoor track and field team on winning a second consecutive Division I championship

H.C.R. 110

House concurrent resolution congratulating the 2022 Essex High School boys’

indoor track and field team on winning a second consecutive Division I championship

H.C.R. 111

House concurrent resolution congratulating William O'Neil of Essex on his induction into the Vermont Sports Hall of Fame

H.C.R. 112

House concurrent resolution honoring the Voices of St. Joseph's Orphanage

H.C.R. 113

House concurrent resolution honoring the USS VERMONT (SSN 792)

H.C.R. 114

House concurrent resolution congratulating the 2021 Brattleboro Union High School Colonels Division II championship boys' hockey team

H.C.R. 115

House concurrent resolution congratulating the 2022 Essex High School Hornets State championship gymnastics team

H.C.R. 116

House concurrent resolution commemorating the 250th anniversary of the New Yorkers' capture and Bennington posse's rescue of early Arlington leader and pre-Revolutionary War patriot Remember Baker Jr.

H.C.R. 117

House concurrent resolution congratulating Catamount Access Television in Bennington on its 30th anniversary

H.C.R. 118

House concurrent resolution honoring Diane Dalmasse for her extraordinary half century of State public service and leadership

H.C.R. 119

House concurrent resolution honoring Anthony Mariano for 44 years of exemplary athletics leadership at Norwich University

For Informational Purposes

Crossover Deadline

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and on Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 11, 2022**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 11, 2022**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and on Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 18, 2022**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation capital bill, the Capital Construction bill, and the Fee/Revenue bills).

Information Notice

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3087 – \$663,538 to the VT Department of Financial Regulation from the Centers for Medicare and Medicaid Services. Funds will be used to analyze Vermont’s current health insurance options to ensure coverage is accessible to all Vermonters, and to develop an action plan if necessary. Includes one (1) limited-service position, Grant Manager and Health Policy Analyst, funded through 9/14/2023.

[NOTE: The Department of Financial Regulation signed an RFP with an actuarial firm to start looking at the benchmark in September 2021. The work being performed now is planned on being paid for with grant funds.]

[Received February 10, 2022]

JFO #3088 – \$896,945 to the VT Judiciary from the U.S. Office of Justice Programs. Funds will be used to support The Chittenden County Family Treatment Docket which opened for referrals in March 2021. The initial limited launch was intended to capture what areas require additional technical assistance from our national best practice standards partner, Children and Family Futures. Funding is needed to sustain operation and expand service to a

larger number of at-risk families. Includes one (1) limited-service position, Treatment Court Coordinator, funded through 09/2024.

[Received February 10, 2022]

JFO #3089 - \$6,589,481 to the VT Agency of Human Services, Dept of Disabilities, Aging and Independent Living from U.S. Dept of Education. Funds to establish a system and to provide support for 500 Vermonters with disabilities to achieve credentials leading to high-wage employment. Includes eight (8) limited-service positions: one (1) Project Director; six (6) VR Counselor/Career Navigator; one (1) Assistive Technology Specialist funded through 9/30/2026.

[Received 2/17/2022, expedited review requested 2/17/2022]

JFO #3090 –Three (3) limited-service positions: Military Project Manager. Positions needed to replace Federal personnel reductions in project management and program management staffing levels. VT Military confirms the positions are fully funded through the Master Cooperative Agreement through 9/30/24. *[Received February 17, 2022]*

JFO #3091 - **\$60,528** to the VT Department of Public Safety from the National Governor’s Association to fund the Agency of Digital Services staff to assist the Department of Public Safety with IT concerns specific to improving multi-agency information sharing and governance. *[Received February 17, 2022]*