

House Calendar

Tuesday, March 15, 2022

71st DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 279

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

H. 572

An act relating to the retirement allowance for interim educators

Favorable with Amendment

H. 244

An act relating to authorizing the natural organic reduction of human remains

Rep. Walz of Barre City, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Deaths, Burials, and Autopsies * * *

Sec. 1. 18 V.S.A. § 5200 is added to read:

§ 5200. DEFINITIONS

As used in this chapter:

(1) “Cemetery” has the same meaning as in section 5302 of this title.

(2) “Cremation” has the same meaning as in section 5302 of this title.

(3) “Disposition facility” has the same meaning as in section 5302 of this title.

(4) “Natural organic reduction” has the same meaning as in section 5302 of this title.

Sec. 2. 18 V.S.A. § 5201 is amended to read:

§ 5201. PERMITS; REMOVAL OF BODIES; CREMATION;

WAITING PERIOD; INVESTIGATION INTO CIRCUMSTANCES
OF DEATH

(a) ~~Burial transfer permit.~~ A dead body shall not be buried, entombed, or removed, or otherwise disposed of without a burial-transit permit issued and

signed by a municipal clerk, a county clerk, or a deputy clerk for the municipality or unorganized town or gore in which the dead body is located; a funeral director licensed in Vermont; an owner or designated manager of a ~~crematorium~~ licensed disposition facility in Vermont who is registered to perform removals; or a law enforcement officer.

* * *

(3) A funeral director licensed in Vermont or an owner or designated manager of a ~~crematory~~ licensed disposition facility in Vermont who is registered to perform removals may issue a burial-transit permit for any municipality or unorganized town or gore at any time, including during the normal business hours of a municipal clerk.

* * *

(b) ~~No~~ An operator of a ~~crematory~~ disposition facility shall not cremate or process by means of natural organic reduction or allow the cremation or processing by means of natural organic reduction of a dead human body until the passage of at least 24 hours following the death of the decedent, as indicated on the death certificate, unless, if the decedent died from a virulent, communicable disease, a Department of Health rule or order requires the cremation to occur prior to the end of that period. If the Attorney General or a State's Attorney requests the delay of a cremation or natural organic reduction based upon a reasonable belief that the cause of death might have been due to other than accidental or natural causes, the cremation or natural organic reduction of a dead human body shall be delayed, based upon such request, a sufficient time to permit a civil or criminal investigation into the circumstances that caused or contributed to the death.

(c) The person in charge of the body shall not release for cremation or natural organic reduction the body of a person who died in Vermont until the person in charge has received a certificate from the chief, regional, or assistant medical examiner that the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that no further examination or judicial inquiry concerning it is necessary. Upon request of a funeral director, the person in charge of the body, or the ~~crematory~~ operator of a disposition facility, the Chief Medical Examiner shall issue a ~~cremation~~ disposition certificate after the medical examiner has completed an autopsy. The certificate shall be retained by the ~~crematory~~ disposition facility for a period of three years. The person requesting cremation or natural organic reduction shall pay the ~~department~~ Department a fee of \$25.00.

(d)(1) For all cremations or natural organic reductions requested for the body of a person who died outside Vermont, the ~~crematory~~ operator of a

disposition facility shall do the following before conducting the cremation or natural organic reduction:

(A) obtain a permit for transit ~~or~~, cremation, or natural organic reduction; and

(B) comply with the laws of the state in which the person died, including obtaining a copy of a medical examiner's permit if one is required.

(2) No additional approval from the Vermont medical examiner's office is required if compliance with the laws of the state in which the person died is achieved.

Sec. 3. 18 V.S.A. § 5207 is amended to read:

§ 5207. CERTIFICATE FURNISHED FAMILY; BURIAL-TRANSIT PERMIT

Within 24 hours after death, the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. The certificate shall be filed with the person issuing the burial-transit permit obtained by the person who has charge of the body before ~~such dead body shall be buried, entombed, or removed~~ permanent disposition or removal from the town. When the death certificate is so filed, the officer or person shall immediately issue a burial-transit permit under legal restrictions and safeguards.

Sec. 4. 18 V.S.A. § 5210 is amended to read:

§ 5210. FORM OF BURIAL OR REMOVAL PERMIT

If it is desired to bury, entomb, or otherwise dispose of a dead body within the limits of a town where the death occurred, the certificate of permission shall state plainly the time, place, and manner of such burial, entombment, or disposition. If it is desired to remove a dead body from the town where the death occurred, the certificate of permission shall contain the essential facts contained in the certificate of death on which it is issued, shall accompany the body to its destination, and may be accepted as a permit for ~~burial or entombment~~ permanent disposition by a sexton or other person having the care of a cemetery, burial ground, tomb, or receiving vault.

Sec. 5. 18 V.S.A. § 5213 is amended to read:

§ 5213. REMOVAL; FORM AND DISPOSITION OF PERMIT

Such permit shall state specifically ~~where such body is to be buried, cremated, or entombed~~ the location of the body's permanent disposition and the time and manner of its removal. A town clerk issuing such a permit shall

make it in duplicate if the body is to be removed from the town, one copy of which shall be delivered to the person having charge of the cemetery or tomb from which the body is to be taken and the other shall be delivered to the person having charge of the cemetery or tomb wherein it is desired to place the body.

Sec. 6. 18 V.S.A. § 5224 is amended to read:

§ 5224. DISPOSITION OF REMAINS; PERMITS

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

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

* * *

Sec. 7. 18 V.S.A. chapter 107, subchapter 3 is amended to read:

Subchapter 3. Rights of Family Members, ~~and~~ Other Interested Persons,
Funeral Directors, and ~~Crematory~~ Operators of Disposition Facilities

* * *

§ 5227. RIGHT TO DISPOSITION

(a) If there is no written directive of the decedent, in the following order of priority, one or more competent adults shall have the right to determine the disposition of the remains of a decedent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services:

* * *

(9) the funeral director or ~~crematory~~ disposition facility operator with custody of the body, after attesting in writing that a good faith effort has been made to contact the individuals described in subdivisions (1) through (8) of this subsection; or

* * *

(c)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(9) of this section and the funeral director or ~~crematory~~ disposition facility operator has cremated or processed the remains, as applicable, the funeral director or ~~crematory~~ disposition facility operator shall retain the remains for three years and, if no interested party as provided in subdivisions (a)(1) through (8) of this section claims the decedent's remains after three years, the funeral director or ~~crematory~~ disposition facility operator shall arrange for the ~~final~~ permanent disposition of the ~~cremated~~ remains consistent with any applicable law and standard funeral practices.

(2) Notwithstanding any provision of subdivision (1) of this subsection to the contrary, a funeral director or ~~crematory~~ disposition facility operator may determine that the unclaimed ~~cremated~~ remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the funeral director or ~~crematory~~ disposition facility operator cremated or processed the remains;

(B) the funeral director or ~~crematory~~ disposition facility operator either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the funeral director or ~~crematory~~ disposition facility operator has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

(d)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(10) of this section, the Office of the Chief Medical Examiner may contract with a funeral director or ~~crematory~~ disposition facility operator to cremate the remains of the decedent.

(2)(A) If the cremation of the decedent is arranged and paid for under 33 V.S.A. § 2301, the Department for Children and Families shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families.

(B) If the cremation of the decedent is not arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families.

(3) The cremated remains shall be returned to the Office of the Chief Medical Examiner. The Office shall retain the remains for three years, and if no interested party, as described in subdivisions (a)(1) through (8) of this section, claims the decedent's remains after three years, the Office shall arrange for the ~~final~~ permanent disposition of the cremated remains consistent with any applicable law and standard funeral practices.

(4) Notwithstanding any provision of subdivision (3) of this subsection to the contrary, the Office of the Chief Medical Examiner may determine that the unclaimed cremated remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the remains were cremated;

(B) the Office of the Chief Medical Examiner either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the Office of the Chief Medical Examiner has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

§ 5228. FORFEITURE

An individual recognized under section 5227 of this title to have a right of disposition shall forfeit that right in the following circumstances:

(1) the individual is identified by a law enforcement agency as a person of interest and likely to be prosecuted or is under prosecution for first or second degree murder or voluntary manslaughter in connection with the decedent's death, if the status of the investigation or the prosecution is known to the funeral director or ~~crematory~~ disposition facility operator, except that if

the prosecution is not pursued or the individual is acquitted of the alleged crime before the remains are disposed of, the individual shall regain the right;

* * *

§ 5229. COST OF DISPOSITION

The cost for the disposition of remains and funeral goods or services shall be borne by the decedent's estate, subject to the limits for insolvent estates imposed by 14 V.S.A. § 1205, or by any individual who agrees to pay the costs. Nothing in this subchapter shall be construed to require a funeral director or ~~crematory~~ disposition facility operator to provide goods or services for which there is no payment.

§ 5230. RIGHTS OF FUNERAL DIRECTOR OR ~~CREMATORY~~ OPERATOR OF A DISPOSITION FACILITY

A funeral director or ~~crematory~~ disposition facility operator may determine the ~~final~~ permanent disposition of remains and may file a civil action in Probate Division of the Superior Court against a person, estate, banking institution, governmental agency, or other entity ~~which~~ that may have liability for the ~~final~~ permanent disposition, either:

(1) to seek a declaratory judgment that the director's or operator's proposed action would be in compliance with the applicable provisions of law; or

(2) to seek a judgment that the director or operator's action is in compliance with the applicable provisions of law and to recover reasonable costs and fees for the ~~final~~ permanent disposition when:

(A) the funeral director or ~~crematory~~ disposition facility operator has actual knowledge that there is no surviving family member, guardian, or individual appointed to arrange for the disposition of decedent's remains pursuant to chapter 231 of this title;

(B) the funeral director or ~~crematory~~ disposition facility operator has made reasonable efforts to locate and contact any known family member, guardian, or agent; and

(C) the appropriate local or State authority, if any, fails to assume responsibility for disposition of the remains within 36 hours of written notice, which may be delivered by hand, U.S. mail, facsimile transmission, electronic means, or telegraph.

§ 5231. CIVIL ACTION

* * *

(c) Except as provided for under subdivision (b)(4) of this section, an individual who has paid or agreed to pay for all or part of the funeral arrangements or ~~final permanent~~ disposition does not have greater priority to the right to disposition than as set forth in section 5227 of this title.

(d)(1) A funeral director or ~~erematary~~ disposition facility operator may refuse to accept bodily remains, to inter or otherwise dispose of bodily remains, or to complete the arrangements for the ~~final permanent~~ disposition until such time as the court issues an order or the parties to the action submit a final stipulation approved by the court regarding the disposition of remains.

(2) If the funeral director or ~~erematary~~ disposition facility operator retains the remains for ~~final permanent~~ disposition while an action is pending, the funeral director or ~~erematary~~ disposition facility operator may refrigerate or shelter the remains while awaiting a preliminary or final order of the court. The cost of refrigeration or sheltering shall be the responsibility of the party or parties who contracted with the funeral director or ~~erematary~~ disposition facility operator, the person or entity who is otherwise liable for the costs of ~~final permanent~~ disposition, or the estate as ordered by the court, or any combination of these, and the court may include in the order a decision concerning which of these shall be responsible for paying these costs.

(e) If a funeral director or ~~erematary~~ disposition facility operator commences an action under this section, the funeral director or ~~erematary~~ disposition facility operator may ask the court to include an order against the estate or the parties for reasonable legal fees and costs. If the estate is insolvent and no other person should be responsible for the filing fee, the court may waive the filing fee. The court, in its discretion, may order a party or parties to pay the reasonable costs of ~~final permanent~~ disposition as a condition of the appointment to make disposition decisions. The court may order that a party, or parties, including the petitioner, pay reasonable legal fees and costs associated with the action.

(f) Any appeal from the ~~probate court~~ Probate Division shall be on the record to the Civil Division of the Superior Court. There shall be no appeal as a matter of right to the Supreme Court.

* * *

§ 5233. LIMITED LIABILITY

A funeral director or ~~erematary~~ disposition facility operator shall not be subject to civil liability or subject to disciplinary action for carrying out the disposition of the remains if he or she relied in good faith on a funeral service contract or authorization or for following the instructions of an individual

~~whom~~ who the funeral director or ~~crematory~~ disposition facility operator reasonably believes or believed holds the right of disposition.

* * *

* * * Cemeteries * * *

Sec. 8. 18 V.S.A. § 5302 is amended to read:

§ 5302. DEFINITIONS

As used in this chapter and unless otherwise required by the context:

(1) “Agencies” means town cemeteries, religious or ecclesiastical society cemeteries, cemetery associations, and any person, firm, corporation, or unincorporated association engaged in the business of a cemetery.

(2) “Cemetery” means any plot of ground used or intended to be used for the burial or permanent disposition ~~permanently~~ of the remains of the human dead in a grave, a mausoleum, a columbarium, a vault, or other receptacle.

(3) “Cemetery association” means any corporation now or hereafter organized ~~which~~ that is or shall be authorized by its articles to conduct the business of a cemetery.

(4) “Columbarium” means a structure or room or other space in a building or structure of durable and lasting fireproof construction, containing niches, used or intended to be used, to contain ~~cremated~~ the permanent disposition of human remains.

(5) “Community mausoleum” means a structure or building of durable and lasting construction used or intended to be used for the permanent disposition of the remains of deceased persons in crypts or spaces, provided such crypts or spaces are available to or may be obtained by individuals or the public for a price in money or its equivalent.

(6) “Cremated remains” means remains of a deceased person after incineration in a ~~crematory~~ disposition facility.

(7) “Cremation” means the reducing of the remains of deceased persons, by the use of retorts, to cremated remains and the disposal thereof in a columbarium, niche, mausoleum, grave, or in any other manner not contrary to law.

~~(8) “Crematory” means a building or structure containing one or more retorts, used or intended to be used, for the reducing of the bodies of deceased persons to cremated remains.~~

(9)(8) “Crypt” means the chamber in a mausoleum of sufficient size to contain the remains of deceased persons.

(9) “Disposition facility” means a building or structure for the reducing of human remains by means of cremation, alkaline hydrolysis, or natural organic reduction.

(10) “Ecological land management practices” means utilization of land stewardship decision-making processes that account for the best available understanding of ecosystem functions and biological diversity.

(11) “Natural burial ground” means a cemetery maintained using ecological land management practices and without the use of vaults for the burial of unembalmed human remains or human remains embalmed using nontoxic embalming fluids and that rest in either no burial container or in a nontoxic, nonhazardous, plant-derived burial container or shroud.

(12) “Natural organic reduction” means the contained, accelerated conversion of human remains to soil.

(12)(13) “Niche” means a recess in a columbarium used, or intended to be used, for the permanent disposition of ~~the cremated~~ human remains of one or more deceased persons.

(13)(14) “Temporary receiving vault” means a vault or crypt in a structure of durable and lasting construction, used, or intended to be used, for the temporary deposit of the remains of a deceased person for a period of time not exceeding one year.

Sec. 9. 18 V.S.A. § 5313 is amended to read:

§ 5313. RECORDS; BURIAL RECORDS OPEN TO PUBLIC

An agency engaged in the business of a cemetery, community mausoleum, or columbarium shall provide and maintain a suitable place of deposit for the records and files of such cemetery, community mausoleum, or columbarium, of such character as will safely keep and preserve such records and files from loss and destruction, and it shall make and file proper records in such place. The record of ~~burials, interments, and cremations~~ the permanent disposition of human remains shall at all reasonable times be open to the public.

Sec. 10. 18 V.S.A. § 5315 is amended to read:

§ 5315. SALE OF PROPERTY FOR OTHER THAN BURIAL PURPOSES;
DISPOSITION OF PROCEEDS

Either before or after the recording of the plat, as hereinbefore provided, whenever it is determined that such lands acquired for cemetery purposes,

except those acquired by condemnation proceedings, are unsuitable for ~~burial purposes~~ the permanent disposition of human remains, such lands may be sold for purposes other than ~~interment~~ permanent disposition and conveyed in fee simple in such manner and upon such terms as may be provided by the agencies owning the same. The proceeds thereof shall be applied to the purchase of other lands or to general cemetery purposes. When such sales are made, the land so sold shall be returned by the agencies to the tax lists for taxation. In the case of land acquired by condemnation proceedings, it shall be disposed of under the law governing the disposal of land acquired by condemnation proceedings.

Sec. 11. 18 V.S.A. § 5319 is amended to read:

§ 5319. DISPOSITION OF REMAINS OF DEAD

(a)(1) The permanent disposition of human remains shall be by:

(A) ~~interment in the earth or;~~

(B) deposit in a chamber, vault, or tomb formed wholly or partly above the surface of the ground of a cemetery conducted and maintained pursuant to the laws of the State, ~~or by;~~

(C) deposit in a crypt of a mausoleum, ~~or by;~~

(D) cremation; or

(E) natural organic reduction.

(2) However, this shall not be construed to prevent a private individual from setting aside a portion of his or her premises owned in fee by him or her and using the premises as a burial space for the members of his or her immediate family, ~~so long as provided~~ his or her use for such purpose is not in violation of the health laws and regulations of the State and the town in which the land is situated.

* * *

(c) ~~No deposit of the remains of the human dead~~ With the exception of human remains processed by natural organic reduction, the permanent disposition of human remains shall not be made in a single chamber, vault, or tomb wholly or partly above the surface of the ground unless the part thereof below the natural surface of the ground be of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, be waterproof and air tight, and can be sealed permanently so as to prevent all escape of effluvia. That portion of the same above the natural surface of the ground shall be constructed of natural stone of a standard not less than that required by the U.S. government for monuments erected in national

cemeteries, of durability sufficient to withstand all conditions of weather, and of a character to ensure its permanence.

(d) The remains of a human body after cremation or natural organic reduction may be deposited in a niche of a columbarium, ~~in a~~ or a crypt of a mausoleum; ~~be buried;~~ or disposed of in any manner not contrary to law.

Sec. 12. 18 V.S.A. § 5361 is amended to read:

§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

A town may vote sums of money necessary for purchasing, holding, and keeping in repair suitable grounds and other conveniences for ~~burying~~ permanent disposition of the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.

Sec. 13. 18 V.S.A. § 5376 is amended to read:

§ 5376. SALE OF LOTS; TAX EXEMPTION

The board of cemetery commissioners, by one of the commissioners appointed by it for that purpose, in the name of the town, by deed, may grant and convey lots in such burial grounds to be used for the ~~burial~~ permanent disposition of the dead and on which tombs, cenotaphs, and other monuments are to be erected. Such lots shall be exempt from taxation. The deeds thereof shall be recorded in the office of the town clerk of the town wherein such lots lie.

Sec. 14. 18 V.S.A. § 5378 is amended to read:

§ 5378. BYLAWS AND REGULATIONS

The board of cemetery commissioners may make necessary bylaws and regulations in respect to such burial grounds, and ~~interment~~ permanent disposition of the dead not inconsistent with law, and may alter the same. Such bylaws and regulations shall be recorded in the office of the town clerk. A bylaw or regulation shall not be adopted to restrain a person in the free exercise of his or her religious sentiments as to the ~~burial~~ permanent disposition of the dead.

Sec. 15. 18 V.S.A. § 5434 is amended to read:

§ 5434. PENALTY FOR DOING BUSINESS AS A CEMETERY

ASSOCIATION WITHOUT AUTHORITY

A person, firm, corporation, or association, or a trust, trustee, or trustees of any person, firm, corporation, or association, who, without authority of this

chapter so to do, shall exercise or attempt to exercise any powers, privileges, or franchises which that are specified or may be granted under this chapter to incorporated cemetery associations, or who shall by any device attempt to evade the provisions of this chapter applicable to cemetery associations in respect to the sale of ~~burial~~ lots or ~~burial~~ spaces for the permanent disposition of human remains and the disposition of the proceeds thereof, shall be fined not less than \$1,000.00 nor more than \$10,000.00, and may be enjoined from further doing of such acts at the suit of any taxpayer of the State. However, the provisions of this section shall not affect or impair the rights of a person, firm, corporation, or association or a trust, trustee, or trustees of such person, firm, corporation, or association under any existing contract or contracts between such parties and incorporated cemetery associations, nor shall the performance of the provisions of such contract or contracts subject parties thereto to the penalties imposed by this section.

Sec. 16. 18 V.S.A. § 5435 is amended to read:

§ 5435. SALES OF LOTS, CRYPTS, AND NICHES; HOW INCOME
APPLIED; RULES

(a) The income of a cemetery association, whether derived from the sale of lots, ~~burial~~ spaces, crypts, or niches for the permanent disposition of human remains, from donations, or otherwise, shall be exclusively applied to paying for the land or other cemetery property; laying out, preserving, protecting, and embellishing the cemetery and avenues leading thereto; the erection of buildings necessary for cemetery purposes; the establishing of a fund to care permanently for the cemetery; the repair and upkeep of mausoleums, vaults, columbariums, crypts, and niches therein; and to paying the necessary expenses of the cemetery association. A debt shall not be contracted in anticipation of future receipts, except for the original purchase of the land, community mausoleum, or columbarium, laying out, enclosing, and embellishing the grounds and avenues therein and to a sum not exceeding \$50,000.00 in the whole, to be paid out of future income. ~~No part of the~~ The proceeds from the sale of lots, ~~burial~~ spaces, crypts, or niches for the permanent disposition of human remains, or other income of such association, shall ~~ever~~ not be divided among its members. All its income shall be used exclusively for the purposes of the association, as provided in this chapter, or invested in a fund the income of which shall be so used. Such association may adopt such reasonable rules and regulations as it deems expedient for disposing of and conveying ~~burial~~ lots, spaces, crypts, and niches for the permanent disposition of human remains.

* * *

Sec. 17. 18 V.S.A. § 5436 is amended to read:

§ 5436. PERPETUAL CARE FUND

A cemetery association established prior to June 1, 1933 may create a perpetual care fund out of surplus money on hand or ~~which~~ that has been given to it by will, deed, or otherwise. A cemetery association established after such date shall create such a perpetual care fund by applying thereto from the initial proceeds received from the sale of lots or ~~burial~~ spaces for the permanent disposition of human remains a sum ~~which~~ that shall be equivalent to and not less than 20 percent of the sale price of each lot or ~~burial~~ space so sold, and such association may at any time increase the same by the addition of surplus money or property received by it by will, deed, or otherwise.

Sec. 18. 18 V.S.A. § 5488 is amended to read:

§ 5488. ENLARGEMENT OF CEMETERIES BY ASSOCIATIONS-
PETITION TO SUPERIOR COURT TO ACQUIRE LAND

When an incorporated cemetery association wishes to enlarge the limits of its burial ground, and votes to purchase additional land for ~~burial~~ permanent disposition purposes and the owner of such land refuses to convey the same to ~~such~~ the cemetery association for a reasonable compensation, the trustees or president of such association, by a petition in writing, may apply to the Superior Court in the county in which such burial ground is located for the appointment of commissioners.

* * * Funeral Services * * *

Sec. 19. 26 V.S.A. § 1211 is amended to read:

§ 1211. DEFINITIONS

(a) As used in this chapter, unless a contrary meaning is required by the context:

(1) ~~“Crematory establishment” means a business registered with the Office conducted at a specific street address or location devoted to the disposition of dead human bodies by means of cremation, alkaline hydrolysis, or any other type of human reduction acceptable to the Director as established by the Director by rule. [Repealed.]~~

(2) “Director” means the Director of the Office of Professional Regulation.

(3) “Funeral director” means a licensed person who is the owner, co-owner, employee, or manager of a licensed funeral establishment and who, for compensation, engages in the practice of funeral service.

(4) “Funeral establishment” means a business registered with the Office conducted at a specific street address or location devoted to the practice of funeral service, and includes a limited services establishment.

(5) “Office” means the Office of Professional Regulation.

(6) “Practice of funeral service” means arranging, directing, or providing for the care, preparation, or disposition of dead human bodies for a fee or other compensation. This includes:

(A) meeting with the public to select a method of disposition or funeral observance and merchandise;

(B) entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;

(C) arranging, directing, or performing the removal or transportation of a dead human body;

(D) securing or filing certificates, permits, forms, or other documents;

(E) supervising or arranging a funeral, memorial, viewing, or graveside observance; and

(F) holding oneself out to be a licensed funeral director by using the words or terms “funeral director,” “mortician,” “undertaker,” or any other words, terms, title, or picture that, when considered in context, would imply that such person is engaged in the practice of funeral service or is a licensed funeral director.

(7) “Removal” means the removal of dead human bodies from places of death, hospitals, institutions, or other locations, for a fee or other compensation.

(8) “Disposition facility” means a business registered with the Office conducted at a specific street address or location devoted to the disposition of human remains by means of cremation, alkaline hydrolysis, or natural organic reduction.

(9) “Natural organic reduction” has the same meaning as in 18 V.S.A. § 5302.

* * *

(c) Notwithstanding this section, ~~crematory~~ owners of a disposition facility, and their personnel may engage in the listed activities in ~~subsection~~ subdivision (a)(6) of this section only to the extent such functions are

necessary to the performance of their duties. Specifically, ~~erematory~~ personnel at a disposition facility may:

(1) provide for the disposition of dead human bodies by cremation, alkaline hydrolysis, or natural organic reduction and meet with the public to arrange and provide for the disposition;

(2) enter into contracts, without taking prepaid funds, for the provision of dispositions by cremation, alkaline hydrolysis, or natural organic reduction;

(3) arrange, direct, or perform the removal or transportation of a dead human body, ~~so long as~~ provided that removals are performed by licensed removal personnel; and

(4) secure and file certificates, permits, forms, or other documents.

Sec. 20. 26 V.S.A. § 1212 is amended to read:

§ 1212. ADVISOR APPOINTEES; DIRECTOR DUTIES; RULES

(a)(1) The Secretary of State shall appoint four persons for five-year staggered terms to serve at the Secretary's pleasure as advisors in matters relating to funeral service. Three of the initial appointments shall be for four-, three-, and two-year terms. Appointees shall include three licensed funeral directors, one of whom is a licensed embalmer and one of whom has training or experience in the operation of ~~erematoria~~ a disposition facility. One appointee shall be a public member.

(2) The Director shall seek the advice of the advisor appointees in carrying out the provisions of this chapter.

(b) The Director shall:

* * *

(6) adopt rules regarding:

(A) minimum standards for ~~erematory establishments~~ disposition facilities, including standards for permits and documentation, body handling, containers, infectious diseases, pacemakers, body storage, sanitation, equipment and maintenance, dealing with the public, and other measures necessary to protect the public; and

(B) the transaction of business as the Director deems necessary.

(7) [Repealed.]

(8) [Repealed.]

Sec. 21. 26 V.S.A. § 1213 is amended to read:

§ 1213. INSPECTION OF PREMISES

(a) The Director or his or her designee may, at any reasonable time, inspect funeral ~~and crematory~~ establishments and disposition facilities.

(b) Each funeral ~~and crematory~~ establishment and disposition facility shall be inspected at least once every two years. Copies of the inspector's report of inspections of establishments and facilities shall be provided to the Director.

Sec. 22. 26 V.S.A. § 1251 is amended to read:

§ 1251. LICENSE REQUIREMENTS

(a) A person, partnership, corporation, association, or other organization shall not open or maintain a funeral establishment unless the establishment is licensed by the Office to conduct the business and unless the owner, a co-owner, or manager is a licensed funeral director.

(b) A person, partnership, corporation, association, or other organization shall not open or maintain a ~~crematory establishment~~ disposition facility unless the establishment is licensed by the Office.

(c) A person shall not hold himself or herself out as performing the duties of a funeral director unless licensed by the Office.

(d) Except as otherwise permitted by law, a person employed by a funeral ~~or crematory~~ establishment or disposition facility shall not perform a removal unless registered with the Office.

Sec. 23. 26 V.S.A. § 1252 is amended to read:

§ 1252. APPLICATION; QUALIFICATIONS

* * *

(d) ~~Crematory establishment~~ Disposition facility.

(1) A person, partnership, corporation, association, or other organization desiring to operate a ~~crematory establishment~~ disposition facility shall apply, in writing, to the Director for a license. The applicant, if a partnership, corporation, association, or other organization, must have a designated manager or co-owner who is responsible for the operation of the ~~establishment~~ disposition facility and who is registered with the Office under subsection (e) of this section.

(2) The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the Director, and the applicant shall furnish

information, as required by rule. The application shall be accompanied by a licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(e) ~~Crematory~~ Disposition facility personnel.

(1) Any person who desires to engage in direct handling, processing, identification, ~~or cremation,~~ alkaline hydrolysis, or natural organic reduction of dead human remains within a licensed ~~crematory establishment~~ disposition facility shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed ~~crematory establishment~~ disposition facility.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in programs approved by the Director.

(f) Removal personnel.

(1) Any person who desires to engage in removals shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed funeral ~~or crematory~~ establishment or disposition facility, or the University of Vermont for removals related to the University's anatomical gift program.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the Director.

(3) Registrants under this subsection are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany registered personnel to assist in removals ~~so long as~~ provided they have been instructed in handling and precautionary procedures prior to the call.

(g) Limited services establishment.

(1) The Director may adopt rules for the issuance of limited service establishment licenses in accordance with this chapter. Limited service establishment licensees are authorized to perform only disposition services without arranging, directing, or performing embalming, public viewings, gatherings, memorials, funerals, or related ceremonies. Disposition services under this subsection include direct cremation, direct alkaline hydrolysis, direct natural organic reduction, immediate burial, or direct ~~green~~ natural burial.

(2) Limited services shall be overseen by a funeral director licensed under this chapter who is employed by the limited service establishment.

(3) Each limited service arrangement shall include a mandatory written disclosure providing notice to the purchaser that limited services do not include embalming, public viewings, gatherings, memorials, funerals, or related ceremonies.

(4) A funeral director associated with a funeral establishment licensed under subsection (c) of this section may provide limited services ~~so long as,~~ provided the mandatory disclosure described under subdivision (3) of this subsection is provided to the purchaser.

Sec. 24. 26 V.S.A. § 1254 is amended to read:

§ 1254. ISSUANCE OR DENIAL OF LICENSE

If, upon review, it is found that the applicant possesses sufficient skill and knowledge of the business and has met the application and qualification requirements set forth in this chapter, the Director shall issue to him or her a license to engage in the business of funeral director, embalmer, funeral establishment, ~~crematory establishment~~ disposition facility, or removal personnel.

Sec. 25. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

* * *

(d) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license	\$ 70.00
(2) Biennial renewal of license	
(A) Funeral director	\$ 350.00
(B) Embalmer	\$ 350.00
(C) Funeral establishment	\$ 800.00
(D) Crematory establishment <u>Disposition facility</u>	\$ 800.00
(E) Crematory <u>Disposition facility</u> personnel	\$ 125.00
(F) Removal personnel	\$ 125.00
(G) Limited services establishment license	\$ 800.00

* * *

Sec. 26. 26 V.S.A. § 1272 is amended to read:

§ 1272. RULES; PREPAID FUNERAL FUNDS

* * *

(9) Establishment of a funeral services trust account.

(A) For purposes of funding the Funeral Services Trust Account, the Office shall assess each funeral ~~or crematory~~ establishment or disposition facility a per funeral, burial, or disposition fee of \$6.00.

(B) The Account shall be administered by the Secretary of State and shall be used for the sole purpose of protecting prepaid funeral contract holders in the event a funeral establishment or disposition facility defaults on its obligations under the contract.

(C) The Account shall consist of all fees collected under this subdivision (9) and any assessments authorized by the General Assembly. The principal and interest remaining in the Account at the close of any fiscal year shall not revert but shall remain in the Account for use in succeeding fiscal years.

(D) Notwithstanding the provisions of this subdivision (9) to the contrary, if the fund balance at the beginning of a fiscal year is at least \$200,000.00, no fees shall be imposed during that fiscal year.

(E) Payments on consumer claims from the fund shall be made on warrants by the Commissioner of Finance and Management, at the direction of the Director.

(F) When an investigation reveals financial discrepancies within a licensed establishment or facility, the Director may order an audit to determine the existence of possible claims on the Funeral Services Trust Account. In cases where both a funeral ~~and crematory~~ establishment or disposition facility are involved in a disposition, the party receiving the burial permit shall be responsible for the disposition fee.

* * * Fee Structure as of June 1, 2023 * * *

Sec. 27. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

- (1) Application for registration, \$75.00, except application for:
 - (A) Private investigator and security services employees, unarmed registrants, \$60.00.
 - (B) Private investigator and security service employees, transitory permits, \$60.00.
 - (C) Private investigator and security service employees, armed registrants, \$120.00.
- (2) Application for licensure or certification, \$100.00, except application for:
 - (A) Barbering or cosmetology schools and shops, \$300.00.
 - (B) Funeral directors, embalmers, ~~crematory~~ disposition facility personnel, removal personnel, funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$70.00.
 - (C) Application for real estate appraisers, \$275.00.
 - (D) Temporary real estate appraiser license, \$150.00.
 - (E) Appraisal management company registration, \$600.00.
 - (F) Private investigator or security services agency, \$340.00.
 - (G) Private investigator and security services agency, \$400.00.
 - (H) Private investigator or security services sole proprietor, \$250.00.
 - (I) Private investigator or security services unarmed licensee, \$150.00.
 - (J) Private investigator or security services armed licensee, \$200.00.
 - (K) Private investigator and security services instructor, \$120.00.
- (3) Optician trainee registration, \$50.00.
- (4) Biennial renewal, \$240.00, except biennial renewal for:
 - (A) Independent clinical social workers and master's social workers, \$150.00.
 - (B) Occupational therapists and assistants, \$150.00.
 - (C) Physical therapists and assistants, \$150.00.
 - (D) Optician trainees, \$100.00.

(E) Barbers, cosmetologists, nail technicians, and estheticians, \$130.00.

(F) Schools of barbering or cosmetology, \$300.00.

(G) Funeral directors and embalmers, \$280.00.

(H) ~~Crematory~~ Disposition facility personnel and removal personnel, \$100.00.

(I) Funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$640.00.

(J) [Repealed.]

(K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.

(L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.

(M) Private investigator or security services agency, or both, \$300.00.

(N) Private investigator or security services unarmed licensee, \$120.00.

(O) Private investigator or security services armed licensee, \$180.00.

(P) Private investigator or security services unarmed registrant, \$80.00.

(Q) Private investigator or security services armed registrant, \$130.00.

(R) Private investigator or security services sole proprietor, \$250.00.

(S) Private investigator or security services instructor, \$180.00.

(5) Limited temporary license or work permit, \$50.00.

* * *

* * * Effective Dates and Transitional Rulemaking Provision * * *

Sec. 28. EFFECTIVE DATES

Sec. 27 (fees) shall take effect on June 1, 2023. All other sections shall take effect on January 1, 2023, except that the Director of the Office of Professional Regulation shall adopt any rules necessary prior to that date in order to perform the Director's duties under this act.

(Committee Vote: 10-0-1)

Rep. Masland of Thetford, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs.

(Committee Vote:10-1-0)

H. 500

An act relating to prohibiting the sale of mercury lamps in the State

Rep. McCullough of Williston, 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. 10 V.S.A. § 7101 is amended to read:

§ 7101. LEGISLATIVE FINDINGS

The General Assembly finds and declares that:

(1) Mercury is a persistent and toxic pollutant that bioaccumulates in the environment and poses a serious threat to humans, particularly young children and the developing fetus, and wildlife.

* * *

(7) Human exposure to mercury can result in nervous system, kidney, and liver damage and impaired childhood development.

(8) There has been a threefold increase in mercury loading to the environment over the past 150 years. Much of the mercury deposited from the atmosphere is from human and natural sources, but anthropogenic emissions exceed those that occur naturally.

* * *

(13) Many of the states in the region, including Connecticut, Maine, New York, and Rhode Island, have adopted comprehensive mercury-added product legislation to identify and eliminate unnecessary uses of mercury.

(14) Significant use of mercury-added products occurs in health care facilities, schools, and dental practices, in all of which mercury use or release reduction is technically and economically feasible.

* * *

(17) Vermont's mercury product legislation passed in 1998 does not comprehensively restrict the sale and use of mercury-added products.

(18) Studies conducted for the State state of Maine show that mercury-free alternatives exist for a majority of the thousands of products containing

mercury components. These products include thermometers, thermostats, flow meters, barometers, manometers, medical devices, and electrical switches and relays.

(19) Studies conducted for the ~~State~~ state of Maine show that manufacturers are beginning to market mercury-free versions of all types of mercury-added button cell and other miniature batteries.

(20) Novelty products using mercury have been banned from sale in several states.

(21) All fluorescent lamps contain mercury and can create an immediate public health and environmental hazard when they accidentally break during installation, use, transportation, storage, recycling, or disposal. Light-emitting diode (LED) replacements for fluorescent lamps do not contain any mercury.

(22) Fluorescent lamps are no longer the most energy-efficient lighting option in the marketplace. Lamps that contain LEDs have advanced significantly and today use approximately half the electricity as fluorescent lamps to produce the same amount of light. LEDs also last two to three times longer than fluorescent lamps.

(23) Fluorescent lamps are no longer the least life-cycle cost (LLCC) option because they cost twice as much to operate compared to an LED. LED retrofit tubes are the LLCC, and they pay for the slightly higher first cost in a matter of one to eight months, depending on price and application. After paying back initial costs, the LED tubes continue to operate for years to come, saving consumers and businesses on their lighting bills.

(24) LED retrofit lamps are widely available in a comprehensive set of sizes, shapes, lengths, and light colors. There are over 10,000 models of four-foot LED retrofit tubes that can replace fluorescent T5, T8, and T12 in the Design Lights Consortium Qualified Product List database.

(25) Suppliers who sold fluorescent lamps in Vermont after July 1, 2012 made a profit from the sales of those lamps in the State, and they should remain responsible for ensuring the safe collection at the end-of-life of those lamps due to the toxic nature of the mercury contained in the products they sold.

(26) Citizens of Vermont, the Vermont environment, and the Agency will benefit from comprehensive mercury product legislation that further reduces mercury emissions and is consistent with model mercury product legislation developed jointly by the northeast states.

Sec. 2. 10 V.S.A. § 7102 is amended to read:

§ 7102. DEFINITIONS

As used in this chapter:

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

(2) “Elemental mercury” means the chemical symbol Hg. Elemental Hg is a silvery-white liquid (at room temperature) with an atomic number of 80 and an atomic mass of 200.57.

* * *

(9) “Mercury-added product” means a product, a commodity, a chemical, a product with one or more components, or a product that cannot function without the use of that component, that contains mercury or a mercury compound intentionally added to the product, commodity, chemical, or component in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. These products include formulated mercury-added products and fabricated mercury-added products.

* * *

(20) “Four-foot linear fluorescent lamp” means a general purpose, low-pressure, mercury-containing, electric-discharge light source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(A) two bases or endcaps of any type, including single-pin, two-pin, or recessed double contact;

(B) light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and –0.024 in the International Commission on Illumination (CIE) Uniform Color Space (CAM02-UCS);

(C) all tube diameters, including T2, T5, T8, T10, and T12; and

(D) four feet in length.

Sec. 3. 10 V.S.A. § 7105 is amended to read:

§ 7105. RESTRICTIONS ON THE SALE AND USE OF CERTAIN

MERCURY-ADDED PRODUCTS

* * *

(g) Fluorescent lamps. Beginning on January 1, 2024, no four-foot linear fluorescent lamp may be offered for final sale, sold at final sale, or distributed in Vermont as a new manufactured product.

(h) Exclusion for existing equipment. The prohibitions in subsections (e) and (f) of this section do not apply if the switch, relay, or measuring device is used to replace a switch, relay, or measuring device ~~which~~ that is a component of a larger product in use prior to January 1, 2007, provided the owner of that equipment has made every reasonable effort to determine that no compatible nonmercury replacement component exists.

(h)(i) Exemptions.

* * *

(7) The prohibition in subsection (g) of this section shall not apply to the following four-foot linear fluorescent lamps:

(A) lamps used for image capture and projection, including photocopying, printing directly or in pre-processing, lithography, film and video projection, and holography;

(B) lamps that have high proportions of ultraviolet light emission, including only the following:

(i) lamps with high ultraviolet content that have ultraviolet power >2 milliwatts per kilolumen (mW/klm);

(ii) lamps for germicidal use or destruction of DNA that emit a peak radiation of approximately 253.7 nanometers;

(iii) lamps used for disinfection or fly trapping where the radiation power emitted is between 250–315 nanometers represents ≥ 5 % or is between 315–400 nanometers represents ≥ 20 % of the total radiation power emitted is between 250–800 nanometers;

(iv) lamps used for the generation of ozone where the primary purpose is to emit radiation at approximately 185.1 nanometers;

(v) lamps used for coral zooxanthellae symbioses where the radiation power emitted between 400–480 nanometers represents ≥ 40 % of total radiation power emitted is between 250–800 nanometers; and

(vi) Any lamp intended for use in a sunlamp product, as that term is defined in 21 C.F.R. § 1040.20.

Sec. 4. 10 V.S.A. § 7161 is added to read:

§ 7161. CONTINUED IMPLEMENTATION OF APPROVED

COLLECTION PLAN

(a) Notwithstanding application of the requirements of this chapter to manufacturers of mercury containing lamps who sell, offer for sale, or deliver

for subsequent sale in the State, a manufacturer that sold, offered for sale, or delivered mercury containing lamps for subsequent sale in the State prior to January 1, 2024 shall be required to continue implementation of an approved collection plan and to continue compliance with the requirements under this chapter.

(b) Beginning on January 15, 2025, and biennially thereafter, the Secretary of Natural Resources shall recommend to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy whether the General Assembly should continue to require implementation of a collection plan by manufacturers under subsection (a) of this section. The Secretary may include the recommendation required by this subsection in the biennial report on solid waste required under subsection 6004(b) of this title.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 9-0-2)

H. 523

An act relating to reducing hydrofluorocarbon emissions

Rep. Morris of Springfield, 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. 10 V.S.A. § 586 is amended to read:

§ 586. REGULATION OF HYDROFLUOROCARBONS

* * *

(b)(1) A person may not offer any product or equipment for sale, lease, or rent, or install or otherwise cause any equipment or product to enter into commerce in Vermont if that equipment or product consists of, uses, or will use a substitute, as set forth in Appendix U or V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, for the applications or end uses restricted by Appendix U or V, as those read on January 3, 2017, and consistent with the dates established in subdivision (b)(4) of this section.

* * *

(4) The restrictions under subdivision (b)(1) of this section shall take effect beginning:

* * *

(E) January 1, 2024, for centrifugal chillers and positive displacement chillers; and

(F) January 1, 2020, or the effective date of the restrictions identified in appendix U or V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, whichever comes later, for all other applications and end uses for substitutes not covered by the categories listed in subdivisions (A) through (E) of this subsection (b);

(G) July 1, 2022, for the construction of or improvement to ice skating rinks; and

(H) January 1, 2023, for containers designed for consumer recharge of motor vehicle air conditioners that use substitutes prohibited under this section.

* * *

(e) The Secretary of Administration shall include in Administrative Bulletin 3.5 a requirement that State procurement contracts shall not include products that contain hydrofluorocarbons, as prohibited in this section.

Sec. 2. 10 V.S.A. § 573 is amended to read:

§ 573. MOTOR VEHICLE AIR CONDITIONING

* * *

(g) No person shall repair motor vehicle air conditioning without the use of equipment for the extraction and reclamation of hydrofluorocarbons from the air conditioners.

Sec. 3. 20 V.S.A. § 2731 is amended to read:

§ 2731. RULES; INSPECTIONS; VARIANCES

* * *

(m) Refrigerants. No statute, rule adopted under this section, or any other requirement of the State, may prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to and in accordance with 42 U.S.C. 7671k, provided any equipment containing such refrigerant is listed and installed in accordance with safety standards and use conditions imposed pursuant to such designation.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 9-0-2)

H. 606

An act relating to community resilience and biodiversity protection

Rep. Sheldon of Middlebury, 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. SHORT TITLE

This act may be cited as the “Community Resilience and Biodiversity Protection Act” or “CRBPA”.

Sec. 2. FINDINGS

The General Assembly finds:

(1) Nature is facing a catastrophic loss of biodiversity, both globally and locally.

(2) In addition to its intrinsic value, biodiversity is essential to human survival.

(3) According to the United Nations:

(A) one million species of plants and animals are threatened with extinction;

(B) human activity has altered almost 75 percent of the Earth’s surface, squeezing wildlife and nature into ever-smaller natural areas of the planet;

(C) the health of ecosystems on which humans and all other species depend is deteriorating more rapidly than ever, affecting the very foundations of economies, livelihoods, food security, health, and quality of life worldwide; and

(D) the causes of the drivers of changes in nature rank as: (1) changes in land and sea use, (2) direct exploitation of organisms, (3) climate change, (4) pollution, and (5) invasive species.

(4) The 2017 Vermont Forest Action Plan found that fragmentation and parcelization represent major threats to forest health and productivity and exacerbate the impacts of climate change.

(5) The 2021 Vermont Climate Assessment highlights an increase in extreme weather events such as droughts and floods as a significant impact of climate change in Vermont and recommends nature-based solutions as a proven, low-cost strategy for climate adaptation and resilience.

(6) The initial Vermont Climate Action Plan calls for investing in strategic conservation to increase the pace of permanent conservation towards 30 by 30 targets, with Vermont Conservation Design guiding prioritization of efforts.

(7) The Nature Conservancy has developed the Resilient and Connected Landscapes project and found that Vermont plays a key role in the conservation of biodiversity regionally.

(8) The Staying Connected Initiative is an international partnership of public and private organizations. Its goal is to maintain, enhance, and restore landscape connectivity for wide-ranging mammals across the Northern Appalachians-Acadian region, from the Adirondacks Mountains to the Maritime Provinces. The Staying Connected Initiative has identified nine linkages across this vast region that are extremely important to wildlife. Six of these linkages lie within Vermont.

(9) The Vermont Department of Fish and Wildlife, working within the Agency of Natural Resources and with Vermont conservation organizations, has developed Vermont Conservation Design, a vision to sustain the State's ecologically functional landscape into the future.

(10) Intact and connected ecosystems support Vermont's biodiversity, reduce flood risks, mitigate drought, and sequester and store carbon.

(11) Vermont's most effective and efficient contribution to conserving biological diversity and maintaining a landscape resilient to climate change is to conserve an intact and connected landscape.

(12) In order to conserve ecological functions in intact and connected ecosystems, the full range of conservation approaches is needed, including supporting private landowner education, technical assistance, and programs, conservation easements that promote sustainable forest management, and conservation easements and fee acquisitions focused on passive management.

Sec. 3. 10 V.S.A. chapter 89 is added to read:

CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY PROTECTION

§ 2801. DEFINITIONS

As used in this section:

(1) "Ecological reserve area" means an area having permanent protection from conversion of natural land cover and is managed to maintain a natural state within which natural ecological processes and disturbance events are allowed to proceed with minimal interference.

(2) “Biodiversity conservation area” means an area having permanent protection from conversion of natural land cover for the majority of the area and is managed for the primary goal of sustaining species or habitats. These areas may include regular, active interventions to address the needs of particular species or to maintain or restore habitats.

(3) “Natural resource management area” means an area having permanent protection from conversion of natural land cover for the majority of the area but that is subject to long-term sustainable forest management.

(4) “Sustainable forest management” means the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfill, now and in the future, relevant ecological, economic and social functions, at local, State, and regional levels, and that does not cause damage to other ecosystems.

§ 2802. CONSERVATION GOALS

(a) Thirty percent of Vermont’s total land area shall be conserved by 2030, and 50 percent of the State’s total land area shall be conserved by 2050. The Secretary of Natural Resources shall assist the State in achieving these goals. The land conserved shall include State, federal, municipal, and private land.

(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of ecological reserve areas, biodiversity reserve areas, and natural resource management areas. In order to support an ecologically functional landscape with sustainable production of natural resources and recreational opportunities, the approximate percentages of each type of conservation category shall be guided by the conservation targets within Vermont Conservation Design, including the use of ecological reserve areas to protect highest priority natural communities and maintain or restore old forests.

§ 2803. CONSERVATION PLAN

(1) On or before December 31, 2023, the Secretary shall develop a plan to implement the conservation goals of Vermont Conservation Design to meet the goals established in section 2802 of this title. The plan shall be submitted for review to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Energy and Technology and the Senate Committee on Natural Resources and Energy.

(2) The plan shall include:

(A) a review of the three conservation categories defined in section 2801 of this title, and suggestions for modifications or additions to these categories;

(B) an initial inventory of the amount of land in Vermont that is permanently conserved and to the extent practical, the amount of permanently conserved land that generally falls into each of the three conservation categories defined in section 2801 of this title, including public and private land;

(C) an evaluation of the impact of intergenerational land transfer trends;

(D) a summary of the totality of conservation practices available for reaching the goals of this chapter, including what they are, what they do, how they contribute, and what metrics are available to quantify them;

(E) an assessment of how State lands will be used to increase ecological reserve areas;

(F) the implementation methods for achieving the goals of this chapter using Vermont Conservation Design as a guide;

(G) an inventory and assessment of existing programs that will be used to meet the permanent, nonconversion conservation goals of this chapter and recommendations for new programs that will be needed to meet the goals; and

(H) an assessment of existing funding and recommendations for new funding sources that will be needed for acquisition of land, staffing capacity, and long-term stewardship to meet the goals.

(3) In developing the plan, the Secretary shall hold not less than three public meetings on the plan and accept public comments. The Secretary shall solicit input from various stakeholders, including private owners of forest and agricultural lands, land trusts, conservation organizations, the Vermont Housing and Conservation Board, environmental organizations, working lands enterprises, outdoor recreation groups, Indigenous groups, regional planning commissions, conservation commissions, and relevant State and federal agencies.

(4) The conserved land inventory shall be updated annually to track progress toward meeting the goals of this chapter.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 8-1-2)

H. 655

An act relating to establishing a telehealth licensure and registration system

Rep. Houghton of Essex, 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:

* * * Telehealth Licensure and Registration * * *

Sec. 1. 26 V.S.A. chapter 56 is added to read:

CHAPTER 56. TELEHEALTH LICENSURE AND REGISTRATION FOR OUT-OF-STATE HEALTH CARE PROFESSIONALS

§ 3051. SCOPE

(a) This chapter shall apply to the following health care professions regulated by the Office of Professional Regulation:

(1) alcohol and drug abuse counseling;

(2) allied mental health professions, including mental health counseling, marriage and family therapy, and services provided by nonlicensed and noncertified psychotherapists;

(3) applied behavior analysis;

(4) athletic training;

(5) audiology;

(6) chiropractic;

(7) dentistry;

(8) dietetics;

(9) midwifery;

(10) naturopathy;

(11) nursing;

(12) nursing home administration;

(13) occupational therapy;

(14) optometry;

(15) osteopathy;

(16) pharmacy;

(17) physical therapy;

- (18) psychoanalysis;
- (19) psychology;
- (20) respiratory care;
- (21) social work;
- (22) speech language pathology; and
- (23) veterinary medicine.

(b) This chapter shall apply to the following health care professions regulated by the Board of Medical Practice:

- (1) physicians;
- (2) physician assistants; and
- (3) podiatrists.

§ 3052. DEFINITIONS

As used in this chapter:

- (1) “Board” means the Board of Medical Practice.
- (2) “Health care professional” means an individual who holds a valid license, certificate, or registration to provide health care services in any other U.S. jurisdiction in a health care profession listed in section 3051 of this chapter.
- (3) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (4) “In good standing” means that a health care professional holds an active license, certificate, or registration from another U.S. jurisdiction; the health care professional is not subject to a disciplinary order that conditions, suspends, or otherwise restricts the professional’s practice in any other U.S. jurisdiction; and the health care professional is not affirmatively barred from practice in Vermont for any reason, including reasons of fraud or abuse, patient care, or public safety.
- (5) “Mandatory disclosure” means the information that the health care professional must disclose to the patient at the initial telehealth visit or consultation, as determined by the relevant regulatory body by rule.
- (6) “Office” means the Office of Professional Regulation.
- (7) “Store and forward” means an asynchronous transmission of medical information, such as one or more video clips, audio clips, still images, x-rays, magnetic resonance imaging scans, electrocardiograms,

electroencephalograms, or laboratory results, sent over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty. In store and forward, the health care provider at the distant site reviews the medical information without the patient present in real time and communicates a care plan or treatment recommendation back to the patient or referring provider, or both.

(8) “Telehealth” means health care services delivered by telemedicine, store and forward, or audio-only telephone.

(9) “Telemedicine” means the delivery of health care services such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

§ 3053. TELEHEALTH LICENSURE OR TELEHEALTH REGISTRATION REQUIRED

(a) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont but is licensed, certified, or registered in good standing in all other U.S. jurisdictions in which the health care professional is or has been licensed, certified, or registered and who wishes to provide health care services to a patient or client located in Vermont using telehealth shall obtain a telehealth license or telehealth registration from the Office or the Board in accordance with this chapter.

(b) A telehealth license or telehealth registration issued pursuant to this chapter shall authorize a health care professional to provide services to a patient or client located in Vermont using telehealth only. Telehealth licensure or telehealth registration does not authorize the health care professional to open an office in Vermont or to provide in-person health care services to patients or clients located in Vermont.

(c) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont and provides health care services in Vermont using telehealth without a telehealth registration or telehealth license, or provides services beyond the limitations of the telehealth registration or telehealth license, is engaged in unauthorized practice as defined in 3 V.S.A. § 127 and section 1314 of this title and is subject to the penalties set forth in those sections.

§ 3054. SCOPE OF TELEHEALTH LICENSE AND TELEHEALTH
REGISTRATION

(a) Telehealth license.

(1) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont may obtain a telehealth license to provide health care services using telehealth to a total of not more than 20 unique patients or clients located in Vermont during the two-year license term.

(2) To be eligible to obtain a telehealth license under this chapter, a health care professional shall:

(A) complete an application in a format and with such content as prescribed by the Office or the Board;

(B) hold an active, unencumbered license, certificate, or registration in good standing in any other U.S. jurisdiction to practice the health care profession that the professional seeks to practice in Vermont using telehealth and provide verification of the license, registration, or certificate to the Office or the Board if required by the profession;

(C) if required by the rules adopted by the Office or the Board pursuant to section 3061 of this chapter, submit a copy of a mandatory disclosure that conforms to the requirements established by rule;

(D) if required by the rules adopted by the Office or the Board pursuant section 3061 of this chapter, provide documentation of professional liability coverage or financial responsibility that includes coverage or financial responsibility for services provided by telehealth to patients or clients not located in the health care professional's home state in an amount established by rule;

(E) provide any other information and documentation of qualifications required by the Office or the Board by rule; and

(F) pay the required telehealth licensure fee, which shall be 75 percent of the renewal fee for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

(3) A health care professional may renew a telehealth license every two years upon application and payment of the required fee. A license that has expired shall be reinstated upon payment of the biennial renewal fee and the late renewal penalty, which shall be 75 percent of the late renewal penalty established in 3 V.S.A. § 127 or in section 1401a of this title, as applicable.

(b) Telehealth registration.

(1) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont may obtain a telehealth registration to provide health care services using telehealth:

(A) for a period of not more than 120 consecutive days from the date the registration was issued; and

(B) to a total of not more than 10 unique patients or clients over the 120-day period that the registration is in effect.

(2) To be eligible to obtain a telehealth registration under this chapter, a health care professional shall:

(A) complete an application in a format and with such content as prescribed by the Office or the Board;

(B) hold an active, unencumbered license, certificate, or registration in good standing in any other U.S. jurisdiction to practice the health care profession that the professional seeks to practice in Vermont using telehealth and provide verification of the license, registration, or certificate to the Office or the Board if required by the profession;

(C) if required by the rules adopted by the Office or the Board pursuant to section 3061 of this chapter, submit a copy of a mandatory disclosure that conforms to the requirements established by rule; and

(D) pay the required telehealth registration fee, which shall be 50 percent of the renewal fee for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

(3) A health care professional may only reactivate a telehealth registration once every three years. A telehealth registration shall not be renewed or reactivated upon expiration.

(c) Other license or registration. A health care professional seeking to provide health care services to a patient or client located in Vermont using telehealth may register or apply for a full license to practice the profession in this State in accordance with the applicable provisions of this title. Nothing in this section shall be construed to prohibit a qualified health care professional from registering or obtaining a full license to practice in Vermont in accordance with relevant laws.

§ 3055. SCOPE OF PRACTICE; STANDARD OF PRACTICE

(a) In order to be eligible for a telehealth license or telehealth registration under this chapter, a health care professional shall hold a license, certificate, or registration in another U.S. jurisdiction that authorizes the provider to engage in the same or a broader scope of practice as health care professionals in the

same field are authorized to engage pursuant to a license, certificate, or registration issued in accordance with the relevant provisions of this title.

(b) While practicing in Vermont using telehealth, a health care professional holding a telehealth license or telehealth registration issued pursuant to this chapter shall:

(1) practice within the scope of practice established in this title for that profession; and

(2) practice in a manner consistent with the prevailing and acceptable professional standard of practice for a health care professional who is licensed, certified, or registered in Vermont to provide in-person health care services in that health care profession.

§ 3056. RECORDS

A health care professional holding a telehealth license or telehealth registration issued pursuant to this chapter shall document in a patient's or client's medical record the health care services delivered using telehealth in accordance with the same standard used for in-person services and shall comply with the requirements of 18 V.S.A. §§ 9361 and 9362 to the extent applicable to the profession. Records, including video, audio, electronic, or other records generated as a result of delivering health care services using telehealth, are subject to all federal and Vermont laws regarding protected health information.

§ 3057. EFFECT OF DISCIPLINARY ACTION ON OUT-OF-STATE LICENSE, CERTIFICATE, OR REGISTRATION

(a) A health care professional shall not obtain a telehealth license or telehealth registration under this chapter if the health care professional's license, certificate, or registration to provide health care services has been revoked or is subject to a pending disciplinary investigation or action in any other U.S. jurisdiction.

(b) A health care professional holding a telehealth license or telehealth registration under this chapter shall notify the Office or the Board, as applicable, within five business days following a disciplinary action that places a warning, reprimand, condition, restriction, suspension, or any other disciplinary action on the professional's license, certificate, or registration in any other U.S. jurisdiction or of any other disciplinary action taken or pending against the health care professional in any other U.S. jurisdiction.

§ 3058. JURISDICTION; APPLICATION OF VERMONT LAWS

A health care professional holding a telehealth license or telehealth registration in accordance with this chapter is subject to the laws and jurisdiction of the State of Vermont, including 18 V.S.A. §§ 9361 and 9362 and laws regarding prescribing, health information sharing, informed consent, supervision and collaboration requirements, and unprofessional conduct.

§ 3059. EXEMPTIONS FROM REGISTRATION AND LICENSURE REQUIREMENTS

A health care professional is not required to obtain a telehealth registration or licensure solely to provide consultation services to another health care professional regarding care for a patient or client located in Vermont, provided the consulting health care professional holds a license, certificate, or registration to practice the profession in one or more U.S. jurisdictions and the consultation is based on a review of records without in-person or remote contact between the consulting health care professional and the patient or client.

§ 3060. VENUE

Venue for a civil action initiated by the Office, the Board, or a patient or client who has received telehealth services in Vermont from an out-of-state health care professional holding a telehealth license or telehealth registration shall be in the patient's or client's county of residence or in Washington County.

§ 3061. RULEMAKING

The Office or the Board may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this chapter, including, in consultation with the appropriate boards and advisor appointees for professions regulated by the Office, rules regarding any profession-specific requirements related to telehealth licenses and telehealth registrations.

* * * Provisional Licensure for Professions Regulated by
Office of Professional Regulation * * *

Sec. 2. 3 V.S.A. § 130 is added to read:

§ 130. PROVISIONAL LICENSURE

(a) The Director may issue a 90-day provisional license to an individual who has completed an application for full licensure and:

(1) whose eligibility for licensure is contingent upon acceptable verification of licensure from another jurisdiction;

(2) whose eligibility for licensure is contingent upon completion of a background check; or

(3) who is an active-duty member of the U.S. Armed Forces assigned to duty in Vermont or the spouse of such a member.

(b) A provisional license shall be based on a voluntary agreement between the applicant and the Office to expedite the applicant's entry into the workforce, in which the applicant agrees to forgo the procedural rights associated with traditional licensure in exchange for a provisional license pending final determination of the license application.

(c) A provisional license shall only be issued to an applicant who can attest to material facts consistent with the requirements of full licensure, including the applicant's standing in other U.S. jurisdictions, criminal history, and disciplinary history. An individual to whom a provisional license is issued shall expressly agree that the Office may summarily withdraw the provisional license upon discovery of any inconsistency or inaccuracy in the application materials.

(d) An individual aggrieved by a denial or summary withdrawal of a provisional license issued under this section shall have as an exclusive remedy the right to have the individual's application for conventional licensure determined according to the usual process.

(e) The Director may extend a provisional license beyond the initial 90-day period if the reason for issuing the license, as set forth in subdivisions (a)(1)–(3) of this section, has not been resolved.

* * * Effective Dates * * *

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 (26 V.S.A. chapter 56) shall take effect on July 1, 2023, except that the Office and the Board shall commence the rulemaking process prior to that date in order to have rules in place on July 1, 2023.

(b) Sec. 2 (3 V.S.A. § 130) and this section shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation”

(Committee Vote: 10-0-1)

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended as follows:

First: In Sec. 1, 26 V.S.A. chapter 56, in section 3054, in subdivision (b)(2), by striking out subdivision (D) in its entirety and inserting in lieu thereof a new subdivision (D) to read as follows:

(D) pay the required telehealth registration fee, which shall be the lesser of:

(i) 50 percent of the renewal fee for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title; or

(ii) the application fee for a full license for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

Second: In Sec. 1, 26 V.S.A. chapter 56, in section 3054, by adding a subsection (d) to read as follows:

(d) Transition to licensure; fee credit.

(1) If a health care professional holding a telehealth registration issued pursuant to this chapter elects to apply for a telehealth license or a full license while the professional's telehealth registration is in effect or within three years following the effective date of the professional's telehealth registration, the amount of the fee paid by the health care professional for the telehealth registration pursuant to subdivision (b)(2)(D) of this section shall be credited and applied toward the amount of the relevant telehealth license under subdivision (a)(2)(F) of this section if the professional is seeking a telehealth license or the application fee for a full license for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

(2) If a health care professional holding a telehealth license issued pursuant to this chapter elects to apply for a full license while the professional's telehealth license is in effect, the amount of the fee paid by the health care professional for the telehealth license pursuant to subdivision (a)(2)(F) of this section shall be credited and applied toward the amount of the application fee for a full license for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

Third: By adding a reader assistance heading and a new section to be Sec. 3 to read as follows:

* * * Appropriation * * *

Sec. 3. TELEHEALTH LICENSURE AND REGISTRATION SYSTEM;

APPROPRIATION

The sum of \$360,000.00 is appropriated from the General Fund to the Office of Professional Regulation in fiscal year 2023 to develop and implement the telehealth licensure and registration system established in this act.

Fourth: By renumbering the existing Sec. 3, effective dates, to be Sec. 4 and, in the renumbered section, by adding a subsection (c) to read as follows:

(c) Sec. 3 (telehealth licensure and registration system; appropriation) shall take effect on July 1, 2022.

(Committee Vote:11-0-0)

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committees on Health Care and Ways and Means.

(Committee Vote:10-0-1)

Action Under Rule 52

J.R.S. 44

Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges

(For text see House Journal March 11, 2022)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 722

An act relating to final reapportionment of the House of Representatives.

(Rep. Copeland Hanzas of Bradford will speak for the Committee on Government Operations.)

Favorable with Amendment

H. 266

An act relating to an incremental approach to health insurance coverage for hearing aids

Rep. Goldman of Rockingham, 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. PURPOSE

(a) The General Assembly recognizes the range of negative health outcomes that are associated with untreated hearing loss, including cognitive decline, dementia, falls, social isolation, and depression. All Vermonters should have access to hearing aids and related services, yet many health plans do not cover them. Vermont Medicaid currently covers hearing aids, while most health insurance plans offered in the commercial health insurance market do not. Federal law prohibits or preempts the State from regulating the benefits provided through plans covering more than half of the population of this State, including Medicare and self-funded employer plans. Medicare does not cover hearing aids and related services, and neither do most self-funded employer plans.

(b) In 2021 Acts and Resolves No. 74, Sec. E.227, the General Assembly directed the Department of Financial Regulation and other interested stakeholders to review Vermont's benchmark plan establishing the State's essential health benefits for qualified health plans offered through the Vermont Health Benefit Exchange and recommend whether to request federal approval to modify the benchmark plan to provide certain benefits, including hearing aids. On March 2, 2022, the Green Mountain Care Board voted to approve a recommendation from the Department of Vermont Health Access to add coverage to the benchmark plan for up to one hearing aid per ear every three years and an annual hearing exam. The Department of Vermont Health Access is pursuing a change to Vermont's benchmark plan with the federal government for coverage for hearing aids and hearing exams to begin in Vermont's individual and small group insurance markets in January 2024.

(c) The purpose of this bill is to ensure continued coverage of hearing aids and related services in Vermont Medicaid, affirm ongoing efforts to make hearing aids and related services part of Vermont's benchmark plan, and make hearing aids and related services more accessible to Vermont residents by requiring coverage in large group health insurance plans, which comprise the remaining segment of the commercial health insurance market over which Vermont has regulatory authority and which do not currently offer these benefits.

Sec. 2. ESSENTIAL HEALTH BENEFITS; BENCHMARK PLAN;
HEARING AIDS; REPORT

On or before November 1, 2022, the Department of Vermont Health Access shall provide an update to the Health Reform Oversight Committee regarding the status of the Department's application to the Centers for Medicare and Medicaid Services to modify the essential health benefits in Vermont's

benchmark plan to include coverage of hearing aids and related services beginning in plan year 2024.

Sec. 3. 33 V.S.A. § 1901k is added to read:

§ 1901k. MEDICAID COVERAGE FOR HEARING AIDS AND
AUDIOLOGY SERVICES

Vermont Medicaid shall provide coverage for medically necessary hearing aids and audiology services when delivered by a health care professional practicing within the scope of the professional’s license, including audiologic examinations, hearing screenings, fitting of hearing aids, prescriptions for hearing aid batteries, and other services as defined by the Department of Vermont Health Access by rule.

Sec. 4. 8 V.S.A. § 4088l is added to read:

§ 4088l. COVERAGE FOR HEARING AIDS

(a) As used in this section:

(1) “Health insurance plan” means a group health insurance policy or health benefit plan offered by a health insurance company, nonprofit hospital or medical service corporation, or health maintenance organization, but does not include:

(A) a qualified health benefit plan or reflective health benefit plan offered in accordance with 33 V.S.A. chapter 18, subchapter 1;

(B) a health benefit plan offered by an intermunicipal insurance association to one or more entities providing educational services pursuant to 24 V.S.A. chapter 121, subchapter 6; or

(C) a policy or plan providing coverage for a specified disease or other limited benefit coverage.

(2) “Hearing aid” means any small, wearable electronic instrument or device designed and intended for the ear for the purpose of aiding or compensating for impaired human hearing and any related parts, attachments, or accessories, including earmolds and associated remote microphones that pair with hearing aids to improve word comprehension in difficult listening situations in live or telecommunication settings. The term does not include cords, large-audience assisted listening devices, such as those designed for auditoriums, or stand-alone assisted listening devices that can function without a hearing aid.

(3) “Hearing aid professional services” means the practice of fitting, selecting, dispensing, selling, or servicing hearing aids, or a combination, including:

- (A) evaluation for a hearing aid;
- (B) fitting of a hearing aid;
- (C) programming of a hearing aid;
- (D) hearing aid repairs;
- (E) follow-up adjustments, servicing, and maintenance of a hearing aid;
- (F) ear mold impressions; and
- (G) auditory rehabilitation and training.

(4) “Hearing care professional” means an audiologist or hearing aid dispenser licensed under 26 V.S.A. chapter 67, a physician licensed under 26 V.S.A. chapter 23 or 33, a physician assistant licensed under 26 V.S.A. chapter 31, or an advanced practice registered nurse licensed under 26 V.S.A. chapter 28, working within that professional’s scope of practice.

(b) A health insurance plan shall cover the cost of a hearing aid for each ear and the associated hearing aid professional services when the hearing aid or aids are prescribed, fitted, and dispensed by a hearing care professional. The coverage shall include hearing aid batteries when prescribed by a hearing care professional.

(c)(1) The coverage provided by a health plan for hearing aids and associated services shall be limited only by medical necessity.

(2) A covered individual may select a hearing aid that exceeds the limits set forth in subdivision (1) of this subsection and pay the additional cost.

(d) The coverage required by this section shall not be subject to a deductible, co-payment, or coinsurance provision that is less favorable to a covered individual than the deductible, co-payment, or coinsurance provisions that apply generally to other nonprimary care items and services under the health insurance plan.

(e) A covered individual who has exhausted all applicable internal review procedures provided by the health insurance plan shall have the right to an independent external review as set forth in section 4089f of this title.

Sec. 5. EFFECTIVE DATES

(a) Sec. 4 (8 V.S.A. § 40881) shall take effect on January 1, 2024 and shall apply to all health insurance plans issued on and January 1, 2024 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2025.

(b) The remaining sections shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to health insurance coverage for hearing aids”

(Committee Vote: 9-1-1)

H. 287

An act relating to patient financial assistance policies and medical debt protection

Rep. Black of Essex, 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. 18 V.S.A. chapter 221, subchapter 10 is added to read:

Subchapter 10. Patient Financial Assistance

§ 9481. DEFINITIONS

As used in this subchapter:

(1) “Amount generally billed” means the amount a large health care facility generally bills to individuals for emergency or other medically necessary health care services, determined using the “look-back method” set forth in 26 C.F.R. § 1.501(r)-5(b)(3).

(2) “Credit reporting agency” means a person who, for fees, dues, or on a cooperative basis, regularly engages in whole or in part in the practice of assembling or evaluating information concerning a consumer’s credit or other information for the purpose of furnishing a credit report to another person.

(3) “Health care provider” means a person, partnership, corporation, facility, or institution licensed, certified, or otherwise authorized by law to provide professional health care services in this State to an individual during that individual’s medical care, treatment, or confinement.

(4) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a physical, dental, behavioral, or mental health condition or substance use disorder, including procedures, products, devices, and medications.

(5) “Household income” means income calculated in accordance with the financial methodologies for determining financial eligibility for advance premium tax credits under 26 C.F.R. § 1.36B-2, including the method used to calculate household size, with the following modifications:

(A) domestic partners, and any individual who is considered a dependent of either partner for federal income tax purposes, shall be treated as members of the same household;

(B) married individuals who file federal income tax returns separately but could file jointly, and any individual who is considered a dependent of one or both spouses for federal income tax purposes, shall be treated as members of the same household;

(C) married individuals who are living separately while their divorce is pending shall not be treated as members of the same household, regardless of whether they are filing federal income tax returns jointly or separately; and

(D) household income for individuals who are not required to file a federal income tax return, and for undocumented immigrants who have not filed a federal income tax return, shall be calculated as if they had filed a federal income tax return.

(6) “Large health care facility” means each of the following health care providers:

(A) a hospital licensed pursuant to chapter 43 of this title;

(B) an outpatient clinic or facility affiliated with or operating under the license of a hospital licensed pursuant to chapter 43 of this title; and

(C) an ambulatory surgical center licensed pursuant to chapter 49 of this title.

(7) “Medical creditor” means a large health care facility to whom a consumer owes money for health care services.

(8) “Medical debt” means a debt arising from the receipt of health care services.

(9) “Medical debt collector” means an individual or entity that regularly collects or attempts to collect, directly or indirectly, medical debts originally owed or due, or asserted to be owed or due, to another individual or entity.

(10) “Medically necessary health care services” means health care services, including diagnostic testing, preventive services, and after care, that are appropriate to the patient’s diagnosis or condition in terms of type, amount, frequency, level, setting, and duration. Medically necessary care must:

(A) be informed by generally accepted medical or scientific evidence and be consistent with generally accepted practice parameters as recognized by health care professions in the same specialties as typically provide the procedure or treatment, or diagnose or manage the medical condition;

(B) be informed by the unique needs of each individual patient and each presenting situation; and

(C) meet one or more of the following criteria:

(i) help restore or maintain the patient's health;

(ii) prevent deterioration of or palliate the patient's condition; or

(iii) prevent the reasonably likely onset of a health problem or detect an incipient problem.

(11) "Patient" means the individual who receives or received health care services and shall include a parent if the patient is a minor or a legal guardian if the patient is a minor or adult under guardianship.

(12) "Vermont resident" means an individual, regardless of citizenship and including undocumented immigrants, who resides in Vermont, is employed by a Vermont employer to deliver services for the employer in this State in the normal course of the employee's employment, or attends school in Vermont, or a combination of these. The term includes an individual who is living in Vermont at the time that services are received but who lacks stable permanent housing.

§ 9482. FINANCIAL ASSISTANCE POLICIES FOR LARGE HEALTH

CARE FACILITIES

(a) Each large health care facility in this State shall develop a written financial assistance policy that, at a minimum, complies with the provisions of this subchapter and any applicable federal requirements.

(b) The financial assistance policy shall:

(1) apply, at a minimum, to all emergency and other medically necessary health care services that the large health care facility offers;

(2) provide free or discounted care to Vermont residents and to individuals who live in Vermont at the time the services are delivered but who lack stable permanent housing, as follows:

(A) for an uninsured patient with household income at or below 250 percent of the federal poverty level (FPL), a 100 percent discount from the amount generally billed for the services received, resulting in free care;

(B) for an uninsured patient with household income between 250 and 400 percent FPL, a minimum of a 40 percent discount from the amount generally billed for the services received;

(C) for a patient with health insurance or other coverage for the services delivered and with household income at or below 250 percent FPL, a waiver of all out-of-pocket costs that would otherwise be due from the patient;

(D) for a patient with health insurance or other coverage for the services delivered and with household income between 250 and 400 percent FPL, a minimum of a 40 percent discount on the patient's out-of-pocket costs; and

(E) for patients with household income at or below 600 percent FPL, catastrophic assistance in the event that the large health care facility's medical bills for a patient's care exceed 20 percent of the patient's household income, in which case the facility shall reduce the amount due from the patient to 20 percent of the patient's household income; and

(3) include all of the following:

(A) the eligibility criteria for financial assistance;

(B) the basis for calculating amounts charged to patients;

(C) the method and process for applying for financial assistance, including the information and documentation that the facility may require a patient to provide as part of the application;

(D) the reasonable steps that the facility will take to determine whether a patient is eligible for financial assistance;

(E) the facility's billing and collections policy, including the actions the facility may take in the event of nonpayment, such as collections action and reporting to credit reporting agencies;

(F) an appeals process for patients who are denied financial assistance or who believe the amount of financial assistance granted is inconsistent with the policy or the provisions of this subchapter; and

(G) a plain language summary of the policy.

(c) The owners or governing body of the large health care facility shall approve the facility's financial assistance policy and shall review and approve the policy at least once every three years.

(d) A large health care facility may require a patient to be a Vermont resident as a condition of eligibility for financial assistance but shall not

impose any requirements regarding the duration of a patient's status as a Vermont resident.

§ 9483. IMPLEMENTATION OF FINANCIAL ASSISTANCE POLICY

(a) In addition to any other actions required by applicable State or federal law, a large health care facility shall take the following steps before seeking payment for any emergency or medically necessary health care services:

(1) determine whether the patient has health insurance or other coverage for the services delivered, including whether the health care services may be covered in whole or in part by an automobile insurance, a worker's compensation, or other type of policy;

(2) if the patient is uninsured, offer to provide the patient with information on how to apply for, and offer to connect the patient with help in applying for, public programs that may assist with health care costs; provided, however, that an undocumented immigrant's refusal to apply for public programs shall not be grounds for denying financial assistance under the facility's financial assistance policy;

(3) offer to provide the patient with information on how to apply for, and offer to connect the patient with help in applying for, health insurance and private programs that may assist with health care costs; provided, however, that a patient's refusal to apply for private health insurance shall not be grounds for denying financial assistance under the facility's financial assistance policy;

(4) if available, use information in the facility's possession to determine the patient's eligibility for free or discounted care based on the criteria set forth in subdivision 9482(b)(2) of this subchapter; and

(5) offer to the patient, at no charge, a financial assistance policy application and assistance in completing the application.

(b) A large health care facility shall determine a patient's eligibility for financial assistance as follows:

(1)(A) The facility shall determine a patient's household income using the patient's most recent federal or state income tax return.

(B)(i) The facility shall give each patient the option to submit pay stubs, documentation of public assistance, or other documentation of household income that the Department of Vermont Health Access identifies as valid documentation for purposes of this subchapter in lieu of or in addition to an income tax return.

(ii) A patient who is an undocumented immigrant shall also be given the option to submit other documentation of household income, such as a profit and loss statement, in lieu of an income tax return.

(C) The facility shall not require any additional information to verify income beyond the sources of information set forth in subdivisions (A) and (B) of this subdivision (1).

(2) The facility may grant financial assistance to a patient notwithstanding the patient's failure to provide one of the required forms of household income documentation and may rely on, but not require, other evidence of eligibility.

(3) The facility may grant financial assistance based on a determination of presumptive eligibility relying on information in the facility's possession but shall not presumptively deny an application based on that information.

(4)(A) The facility may, but is not required to, include an asset test in its financial assistance eligibility criteria. If the facility chooses to include an asset test in its financial assistance eligibility criteria, the asset test shall only apply to liquid assets. For purposes of determining financial assistance eligibility, liquid assets shall not include the household's primary residence, any 401(k) or individual retirement accounts, or any pension plans.

(B) Any limit on liquid assets for purposes of financial assistance eligibility shall be set at a dollar amount not less than 400 percent of the federal poverty level for the relevant household size for the year in which the health care services were delivered.

(c)(1) Within 30 calendar days following receipt of an application for financial assistance, the large health care facility shall notify the patient in writing as to whether the application is approved or disapproved or, if the application is incomplete, what information is needed to complete the application.

(2) If the facility approves the application for financial assistance, the facility shall provide the patient with a calculation of the financial assistance granted and a revised bill.

(3) If the facility denies the application for financial assistance, the facility shall allow the patient to submit an appeal within 60 days following receipt of the facility's decision. The facility shall notify the patient of its approval or denial of the patient's appeal within 60 days following receipt of the appeal.

(d)(1) A large health care facility or medical debt collector shall, at a minimum, offer to any patient who qualifies for financial assistance a payment

plan and shall not require the patient to make monthly payments that exceed five percent of the patient's gross monthly household income.

(2) A large health care facility or medical debt collector shall not impose any prepayment or early payment penalty or fee on any patient and shall not charge interest on any medical debt owed by a patient who qualifies for the facility's financial assistance program.

(e) A large health care facility shall not discriminate on the basis of race, color, sex, sexual orientation, gender identity, marital status, religion, ancestry, national origin, citizenship, immigration status, primary language, disability, medical condition, or genetic information in its provision of financial assistance or in the implementation of its financial assistance policy.

§ 9484. PUBLIC EDUCATION AND INFORMATION

(a) Each large health care facility shall publicize its financial assistance policy widely by:

(1) making the financial assistance policy and application form easily accessible online through the facility's website and through any patient portal or other online communication portal used by the facility's patients;

(2) providing paper copies of the financial assistance policy and application form upon request at no charge, both by mail and at the facility's office; for hospitals, copies shall also be available in the hospital's patient reception and admissions areas and in the locations in which patient billing and financial assistance services are provided;

(3) providing oral and written translations of the financial assistance policy upon request;

(4) notifying and informing members of the community served by the facility about the financial assistance policy in a manner reasonably calculated to reach the members of the community who are most likely to need financial assistance, including members who are non-native English speakers, provided that these efforts shall be commensurate with the facility's size and income; and

(5) conspicuously displaying notices of and information regarding the financial assistance policy in the facility's offices; for hospitals, the notices and information shall be posted in the hospital's patient reception and admissions areas and in the locations in which patient billing and financial assistance services are provided.

(b) Each large health care facility shall directly notify individuals who receive care from the facility about the facility's financial assistance policy by, at a minimum:

(1) offering a paper copy of the financial assistance policy to each patient as part of the patient's first visit or, in the case of a hospital, during the intake and discharge processes; and

(2) including a conspicuous written notice on billing statements, whether sent by the facility or by a medical debt collector, stating that financial assistance is available to some patients based on income and including:

(A) a telephone number that the patient can call to request a financial assistance application and to receive information about the financial assistance policy and the application process; and

(B) the specific website address at which copies of the policy and application are available.

(c) All written or oral attempts by a medical creditor or medical debt collector to collect a medical debt arising from health care services delivered by a large health care facility shall include information for the patient about the relevant financial assistance policy or policies.

§ 9485. PROHIBITION ON SALE OF MEDICAL DEBT

No large health care facility shall sell its medical debt.

§ 9486. PROHIBITION OF WAIVER OF RIGHTS

Any waiver by a patient or other individual of any protection provided by or any right of the patient or other individual under this subchapter is void and shall not be enforced by any court or any other person.

§ 9487. ENFORCEMENT

The Office of the Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions for violations of this subchapter as is provided under 9 V.S.A. chapter 63, subchapter 1.

Sec. 2. HOSPITAL FINANCIAL ASSISTANCE POLICIES; PLAIN

LANGUAGE SUMMARY; 2025 HOSPITAL BUDGET REVIEW

Each hospital licensed under 18 V.S.A. chapter 43 shall submit a plain language summary of its financial assistance policy to the Green Mountain Care Board during the hospital fiscal year 2025 budget review process.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022, with large health care facilities coming into compliance with the provisions of Sec. 1 (18 V.S.A. 221, subchapter 10) not later than July 1, 2024.

(Committee Vote: 9-1-1)

H. 353

An act relating to pharmacy benefit management

Rep. Cordes of Lincoln, 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. INTENT

It is the intent of the General Assembly to increase access to needed medications by making prescription drugs more affordable and accessible to Vermonters by increasing State regulation of pharmacy benefit managers and pharmacy benefit management. It is also the intent of the General Assembly to stabilize and safeguard against the loss of more independent and community pharmacies, where pharmacists provide personalized care to Vermonters and help them with their health care needs, including medication management, medication adherence, and health screenings.

Sec. 2. 18 V.S.A. chapter 221, subchapter 9 is amended to read:

Subchapter 9. Pharmacy Benefit Managers

§ 9471. DEFINITIONS

As used in this subchapter:

* * *

(2) “Health insurer” is defined by section 9402 of this title and shall include:

(A) a health insurance company, a nonprofit hospital and medical service corporation, and health maintenance organizations;

(B) an employer, labor union, or other group of persons organized in Vermont that provides a health plan to beneficiaries who are employed or reside in Vermont; and

(C) the State of Vermont and any agent or instrumentality of the State that offers, administers, or provides financial support to State government; ~~and~~

~~(D) Medicaid, and any other public health care assistance program.~~

* * *

§ 9472. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES
WITH RESPECT TO HEALTH INSURERS AND COVERED
PERSONS

(a) A pharmacy benefit manager that provides pharmacy benefit management for a health plan ~~shall discharge its duties with reasonable care and diligence and be fair and truthful under the circumstances then prevailing that a pharmacy benefit manager acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims~~ has a fiduciary duty to its health insurer client that includes a duty to be fair and truthful toward the health insurer, to act in the health insurer's best interests, and to perform its duties with care, skill, prudence, and diligence. In the case of a health benefit plan offered by a health insurer as defined by subdivision 9471(2)(A) of this title, the health insurer shall remain responsible for administering the health benefit plan in accordance with the health insurance policy or subscriber contract or plan and in compliance with all applicable provisions of Title 8 and this title.

(b) A pharmacy benefit manager shall provide notice to the health insurer that the terms contained in subsection (c) of this section may be included in the contract between the pharmacy benefit manager and the health insurer.

(c) A pharmacy benefit manager that provides pharmacy benefit management for a health plan shall do all of the following:

(1) Provide all financial and utilization information requested by a health insurer relating to the provision of benefits to beneficiaries through that health insurer's health plan and all financial and utilization information relating to services to that health insurer. A pharmacy benefit manager providing information under this subsection may designate that material as confidential. Information designated as confidential by a pharmacy benefit manager and provided to a health insurer under this subsection ~~may~~ shall not be disclosed by the health insurer to any person without the consent of the pharmacy benefit manager, except that disclosure may be made by the health insurer:

(A) in a court filing under the consumer protection provisions of 9 V.S.A. chapter 63, provided that the information shall be filed under seal and that prior to the information being unsealed, the court shall give notice and an opportunity to be heard to the pharmacy benefit manager on why the information should remain confidential;

(B) to State and federal government officials;

(C) when authorized by 9 V.S.A. chapter 63;

~~(C)~~(D) when ordered by a court for good cause shown; or

~~(D)~~(E) when ordered by the Commissioner as to a health insurer as defined in subdivision 9471(2)(A) of this title pursuant to the provisions of Title 8 and this title.

(2) Notify a health insurer in writing of any proposed or ongoing activity, policy, or practice of the pharmacy benefit manager that presents, directly or indirectly, any conflict of interest with the requirements of this section.

(3) With regard to the dispensation of a substitute prescription drug for a prescribed drug to a beneficiary in which the substitute drug costs more than the prescribed drug and the pharmacy benefit manager receives a benefit or payment directly or indirectly, disclose to the health insurer the cost of both drugs and the benefit or payment directly or indirectly accruing to the pharmacy benefit manager as a result of the substitution.

(4) ~~Unless the contract provides otherwise, if~~ If the pharmacy benefit manager derives any payment or benefit for the dispensation of prescription drugs within the State based on volume of sales for certain prescription drugs or classes or brands of drugs within the State, pass that payment or benefit on in full to the health insurer.

(5) Disclose to the health insurer all financial terms and arrangements for remuneration of any kind that apply between the pharmacy benefit manager and any prescription drug manufacturer that relate to benefits provided to beneficiaries under or services to the health insurer's health plan, including formulary management and drug-switch programs, educational support, claims processing, and pharmacy network fees charged from retail pharmacies and data sales fees. A pharmacy benefit manager providing information under this subsection may designate that material as confidential. Information designated as confidential by a pharmacy benefit manager and provided to a health insurer under this subsection ~~may~~ shall not be disclosed by the health insurer to any person without the consent of the pharmacy benefit manager, except that disclosure may be made by the health insurer:

(A) in a court filing under the consumer protection provisions of 9 V.S.A. chapter 63, provided that the information shall be filed under seal and that prior to the information being unsealed, the court shall give notice and an opportunity to be heard to the pharmacy benefit manager on why the information should remain confidential;

(B) when authorized by 9 V.S.A. chapter 63;

(C) when ordered by a court for good cause shown; or

(D) when ordered by the Commissioner as to a health insurer as defined in subdivision 9471(2)(A) of this title pursuant to the provisions of Title 8 and this title.

(d) At least annually, a pharmacy benefit manager that provides pharmacy benefit management for a health plan shall disclose to the health insurer, the Department of Financial Regulation, and the Green Mountain Care Board the aggregate amount the pharmacy benefit manager retained on all claims charged to the health insurer for prescriptions filled during the preceding calendar year in excess of the amount the pharmacy benefit manager reimbursed pharmacies.

(e) A pharmacy benefit manager contract with a health insurer shall not contain any provision purporting to reserve discretion to the pharmacy benefit manager to move a drug to a higher tier or remove a drug from its drug formulary any more frequently than two times per year.

(f)(1) A pharmacy benefit manager shall not require a covered person purchasing a covered prescription drug to pay an amount greater than the lesser of:

(A) the cost-sharing amount under the terms of the health benefit plan;

(B) the maximum allowable cost for the drug; or

(C) the amount the covered person would pay for the drug, after application of any known discounts, if the covered person were paying the cash price.

(2) Any amount paid by a covered person under subdivision (1) of this subsection shall be attributed toward any deductible and, to the extent consistent with Sec. 2707 of the Public Health Service Act (42 U.S.C. § 300gg-6), the annual out-of-pocket maximums under the covered person's health benefit plan.

(g) Compliance with the requirements of this section is required for pharmacy benefit managers entering into contracts with a health insurer in this State for pharmacy benefit management in this State.

§ 9473. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES

WITH RESPECT TO PHARMACIES

(a) Within 14 calendar days following receipt of a pharmacy claim, a pharmacy benefit manager or other entity paying pharmacy claims shall do one of the following:

(1) Pay or reimburse the claim.

(2) Notify the pharmacy in writing that the claim is contested or denied. The notice shall include specific reasons supporting the contest or denial and a description of any additional information required for the pharmacy benefit manager or other payer to determine liability for the claim.

(b) A participation contract between a pharmacy benefit manager and a pharmacist shall not prohibit, restrict, or penalize a pharmacy or pharmacist in any way from disclosing to any covered person any health care information that the pharmacy or pharmacist deems appropriate, including:

(1) the nature of treatment, risks, or alternatives to treatment;

(2) the availability of alternate therapies, consultations, or tests;

(3) the decision of utilization reviewers or similar persons to authorize or deny services;

(4) the process that is used to authorize or deny health care services; or

(5) information on finance incentives and structures used by the health insurer.

~~(b)(c)~~ A pharmacy benefit manager or other entity paying pharmacy claims shall not:

~~(1) impose a higher co-payment for a prescription drug than the co-payment applicable to the type of drug purchased under the insured's health plan;~~

~~(2) impose a higher co-payment for a prescription drug than the maximum allowable cost for the drug;~~

~~(3) require a pharmacy to pass through any portion of the insured's co-payment, or patient responsibility, to the pharmacy benefit manager or other payer;~~

~~(2) prohibit a pharmacy or pharmacist from discussing information regarding the total cost for pharmacist services for a prescription drug;~~

~~(4)(3)~~ prohibit or penalize a pharmacy or pharmacist for providing information to an insured regarding the insured's cost-sharing amount for a prescription drug; or

~~(5)~~(4) prohibit or penalize a pharmacy or pharmacist for the pharmacist or other pharmacy employee disclosing to an insured the cash price for a prescription drug or selling a lower cost drug to the insured if one is available.

(d) A pharmacy benefit manager contract with a participating pharmacist or pharmacy shall not prohibit, restrict, or limit disclosure of information to the Commissioner, law enforcement, or State and federal government officials, provided that:

(1) the recipient of the information represents that the recipient has the authority, to the extent provided by State or federal law, to maintain proprietary information as confidential; and

(2) prior to disclosure of information designated as confidential, the pharmacist or pharmacy:

(A) marks as confidential any document in which the information appears; and

(B) requests confidential treatment for any oral communication of the information.

(e) A pharmacy benefit manager shall not terminate a contract with or penalize a pharmacist or pharmacy due to the pharmacist or pharmacy:

(1) disclosing information about pharmacy benefit manager practices, except for information determined to be a trade secret under State law or by the Commissioner, when disclosed in a manner other than in accordance with subsection (d) of this section; or

(2) sharing any portion of the pharmacy benefit manager contract with the Commissioner pursuant to a complaint or query regarding the contract's compliance with the provisions of this chapter.

~~(e)~~(f) For each drug for which a pharmacy benefit manager establishes a maximum allowable cost in order to determine the reimbursement rate, the pharmacy benefit manager shall do all of the following:

(1) Make available, in a format that is readily accessible and understandable by a pharmacist, the actual maximum allowable cost for each drug and the source used to determine the maximum allowable cost, which shall not be dependent upon individual beneficiary identification or benefit stage.

(2) Update the maximum allowable cost at least once every seven calendar days. In order to be subject to maximum allowable cost, a drug must be widely available for purchase by all pharmacies in the State, without

limitations, from national or regional wholesalers and must not be obsolete or temporarily unavailable.

(3) Establish or maintain a reasonable administrative appeals process to allow a dispensing pharmacy provider to contest a listed maximum allowable cost.

(4)(A) Respond in writing to any appealing pharmacy provider within 10 calendar days after receipt of an appeal, provided that, except as provided in subdivision (B) of this subdivision (4), a dispensing pharmacy provider shall file any appeal within 10 calendar days from the date its claim for reimbursement is adjudicated.

(B) A pharmacy benefit manager shall allow a dispensing pharmacy provider to appeal after the 10-calendar-day appeal period set forth in subdivision (A) of this subdivision (4) if the prescription claim is subject to an audit initiated by the pharmacy benefit manager or its auditing agent.

(5) For a denied appeal, provide the reason for the denial and identify the national drug code and a Vermont-licensed wholesaler of an equivalent drug product that may be purchased by contracted pharmacies at or below the maximum allowable cost.

(6) For an appeal in which the appealing pharmacy is successful:

(A) make the change in the maximum allowable cost within 30 business days after the redetermination; and

(B) allow the appealing pharmacy or pharmacist to reverse and rebill the claim in question.

~~(d)~~(g) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier or supplemental transmission, or both, to indicate that the drug is a 340B drug unless the claim is for payment, directly or indirectly, by Medicaid; or

(2) restrict access to a pharmacy network or adjust reimbursement rates based on a pharmacy's participation in a 340B contract pharmacy arrangement.

(h)(1) A pharmacy benefit manager or other third party that reimburses a 340B covered entity for drugs that are subject to an agreement under 42 U.S.C. § 256b through the 340B drug pricing program shall not reimburse the 340B covered entity for pharmacy-dispensed drugs at a rate lower than that paid for the same drug to pharmacies that are not 340B covered entities, and the pharmacy benefit manager shall not assess any fee, charge-back, or other

adjustment on the 340B covered entity on the basis that the covered entity participates in the 340B program as set forth in 42 U.S.C. § 256b.

(2) With respect to a patient who is eligible to receive drugs that are subject to an agreement under 42 U.S.C. § 256b through the 340B drug pricing program, a pharmacy benefit manager or other third party that makes payment for the drugs shall not discriminate against a 340B covered entity in a manner that prevents or interferes with the patient's choice to receive the drugs from the 340B covered entity.

(i) A pharmacy benefit manager shall not reimburse a pharmacy or pharmacist in this State an amount less than the amount the pharmacy benefit manager reimburses a pharmacy benefit manager affiliate for providing the same pharmacist services.

(j) A pharmacy benefit manager shall not restrict, limit, or impose requirements on a licensed pharmacy in excess of those set forth by the Vermont Board of Pharmacy or by other State or federal law, nor shall it withhold reimbursement for services on the basis of noncompliance with participation requirements.

(k) A pharmacy benefit manager shall provide notice to all participating pharmacies prior to changing its drug formulary.

Sec. 3. 18 V.S.A. § 3802 is amended to read:

§ 3802. PHARMACY RIGHTS DURING AN AUDIT

Notwithstanding any provision of law to the contrary, whenever a health insurer, a third-party payer, or an entity representing a responsible party conducts an audit of the records of a pharmacy, the pharmacy shall have a right to all of the following:

* * *

(2) If an audit is to be conducted on-site at a pharmacy, the entity conducting the audit:

(A) shall give the pharmacy at least 14 days' advance written notice of the audit and the specific prescriptions to be included in the audit; ~~and~~

(B) ~~may~~ shall not audit a pharmacy on Mondays or on weeks containing a federal holiday, unless the pharmacy agrees to alternative timing for the audit; ~~and~~

~~(3) Not to have an entity~~

(C) shall not audit claims that:

(A)(i) were submitted to the pharmacy benefit manager more than 18 months prior to the date of the audit, unless:

(i)(I) required by federal law; or

(ii)(II) the originating prescription was dated within the 24-month period preceding the date of the audit; or

(B)(ii) exceed 200 selected prescription claims.

(3) If any audit is to be conducted remotely, the entity conducting the audit:

(A) shall give the pharmacy at least seven business days following the pharmacy's confirmation of receipt of the notice of the audit to respond to the audit; and

(B) shall not audit claims that:

(i) were submitted to the pharmacy benefit manager more than three months prior to the date of the audit or on a date earlier than that for which the pharmacy could electronically retransmit a corrected claim; or

(ii) exceed five selected prescription claims.

* * *

(19) To have the preliminary audit report delivered to the pharmacy within ~~60~~ 30 days following the ~~conclusion of the audit~~ pharmacy's preliminary response.

* * *

(21) To have a final audit report delivered to the pharmacy within ~~120~~ 30 days after the end of the appeals period, as required by section 3803 of this title.

* * *

(24) To have all payment data related to audited claims, including:

(A) payment amount;

(B) any direct and indirect remuneration (DIR) or generic effective rate (GER) fees assessed or other financial offsets;

(C) date of electronic payment or check date and number;

(D) the specific contracted reimbursement basis for each claim, including its basis, such as maximum allowable cost (MAC), wholesale acquisition cost (WAC), average wholesale price (AWP), or average manufacturer price (AMP); and

(E) the respective values used to calculate each claim payment.

Sec. 4. 8 V.S.A. § 4089j is amended to read:

§ 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

* * *

(d)(1) A health insurer or pharmacy benefit manager shall permit a beneficiary of a plan offered by the health insurer to fill a prescription at the in-network pharmacy of the beneficiary's choice and, except with respect to pharmacies owned or operated, or both, by a health care facility, as defined in 18 V.S.A. § 9432, shall not impose differential cost-sharing requirements based on the choice of pharmacy or otherwise promote the use of one pharmacy over another.

(2) A health insurer or pharmacy benefit manager shall permit a participating network pharmacy to perform all pharmacy services within the lawful scope of the profession of pharmacy as set forth in 26 V.S.A. chapter 36.

(3) A health insurer or pharmacy benefit manager shall adhere to the definitions of prescription drugs and the requirements and guidance regarding the pharmacy profession established by State and federal law and the Vermont Board of Pharmacy and shall not establish classifications of or distinctions between prescription drugs, impose penalties on prescription drug claims, attempt to dictate the behavior of pharmacies or pharmacists, or place restrictions on pharmacies or pharmacists that are more restrictive than or inconsistent with State or federal law or with rules adopted or guidance provided by the Board of Pharmacy.

(4) The provisions of this subsection shall not apply to Medicaid.

Sec. 5. DEPARTMENT OF FINANCIAL REGULATION; PHARMACY

BENEFIT MANAGEMENT; REPORT

(a) The Department of Financial Regulation, in consultation with interested stakeholders, shall consider:

(1) whether pharmacy benefit managers should be required to be licensed to operate in this State;

(2) whether pharmacy benefit managers should be prohibited from conducting or participating in spread pricing;

(3) in collaboration with the Board of Pharmacy, whether any amendments to the Board's rules are needed to reflect necessary distinctions or appropriate limitations on pharmacist scope of practice;

(4) whether there should be a minimum dispensing fee that pharmacy benefit managers and health insurers must pay to pharmacies and pharmacists for dispensing prescription drugs;

(5) how a pharmacy should be reimbursed for a claim if a pharmacy benefit manager denies a pharmacy's appeal in whole or in part, including whether the pharmacy should be allowed to submit a claim to the health insurer for the balance between the pharmacy benefit manager's reimbursement and the pharmacy's reasonable acquisition cost plus a dispensing fee;

(6) whether there is a problem in Vermont of pharmacies soliciting health insurance plan beneficiaries directly to market the pharmacy's services and, if so, how best to address the problem; and

(7) other issues relating to pharmacy benefit management and its effects on Vermonters, on pharmacies and pharmacists, and on health insurance in this State.

(b) On or before January 15, 2023, the Department of Financial Regulation shall provide its findings and recommendations regarding the issues described in subsection (a) of this section to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance.

Sec. 6. APPLICABILITY

(a) The provisions of Sec. 1 of this act (18 V.S.A. chapter 221, subchapter 9, pharmacy benefit managers) shall apply to a contract or health plan issued, offered, renewed, recredentialed, amended, or extended on or after the effective date of this act, including any health insurer that performs claims processing or other prescription drug or device services through a third party.

(b) A person doing business in this State as a pharmacy benefit manager on or before the effective date of this act shall have six months following the effective date of this act to come into compliance with the provisions of Sec. 1 of this act (18 V.S.A. chapter 221, subchapter 9, pharmacy benefit managers).

Sec. 7. 2021 Acts and Resolves No. 74, Sec. E.227.2 is amended to read:

Sec. E.227.2 REPEAL

18 V.S.A. § 9473(d)(g) (pharmacy benefit managers; 340B entities) is repealed on ~~January 1, 2023~~ April 1, 2024.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 10-0-1)

H. 399

An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children

Rep. Donnally of Hyde Park, 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:

(1) prevent unnecessary harm to children caused by separation from parents, guardians, caretakers, or family members during incarceration; and

(2) ensure the fair and compassionate treatment of children whose parents, guardians, caretakers, or family members are involved in the criminal justice system by affording certain basic considerations to these children when decisions are made that affect them.

Sec. 2. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime; the history and character of the defendant; the defendant's family circumstances and relationships; the impact of any sentence upon the defendant's minor children; the need for treatment; and the risk to self, others, and the community at large presented by the defendant:

* * *

Sec. 3. 28 V.S.A. § 204 is amended to read:

§ 204. SUBMISSION OF WRITTEN REPORT; PRODUCTION OF RECORDS

* * *

(g) The presentence investigation report ordered by the court under this section or section of 204a of this title shall set forth information concerning the defendant's custodial relationships pursuant to 13 V.S.A. § 7030.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 11-0-0)

H. 464

An act relating to the medical review process in the Reach Up program and Postsecondary Education Program eligibility

Rep. Brumsted of Shelburne, 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. 33 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter:

* * *

(10) “Dependent child” means a child who is a resident of this State and:

(A) is under 18 years of age; or

(B) is 18 years of age or older who is a full-time student in a secondary school, or attending an equivalent level of vocational or technical training, and is reasonably expected to complete the educational program before reaching ~~19~~ 22 years of age or is not expected to complete the educational program before reaching ~~19~~ 22 years of age solely due to a documented disability.

* * *

Sec. 2. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

(1) ~~No~~ Not less than the first ~~\$250.00~~ \$350.00 per month of earnings from an unsubsidized or subsidized job and 25 percent of the remaining ~~unsubsidized~~ earnings shall be disregarded in determining the amount of the family’s financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant.

~~(2) No less than the first \$90.00 per month of earnings from a subsidized job shall be disregarded in determining the amount of the family’s financial assistance grant. The family shall receive the difference between~~

~~countable income and the Reach Up payment standard in a partial financial assistance grant. Earnings from subsidized jobs shall qualify for federal and State earned income credit if the family is otherwise eligible for such credit.~~

* * *

(f) The Commissioner shall disregard ~~no~~ not less than ~~\$50.00~~ \$100.00 per month of child support payments in determining eligibility and benefit levels for participating families.

* * *

Sec. 3. 33 V.S.A. § 1105 is amended to read:

§ 1105. CHILD SUPPORT PAYMENTS

(a) A financial assistance case shall not be closed until child support payments, minus the first ~~\$50.00~~ \$100.00 per month in such payments received on behalf of the family, in combination with other countable income, have exceeded the financial assistance payment standard in 12 consecutive calendar months.

(b) Notwithstanding any other provision of law, if financial assistance to a participating family is terminated due to receipt of child support, minus the first ~~\$50.00~~ \$100.00 per month in such payments, that in combination with other countable income is in excess of the financial assistance cash payment standard, and the family again becomes eligible for financial assistance within the following 12 calendar months solely because the family no longer receives excess child support, financial assistance shall be paid as of the date of the family's reapplication.

Sec. 4. 33 V.S.A. § 1107 is amended to read:

§ 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;
COORDINATED SERVICES

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's goals and aspirations, circumstances, home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or the community in a way that facilitates progress toward accomplishment of the family development plan consistent with research on best practices. Case management may be provided to other eligible families. The case manager, ~~with the full involvement of the family, and family together~~ shall ~~recommend, and the Commissioner shall modify as necessary, create~~ a family development plan ~~established under the Reach First or Reach Up program~~ for each participating family, with a right of

appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. ~~The applicant for or recipient of financial assistance under this chapter shall have the burden of demonstrating the existence of his or her condition.~~

(2) Each case manager shall utilize a universal engagement model that aims to engage each participating family, to the best of their ability, in improving the family's social, emotional, and economic well-being. The universal engagement model approaches work and workforce development as a continuum in which each participating adult who is able participates in work or the process of preparing for work, participates in training and education, and increases the participating family's income. A participating adult who is unable to participate due to extenuating personal or family challenges shall be excused from the program participation requirements until able to participate, in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

* * *

Sec. 5. 33 V.S.A. § 1108 is amended to read:

§ 1108. LIMITS ON FAMILY FINANCIAL ASSISTANCE

(a) Except for grants to children in the care of persons other than their parents, only participating families who have received fewer than 60 cumulative months of financial assistance in which the family was not granted a deferment, including those months in which any type of cash assistance funded by a TANF block grant was received in other states or territories of the United States, shall be eligible for benefits under the Reach Up program.

(b) Deferment granted for the following reasons The Department shall not count toward the Reach Up program's cumulative 60-month lifetime eligibility period any months in which:

(1) the participant is not able-to-work;

(2) the participant is a parent or caretaker who is caring for a child ~~during the first year of a possible two-year deferment pursuant to subdivision~~

~~1114(b)(3) of this chapter under one year of age, in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25;~~

~~(3) the participant is affected by domestic violence pursuant to subdivision 1114(b)(9) of this chapter in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25; and~~

~~(4) the participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to subdivision 1114(b)(5) of this chapter in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25.~~

~~(c) The cumulative 60-month lifetime eligibility period shall not begin to toll until the parent or parents of a participating family have reached the age of 18 years of age.~~

~~(d) Notwithstanding subsection (a) of this section, a participating family that does not have a qualifying deferment meet any of the criteria under section 1114 of this title subsection (b) of this section and that has exceeded the cumulative 60-month lifetime eligibility period set forth in subsection (a) of this section shall qualify for a hardship exemption that allows the adult member of the participating family to receive: continue to receive financial assistance if the participating adult is engaged in any of the work activities listed in subdivision 1101(2) of this chapter, with the exception of subdivision 1101(2)(L) of this chapter.~~

~~(1) a wage equivalent to that of the participating family's cash benefit under the Reach Up program for participation in any of the work activities listed in subdivision 1101(28) of this title, with the exception of subdivision (28)(L); or~~

~~(2) supplemental benefits to the wages of the adult member of the participating family if the work requirement is otherwise being met.~~

~~(e) A participating family that does not qualify for a hardship exemption pursuant to subsection (d) of this section may be eligible to continue receiving benefits under the Reach Up program if the program director, or the program director's designee, determines, on a monthly basis, that the participating adult is actively participating in the universal engagement model, including the process of planning and engaging in goal achievement related to employment, training, education, and addressing obstacles pursuant to subsection 1113(a) of this chapter.~~

Sec. 6. 33 V.S.A. § 1112 is amended to read:

§ 1112. FAMILY DEVELOPMENT PLAN REQUIREMENTS

(a)(1) Each participating adult in a family applying for or receiving financial assistance shall comply with each Reach Up family development plan requirement provided for in the family development plan, unless good cause exists for such noncompliance as defined by the Commissioner by rule.

(2) The process of developing a family development plan shall include planning and engaging in goal achievement related to employment, training, and education; addressing obstacles to employment; following through with established steps to achieve goals; reviewing and revising goals as necessary; and setting new goals as each existing goal is achieved.

* * *

Sec. 7. 33 V.S.A. § 1113 is amended to read:

§ 1113. WORK REQUIREMENTS EMPLOYMENT PREPARATION, READINESS, AND PARTICIPATION

(a) ~~Each participating adult in a family receiving a financial assistance grant shall fulfill a work requirement in accordance with this section. Subject to the provisions of this chapter, and provided that all services required by this chapter are offered when appropriate and are available when needed to support fulfillment of the work requirement, an adult having a work requirement shall obtain employment or participate in one or more work activities, and shall work in accordance with the requirements of this section, in order to maintain continued eligibility for financial assistance and to avoid fiscal sanctions~~ participate in the process of planning and engaging in goal achievement. These goals may be related to family well-being, financial stability, employment, training, education, and addressing obstacles to employment. Participating families shall participate in establishing goals and steps to achieve goals, reviewing and revising goals as necessary, and setting new goals as each goal is achieved.

(b)(1) ~~The work requirement shall become effective as soon as the participating adult is work-ready, or upon the family's receipt of 12 cumulative months of financial assistance, whichever is sooner, unless at the end of the 12 cumulative month period the participant's case manager concludes that the participant is unable to meet the hours of the applicable unmodified work requirement, as established in subsection (c) of this section. In such cases, the case manager shall prepare a written request on behalf of the participant for an extension of up to six months. The request shall identify the particular reasons why the participant is unable to meet the work requirement and the remedial actions and services to be provided to the recipient to enable fulfillment of the requirement. The request shall be submitted to the Commissioner or the~~

~~Commissioner's designee for approval. The request shall be approved unless the participant is able to meet the work requirement or a modified work requirement established in accordance with section 1114 of this title.~~

~~(2) A participant may meet the work requirement through a combination of work activities until the participant has received 24 months of financial assistance. After that time, the participant shall meet the work requirement through employment Program participation requirements shall become effective as soon as the participating adult becomes eligible for financial assistance.~~

~~(c) A participating family shall be deemed to meet the work requirement if A participating adult may meet program participation requirements, including the following activities, through one or a combination of work, education, training, and other activities that address the family's goals and well-being:~~

~~(1) In two-parent families in which neither parent receives Supplemental Security Income (SSI), a combined total of at least 35 hours a week of employment or work activities or the number of hours the parents have been determined able to work by the Department is completed. One or both parents may contribute to the completion of the employment or work activities required by this subdivision.~~

~~(2) In a two-parent family in which one parent receives SSI:~~

~~(A) If the family includes a child six years of age or older, the work-eligible parent shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(B) If the family includes a child under six years of age, the work-eligible parent shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(C) As used in this subdivision (c)(2), "work-eligible parent" means a parent who is not receiving SSI.~~

~~(3) In a single-parent family:~~

~~(A) If the family's youngest child is six years of age or older, the participant shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(B) If the family's youngest child is under six years of age, the participant shall participate in one or more work activities for at least 20 hours~~

~~per week or the number of hours the parent has been determined able to work by the Department.~~

~~(4) A pregnant individual who is employed shall continue such employment unless there has been a medical determination that the individual is unable to work, or the individual is exempt from the work requirement based on other criteria established by the Commissioner by rule. A pregnant individual shall not be required to begin new employment employment, either full-time or part-time;~~

(2) activities that develop and enhance the skills employers need their employees to have in the workplace, including:

(A) career-specific training programs;

(B) English language learning;

(C) literacy and math skill courses; or

(D) credential programs;

(3) entrepreneurship and business development;

(4) job search and career exploration, including:

(A) engaging in work experience; or

(B) participating in job shadow opportunities;

(5) education, including obtaining:

(A) a high school diploma;

(B) technical training and vocation education; or

(C) career-specific education;

(6) building foundations for employment, including:

(A) housing search efforts;

(B) arranging transportation; or

(C) arranging child care;

(7) activities aimed at improving family and financial well-being, including:

(A) financial capability classes and coaching;

(B) mental health treatment;

(C) treatment for substance use disorder;

(D) working with children's health and school professionals;

(E) applying for Supplemental Security Income; or

(F) working with the Division of Family Services; or

(8) any other activity designated by the Commissioner in accordance with criteria established in rule pursuant to 3 V.S.A. chapter 25.

~~(d)(1) A participant required to fulfill a work requirement shall accept any unsubsidized job he or she is capable of performing, even if it pays wages that are less than the financial assistance grant. In cases in which monthly wages are less than the financial assistance grant and the family is otherwise eligible, the wages shall be supplemented with a partial financial assistance grant. The Commissioner shall establish by rule criteria for jobs that must be accepted if offered, including the criterion that each job must pay at least minimum wage.~~

~~(2) A participating adult who had wages in the three months prior to his or her application for financial assistance that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the participating adult's family shall not be required to accept employment with annualized earnings of less than 150 percent of the federal poverty level applicable to the participating adult's family for the three-month period after being deemed eligible for financial assistance, provided that the participant:~~

~~(A) has not been disqualified within the prior six months from receiving unemployment compensation benefits for failing, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commissioner of Labor, or to accept suitable work when offered;~~

~~(B) is not sanctioned within the three-month period immediately following being deemed eligible for financial assistance;~~

~~(C) does not leave an unsubsidized job without good cause within the three-month period immediately following being deemed eligible for financial assistance;~~

~~(D) follows through in a satisfactory manner on all referrals to employment opportunities;~~

~~(E) is engaged in acceptable work activities in accordance with this section; and~~

~~(F) agrees to accept any unsubsidized job if still unemployed after completion of the three-month period immediately following the determination of eligibility to receive financial assistance.~~

~~(3) A postsecondary education program participant who has received a degree and any Reach Up participant who has recently completed specialized~~

~~vocational training shall not be required to accept an unsubsidized job that is unrelated to his or her training or degree for the three-month period immediately following completion of such education or training, provided that the participant:~~

~~(A) is not sanctioned within that three-month period;~~

~~(B) does not leave an unsubsidized job related to his or her training or degree without good cause within that three-month period;~~

~~(C) follows through in a satisfactory manner on all referrals to employment opportunities related to his or her training or degree;~~

~~(D) is engaged in acceptable work activities in accordance with this section; and~~

~~(E) agrees to accept any unsubsidized job if still unemployed after such three-month period~~ A participating adult shall be deemed to meet the program participation requirements if the adult is participating in activities that lead to employment based on goal setting and active universal engagement.

~~(e) The Commissioner may require a participant to participate in a job search, coordinated by the Commissioner, for the number of hours per week that corresponds to the participant's work requirement hours under subsection (e) of this section, or a lesser amount that in combination with the participant's unsubsidized employment equals the participant's work requirement hours under subsection (e) of this section.~~

~~(f) Notwithstanding any other provision of this chapter, a participant's hours of unpaid work activities~~ unpaid work activities that are not primarily education, job search, job readiness, or training activities shall not exceed the levels established by the Fair Labor Standards Act. Adjustments required to conform with the Fair Labor Standards Act shall be made pursuant to calculation standards established by the Commissioner by rule.

Sec. 8. 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

~~(a) The Commissioner shall establish by rule criteria, standards, and procedures for granting deferments from or modifications to the work requirements established in section 1113 of this title, in accordance with the provisions of this section and for referring individuals with disabilities to the Office of Vocational Rehabilitation~~

~~(b) The work requirements shall be either modified or deferred for:~~

~~(1) A participant for whom no unsubsidized or subsidized job or other equivalent supervised work activity recognized by the Commissioner by rule is available.~~

~~(2) A participant for whom support services that are essential to employment and other work activities and identified in the family development plan cannot be arranged. Such services shall include case management, education and job training, child care, and transportation.~~

~~(3) A primary caretaker parent in a two-parent family in which one parent is able to work part-time or unable to work, a single parent, or a caretaker who is caring for a child who has not attained 24 months of age for no more than 24 months of the parent's or caretaker's lifetime receipt of financial assistance. To qualify for such deferment, a parent or caretaker of a child older than the age of six months but younger than 24 months shall cooperate in the development of and participate in a family development plan.~~

~~(4) An individual who has exhausted the 24 months of deferment provided for in subdivision (3) of this subsection and who is caring for a child who is not yet 13 weeks of age or a primary caretaker parent in a family with two parents who are able to work if the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned in accordance with section 1116 of this title.~~

~~(5) A participant who is needed in the home on a full or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities. A deferral or modification of the work requirement exceeding 60 days due to the existence of illness or disability pursuant to this subdivision shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

~~(6) A participant who is under 20 years of age, who is a single head of household or married, and who maintains satisfactory attendance at secondary school or the equivalent during the month, or participates in education directly related to employment for an average of 20 or more hours per week during the month.~~

~~(7) A participant who has attained 20 years of age and who is engaged in at least 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational~~

~~Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed 18 months.~~

~~(8) A participant who is enrolled in, attending, and making satisfactory progress toward the completion of a full-time vocational training program that has a normal duration of no more than two years and who is within 12 months of expected completion of such program. Such deferment or modification shall continue until he or she has completed the program, he or she is no longer attending the program, or the 12-month expected completion period has ended, whichever occurs first.~~

~~(9) A participant for whom, due to the effects of domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs his or her capacity either to fulfill the work requirement or to care for his or her child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child.~~

~~(10) Any other participant designated by the Commissioner in accordance with criteria established by rule.~~

~~(e) A participant who is able to work part-time or is unable to work shall be referred for assessment of the individual's skills and strengths, accommodations and support services, and vocational and other services in accordance with the provisions of his or her family development plan. The work requirement hours shall reflect the individual's ability to work. Participants with disabilities that do not meet the standards used to determine disability under Title XVI of the Social Security Act shall participate in rehabilitation, education, or training programs as appropriate. A participant who qualifies for a deferment or modification and who is able to work part-time shall have his or her work requirement hours modified or deferred. In granting deferments, the Department shall fully consider the participant's estimation of the number of hours the participant is able to work.~~

~~(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able to work. A participant shall have the burden of demonstrating the existence of the condition asserted as the basis for a deferral or modification of the work requirement. A deferral or modification of the work requirement exceeding 60 days due to the existence of conditions rendering the participant unable to work shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers~~

~~designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

~~(e) Deferments and modifications granted pursuant to this section shall continue for as long as the grounds for the deferment or modification exist or until expiration of a related time period specified in subsection (b) of this section, whichever occurs first.~~

~~(f) As used in this section, "health care provider" means a person, partnership, or corporation, other than a facility or institution, licensed or certified or authorized by law to provide professional health care service in this State to an individual during that individual's medical care, treatment, or confinement. The program participation requirements established in section 1113 of this chapter shall be deferred when:~~

~~(1) a participating adult is 60 years of age or older;~~

~~(2) a participating adult is caring for a child under six weeks of age;~~

~~(3) a participating adult for whom, due to the effects of domestic violence, engaging in the program participation requirements can be reasonably anticipated to result in serious physical or emotional harm to the participating adult or child; or~~

~~(4) any other participant designated by the Commissioner in accordance with criteria established by the Commissioner in rule pursuant to 3 V.S.A. chapter 25.~~

Sec. 9. 33 V.S.A. § 1116 is amended to read:

§ 1116. SANCTIONS

(a) The financial assistance grant of a participating family shall be reduced, in accordance with the provisions of this section, if a participating adult ~~fails to fully comply or continue to comply in full with the family development plan or work program participation requirements in sections 1112 and 1113 of this title.~~ does not engage, without good cause,

(b) Prior to the reduction in a family's financial assistance grant resulting from a sanction imposed under this section, the Department shall provide an independent review of the participant's circumstances and the basis for ~~his or her noncompliance~~ the participant's nonengagement. The Commissioner or the Commissioner's designee shall perform the review.

(c)(1) For a first, second, and third month in which a participating adult is ~~not in compliance~~ engaged with a family development plan or ~~work requirement~~ program participation requirements and has not demonstrated good cause for such ~~noncompliance~~ nonengagement, the family's financial

assistance grant shall be reduced by the amount of \$75.00 ~~for each adult sanctioned.~~

(2) For the fourth and any subsequent month not subject to the reduction required by subsection (e) of this section in which a participating adult is not ~~in compliance~~ engaged with a family development plan or ~~work requirement program participation requirements~~ and has not demonstrated good cause for such ~~noncompliance~~ nonengagement, the family's financial assistance grant shall be reduced by the amount of \$150.00 for each adult sanctioned.

(d) A participant may cure a sanction by ~~coming into compliance in accordance~~ engaging with the Department's rules. During the first 60 months of the family's receipt of financial assistance, a participating adult may have all previous sanctions forgiven by demonstrating 12 consecutive months of compliance with family development plan requirements or work requirements or any combination of the two. Subsequent acts of noncompliance after a sanctioned adult has completed a successful 12-month sanction forgiveness period will be treated in accordance with subdivisions (c)(1) and (2) of this section without consideration of the sanctions that have been forgiven.

* * *

(h) To receive payments during the fiscal sanction period, an adult who is the subject of the sanction shall meet ~~no~~ not less than once each month to report ~~his or her~~ the adult's circumstances to the case manager or to participate in assessments as directed by the case manager. In addition, this meeting shall be for initial assessment and development of the family development plan when such tasks have not been completed; and reassessment or review and revision of the family development plan, if appropriate; ~~and to encourage the participant to fulfill the work requirement. Meetings required under this section may take place in the district office, a community location, or in the participant's home. Facilitation of meeting the participant's family development plan goals shall be a primary consideration in determining the location of the meeting. The Commissioner may waive any meeting when extraordinary circumstances prevent a participant from attending. The Commissioner shall adopt rules to implement this subsection.~~

(i) ~~A family sanctioned under this section for failure to meet work or family development plan requirements shall remain eligible for Supplemental Nutrition Assistance Program benefits and shall not, because of such failure, be sanctioned under the Supplemental Nutrition Assistance Program for reasons of "failure to comply without good cause" and "voluntary quit without good cause," provided that such eligibility and waivers of such sanctions are~~

~~consistent with federal law and regulations governing the Supplemental Nutrition Assistance Program. [Repealed.]~~

Sec. 10. 33 V.S.A. § 1122 is amended to read:

§ 1122. POSTSECONDARY EDUCATION PROGRAM

* * *

(b) The Program authorized by this section shall be administered by the Commissioner or by a contractor designated by the Commissioner. The Program shall be supported with funds other than federal TANF block grant funds provided under Title IV-A of the Social Security Act, except that the Commissioner may fund financial assistance grants and support services of families participating in the Postsecondary Education Program with TANF block grant or State maintenance of effort funds when ~~the~~ a participating ~~adult's parent's~~ educational activities are a countable work activity under federal law and when it will further one or more of the purposes in subdivision 1121(c)(1) of this title.

* * *

(d) To be financially eligible to participate in the Postsecondary Education Program, the family's gross income minus ~~the~~ a participating parent's earnings shall not exceed 150 percent of the federal poverty level for the appropriate family size.

(e) All financially eligible families who apply to participate in the Postsecondary Education Program ~~will~~ shall be considered for admission, provided that they meet all of the following criteria:

(1) ~~No more than one parent per family may participate at the same time. [Repealed.]~~

(2) ~~If the participating parent is in a two-parent family, the nonparticipating parent shall, if able to work, be working full-time; if able to work part-time, shall be working at least the number of hours per week that he or she has been determined able to work part-time; or, if unable to work, may be unemployed. [Repealed.]~~

(3)(A) The A participating parent has not already received a postsecondary undergraduate degree.

(B) The A participating parent has already received a postsecondary undergraduate degree, and the occupations for which it prepared ~~the~~ that participating parent are obsolete.

(C) ~~The~~ A participating parent, due to a disability, is no longer able to perform the occupations for which the degree prepared ~~him or her~~ that participating parent.

(D) The preparation for occupations that ~~the~~ a participating parent received through the postsecondary undergraduate degree is outdated and not marketable in the current labor market.

(4) ~~The~~ A participating parent shall be a matriculating student in a two-year or four-year degree program as provided for in the postsecondary education plan.

(5) ~~The~~ A participating parent has been determined to be eligible for financial assistance from the Vermont Student Assistance Corporation, and can demonstrate ~~that he or she~~ has the ability to cover tuition costs.

(6) ~~The~~ A participating parent agrees to limit employment to ~~no~~ not more than 20 hours per week when school is in session. The Department may establish exceptions by rule to allow ~~the~~ a participating parent to work more than 20 hours per week.

(7) The family and ~~the~~ a participating ~~adult~~ parent maintain financial eligibility for the program and uninterrupted residency in Vermont for the duration of participation in the Postsecondary Education Program.

(8) ~~The~~ A participating parent maintains good academic standing at the college.

* * *

(g) Continued participation in the Postsecondary Education Program is contingent on ~~the~~ a participating parent:

* * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on January 1, 2023, except Sec. 1 (definitions), Sec. 2 (eligibility and benefit levels), and Sec. 3 (child support payments) shall take effect on July 1, 2023.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous changes to the Reach Up Program”

(Committee Vote: 11-0-0)

H. 465

An act relating to boards and commissions

Rep. Higley of Lowell, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Repeal of Vermont Educational Health Benefits Commission * * *

Sec. 1. REPEAL OF VERMONT EDUCATIONAL HEALTH BENEFITS
COMMISSION

2017 Acts and Resolves No. 85, Sec. H.7 (Vermont Educational Health Benefits Commission) is repealed.

* * * Repeal of Study Committee on Sales and Use Tax * * *

Sec. 2. REPEAL OF STUDY COMMITTEE ON SALES AND USE TAX

2012 Acts and Resolves No. 143, Sec. 53 (study committee on sales and use tax) is repealed.

* * * Repeal of Committee on Enhancing Vermont's Software and
Information Technology Economy * * *

Sec. 3. REPEAL OF ENHANCING VERMONT'S SOFTWARE AND
INFORMATION TECHNOLOGY ECONOMY

2012 Acts and Resolves No. 143, Sec. 53a (enhancing Vermont's software and information technology economy) is repealed.

* * * Repeal of Youth in Agriculture, Natural Resources, and
Food Production Consortium * * *

Sec. 4. 21 V.S.A. chapter 14 is amended to read:

~~CHAPTER 14. YOUTH IN AGRICULTURE, NATURAL RESOURCES,
AND FOOD PRODUCTION~~

~~§ 1151. LEGISLATIVE FINDINGS AND PURPOSE~~

~~(a) The General Assembly finds that:~~

~~(1) Agriculture, natural resources, and food production play a central role in the economy and culture of Vermont.~~

~~(2) Farms and farm-based industries are experiencing an ever-increasing need for workers who are willing to work the hours involved in farming and~~

who have the multiple skills necessary to handle successfully the multiple and varied responsibilities of farming.

(3) Farms have always provided the environment for youth to acquire workplace skills such as responsibility, creativity, and initiative and occupational skills ranging from plant and animal science to economics and to grow therefore into sought-after workers by a wide variety of employers.

(4) Programs such as the Farm Youth Corps have provided the infrastructure that is necessary to connect youth to careers in agriculture, natural resources, and food production.

(5) Programs that have provided youth with the opportunity to work on farms have declined due to reductions in federal funding.

(b) Therefore, it is the purpose of this chapter to create and support programs for youth that will engage them in agriculture, natural resources, and food production in order to:

(1) Provide them an opportunity to engage in work that provides them with hands-on learning and allows them to develop a strong work ethic and vital workplace and occupational skills that will be valuable in any career they might pursue.

(2) Encourage youth to pursue pathways to careers in agriculture, natural resources, and food production.

(3) Provide farmers with young short-term workers and the opportunity to mentor future, long-term employees.

(4) Ensure that youth are aware of the benefits of agriculture, natural resources, and food production to themselves and to Vermont.

§ 1152. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND

FOOD PRODUCTION CONSORTIUM; CREATION

(a) There is created a Youth in Agriculture, Natural Resources, and Food Production Consortium of program providers in order that programs to build pathways to careers in agriculture, natural resources, and food production may be connected, developed, and supported in a coordinated manner. The Consortium shall comprise employees of the Department of Labor assigned by the Commissioner of Labor; employees of the Agency of Education assigned by the Secretary of Education; employees of the Agency of Agriculture, Food and Markets appointed by the Secretary of Agriculture, Food and Markets; employees of the Agency of Natural Resources appointed by the Secretary of Natural Resources; representatives of the Extension Service of the University of Vermont selected by the Service; and representatives from agriculture, food,

~~and natural resources businesses appointed by the Secretary of Agriculture, Food and Markets.~~

~~(b) The consortium shall be attached to the Department of Labor for administrative support. It shall elect its own chair and meet as required to fulfill its obligations under this chapter.~~

~~§ 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND~~

~~FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES~~

~~(a) The Consortium shall be charged with the oversight of the development and coordination of programs in agriculture, natural resources, and food production, and education to connect youths' experiences in agriculture, natural resources, and food production to their in-school learning and develop pathways for pursuing further education related to agriculture or natural resources. It shall seek to coordinate and connect programs around common standards, coordinate resources, provide a clearinghouse for information and technical assistance, establish a strong business and education partnership, identify missing components of the system, and oversee funds made available for the express purpose of implementing these pathways. It shall endeavor to sustain and expand programming in agriculture, natural resources, and food production on a statewide basis in order to affect middle and secondary school students in Vermont. The Consortium shall seek to ensure the effectiveness of all the programs in reaching large numbers of students, and in so far as possible, seek to provide programs in all regions of the State through a statewide system with uniform availability, eligibility, and funding requirements to make such opportunities available to all students.~~

~~(b) Among the programs to be reviewed and coordinated by the Consortium are projects that involve agriculture and the environment; programs within the elementary and middle school system that provide hands-on learning, such as "Ag in the Classroom" sponsored by the Agency of Agriculture, Food and Markets, and "Forest, Fields, and Futures" sponsored by UVM Extension; and secondary school programs in agriculture and natural resources-related areas in education; "Smokeyhouse" and other career technical education, agriculture, and natural resources programs offered by high schools and regional CTE centers. In addition, it shall review and coordinate programs such as the Youth Conservation Corps and the Farm Youth Corps of the Department of Labor, which has offered summer employment for students on farms, and other summer employment programs and alternative programs for in-school youth operated outside the public school funding system.~~

~~(c) [Repealed.] [Repealed.]~~

* * * Repeal of the Department of Labor Advisory Council * * *

Sec. 5. 21 V.S.A. § 1306 is amended to read:

§ 1306. ~~ADVISORY COUNCIL; MEMBERS; TERMS~~

~~(a) The Governor shall appoint a State Department of Labor Advisory Council composed of eight members from the general public to include four employer representatives and four employee representatives who may fairly be regarded as employees because of their vocations, employment, and affiliations. Appointment of the four employee representatives, at least one of whom shall have experience in workers' compensation law and one of whom shall be a member of a building trade, shall be made from a list of qualified individuals submitted by the Vermont State Labor Council, the Vermont State Employees' Association, and the Vermont National Education Association. Appointment of the four employer representatives shall be made from a list of qualified individuals submitted by the Vermont Chamber of Commerce, Associated General Contractors of Vermont, and Vermont Businesses for Social Responsibility. The Council members shall be appointed for staggered terms of four years. The Council shall meet at least three times a year.~~

~~(b) The Council shall advise the Commissioner regarding formulating policies by discussing the problems related to the functions and duties of the Department in order to develop impartial solutions and approaches to these issues.~~

~~(c) The Commissioner may establish subcommittees composed solely of labor or management representatives and use a portion of the Council's meeting time to meet with these subcommittees.~~

~~(d) Each member of the Council who is not a salaried official or State employee or is not otherwise compensated through employment for attending Council meetings is entitled to per diem compensation and reimbursement for expenses as provided in 32 V.S.A. § 1010. [Repealed.]~~

* * * Repeal of Working Group on State Workforce Development * * *

Sec. 6. ~~REPEAL OF WORKING GROUP ON STATE WORKFORCE DEVELOPMENT~~

2017 Acts and Resolves No. 69, Sec. E.1 (State workforce development system; report) is repealed.

* * * Repeal of Council Advisory Committee * * *

Sec. 7. 20 V.S.A. § 2410 is amended to read:

§ 2410. ~~COUNCIL ADVISORY COMMITTEE~~

~~(a) Creation. There is created the Council Advisory Committee to provide advice to the Council regarding its duties under this subchapter.~~

~~(1) The Committee shall specifically advise and assist the Council in developing procedures to ensure that allegations of unprofessional conduct by law enforcement officers are investigated fully and fairly, and to ensure that appropriate action is taken in regard to those allegations.~~

~~(2) The Committee shall be advisory only and shall not have any decision-making authority.~~

~~(b) Membership. The Committee shall be composed of five individuals appointed by the Governor. The Governor may solicit recommendations for appointments from the Chair of the Council.~~

~~(1) Four of these members shall be public members who during incumbency shall not serve and shall have never served as a law enforcement officer or corrections officer and shall not have an immediate family member who is serving or has ever served as either of those officers.~~

~~(2) One of these members shall be a retired law enforcement officer.~~

~~(c) Assistance. The Executive Director of the Council or designee shall attend Committee meetings as a resource for the Committee.~~

~~(d) Reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than five meetings per year. Such payments shall be derived from the budget of the Council. [Repealed.]~~

* * * Boards and Commissions; Per Diem Compensation * * *

Sec. 8. 32 V.S.A. § 1010 is amended to read:

§ 1010. MEMBERS OF CERTAIN BOARDS

(a) Except for those members serving ex officio or otherwise regularly employed by the State, the members of the following boards shall be entitled to receive \$50.00 in per diem compensation:

- (1) Board of Bar Examiners
- (2) Board of Libraries
- (3) Vermont Milk Commission
- (4) Board of Education
- (5) State Board of Health

- (6) Emergency Board
- (7) Board of Liquor and Lottery
- (8) Human Services Board
- (9) State Fish and Wildlife Board
- (10) State Board of Mental Health
- (11) Vermont Employment Security Board
- (12) Capitol Complex Commission
- (13) Natural Gas and Oil Resources Board
- (14) Transportation Board
- (15) Vermont Veterans' Home Board of Trustees
- (16) Advisory Council on Historic Preservation
- (17) The Electricians' Licensing Board
- (18) [Repealed.]
- (19) Emergency Personnel Survivors Benefit Review Board
- (20) Community High School of Vermont Board
- (21) Parole Board

(b)(1) Notwithstanding any other provision of law, members of professional or occupational licensing boards or commissions, advisory boards or commissions, appeals boards, promotional boards, interstate boards, supervisory boards and councils, or any other boards, commissions, or similar entities that are not listed in subsection (a) of this section but are otherwise entitled by act of the General Assembly to receive per diem compensation, shall be entitled to receive per diem compensation ~~in the amount of \$50.00 per day~~ for each day devoted to official duties. ~~This subsection shall not reduce the amount of per diem compensation provided by act of the General Assembly to members of boards or commissions entitled to receive more than \$50.00 per day.~~

(2) "Per diem" means the amount of compensation to which a member of a statutory board or commission is entitled for:

(A) attendance at a regular or special meeting of such board or commission or any committee thereof; or

(B) performance of other duties directly related to the efficient conduct of necessary board business as assigned and approved by the

chairperson, provided that payment for such duties shall be at the per diem rate prorated for actual time spent performing duties. Proration shall be calculated based on an eight-hour day. Under no circumstances shall the daily payment exceed the per diem amount.

(c) The members of the boards and commissions, including those members serving ex officio or otherwise regularly employed by the State, shall be entitled to receive their actual and necessary expenses when away from home or office upon their official duties.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, a member shall not be entitled to receive State per diem compensation for any meeting or other official duty for which specific compensation is provided by another source.

(e) The budget report of the Governor for each fiscal year shall contain a separate schedule disclosing the current per diem compensation and allowable expense reimbursement for appointed members of all boards, commissions, councils, and committees and all other statutory-created management, policy making, or advisory bodies of the Executive Branch who do not receive a salary, whether appointed by the Governor or not, and the recommendations for the next fiscal year. The appropriations committees of the General Assembly shall review the recommendations and include in a separate section of the annual appropriations act the per diem compensation and allowable expense reimbursement for each such body, which shall constitute the appropriation for per diem compensation and allowable expense reimbursement increases for members of such bodies for the next fiscal year. Per diem compensation authorized under this section shall be not less than \$50.00 per day. The Governor may authorize per diem compensation and expense reimbursement in accordance with this section for members of boards and commissions, including temporary study commissions, created by Executive Order executive order.

~~(f) Members of the Parole Board shall be entitled to receive \$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses incurred in the performance of their duties. [Repealed.]~~

* * * Boards and Commissions; Executive Appointments * * *

Sec. 9. 3 V.S.A. § 269 is added to read:

§ 269. BOARDS AND COMMISSIONS; EXECUTIVE APPOINTMENTS

(a) When applying for a State board or commission position that is appointed by the Governor or designee, an applicant shall not be required to disclose, or required to authorize the disclosure of, personal financial

information as part of the application process unless an applicant's personal financial history is relevant to the applicant's ability to faithfully and competently perform the fiduciary responsibilities of the State board or commission position.

(b) This section shall not bar:

(1) requiring the applicant to affirm that the applicant is in compliance with constitutional or code of ethics requirements; or

(2) requiring the applicant to consent to the Governor's office accessing records that would be necessary to investigate an alleged violation of constitutional or code of ethics requirements.

Sec. 10. BOARD AND COMMISSION APPLICATIONS; CRIMINAL RECORDS; PERSONAL FINANCIAL HISTORY; REPORT

(a) On or before December 1, 2022, the Office of Boards, Commissions, and Public Service shall report to the House and Senate Committees on Government Operations with a list of:

(1) State board or commission positions appointed by the Governor or designee for which personal financial records are relevant to an applicant's ability to perform the fiduciary responsibilities of the position; and

(2) State board or commission positions appointed by the Governor or designee for which criminal background checks are relevant to an applicant's ability to perform the duties and responsibilities of the position.

(b) As used in this section, "State board or commission" has the same meaning as in 2019 Acts and Resolves No. 61, Sec. 1.

* * * Effective Date * * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 10-1-0)

H. 475

An act relating to the classification system for criminal offenses

Rep. LaLonde of South Burlington, 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. 13 V.S.A. § 1023 is amended to read:

§ 1023. SIMPLE ASSAULT

(a) A person is guilty of simple assault if he or she:

(1) attempts to cause or purposely, knowingly, or recklessly causes bodily injury to another; or

(2) negligently causes bodily injury to another with a deadly weapon; or

(3) attempts by physical menace to put another in fear of imminent serious bodily injury.

(b) A person who is convicted of simple assault ~~shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00, unless the offense is committed in a fight or scuffle entered into by mutual consent, in which case a person convicted of simple assault shall be imprisoned not more than 60 days or fined not more than \$500.00, or both commits a Class D misdemeanor.

Sec. 2. 13 V.S.A. § 1024 is amended to read:

§ 1024. AGGRAVATED ASSAULT

(a) A person is guilty of aggravated assault if the person:

(1) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life;

(2) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon;

(3) for a purpose other than lawful medical or therapeutic treatment, the person intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to the other person without the other person's consent a drug, substance, or preparation capable of producing the intended harm;

(4) with intent to prevent a law enforcement officer from performing a lawful duty, the person causes physical injury to any person; or

(5) is armed with a deadly weapon and threatens to use the deadly weapon on another person.

(b) A person found guilty of violating a provision of subdivision (a)(1) or (2) of this section ~~shall be imprisoned for not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

(c) A person found guilty of violating a provision of subdivision (a)(3), (4), or (5) of this section ~~shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

* * *

Sec. 3. 13 V.S.A. § 1026 is amended to read:

§ 1026. DISORDERLY CONDUCT

(a) A person is guilty of disorderly conduct if ~~he or she~~ the person, with intent to cause public inconvenience or annoyance, or recklessly creates a risk thereof:

(1) engages in fighting or in violent, tumultuous, or threatening behavior;

(2) makes unreasonable noise;

(3) in a public place, uses abusive or obscene language;

(4) without lawful authority, disturbs any lawful assembly or meeting of persons; or

(5) obstructs vehicular or pedestrian traffic.

(b) A person who is convicted of disorderly conduct ~~shall be imprisoned for not more than 60 days or fined not more than \$500.00, or both. A person who is convicted of a second or subsequent offense under this section shall be imprisoned for not more than 120 days or fined not more than \$1,000.00, or both~~ commits a Class D misdemeanor.

Sec. 4. 13 V.S.A. § 1026a is amended to read:

§ 1026a. AGGRAVATED DISORDERLY CONDUCT

(a) A person is guilty of aggravated disorderly conduct if he or she engages in a course of conduct directed at a specific person with the intent to cause the person inconvenience or annoyance, or to disturb the person's peace, quiet, or right of privacy and:

(1) engages in fighting or in violent, tumultuous, or threatening behavior;

(2) makes unreasonable noise;

(3) in a public place, uses abusive or obscene language; or

(4) threatens bodily injury or serious bodily injury, or threatens to commit a felony crime of violence as defined in section 11a of this title.

(b) A person who is convicted of aggravated disorderly conduct ~~shall be imprisoned not more than 180 days or fined not more than \$2,000.00, or both~~ commits a Class C misdemeanor.

Sec. 5. 13 V.S.A. § 1027 is amended to read:

§ 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER
ELECTRONIC COMMUNICATIONS

(a) A person who, with intent to terrify, intimidate, threaten, harass, or annoy, makes contact by means of a telephonic or other electronic communication with another and makes any request, suggestion, or proposal that is obscene, lewd, lascivious, or indecent; threatens to inflict injury or physical harm to the person or property of any person; or disturbs, or attempts to disturb, by repeated telephone calls or other electronic communications, whether or not conversation ensues, the peace, quiet, or right of privacy of any person at the place where the communication or communications are received ~~shall be fined not more than \$250.00 or be imprisoned not more than three months, or both. If the defendant has previously been convicted of a violation of this section or of an offense under the laws of another state or of the United States that would have been an offense under this section if committed in this State, the defendant shall be fined not more than \$500.00 or imprisoned for not more than six months, or both~~ commits a Class D misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$250.00.

* * *

Sec. 6. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH
BODILY FLUIDS

(a)(1) A person convicted of a simple or aggravated assault against a protected professional as defined in subdivision (d)(1) of this section while the protected professional is performing a lawful duty, or with the intent to prevent the protected professional from performing ~~his or her~~ the professional's lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, ~~shall:~~

~~(1)(A) for the first offense, be imprisoned not more than one year~~ commits a Class B misdemeanor;

~~(2)(B)~~ for the second offense and subsequent offenses, ~~be imprisoned not more than 10 years~~ commits a Class C felony.

(2) Notwithstanding section 53 of this title, a person who violates this subsection shall not be subject to an additional fine beyond that provided in sections 1023 and 1024 of this title.

(b)(1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a protected professional while the person is performing a lawful duty.

~~(2) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

* * *

Sec. 7. 13 V.S.A. § 1028a is amended to read:

§ 1028a. ASSAULT OF CORRECTIONAL OFFICER; ASSAULT WITH
BODILY FLUIDS

(a)(1) A person convicted of a simple or aggravated assault against an employee of the Department of Corrections whose official duties or job classification includes the supervision or monitoring of a person on parole, probation, or serving any sentence of incarceration whether inside or outside a correctional facility, and who was performing a lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, ~~shall:~~

~~(1)(A) for the first offense, be imprisoned not more than one year~~ commits a Class B misdemeanor; and

~~(2)(B) for the second offense and subsequent offenses, be imprisoned not more than 10 years~~ commits a Class C felony.

(2) Notwithstanding section 53 of this title, a person who violates this subsection shall not be subject to an additional fine beyond that provided in sections 1023 and 1024 of this title.

(b) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with:

(1) any person lawfully present in a correctional facility unless the person's presence within the facility requires the contact; or

(2) an employee of a correctional facility acting in the scope of employment unless the employee's scope of employment requires the contact.

(c) A person who violates subsection (b) of this section ~~shall be imprisoned not more than two years or fined not more than \$1,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

(d) A sentence imposed for a conviction of this section shall be served consecutively with and not concurrently with any other sentence.

Sec. 8. 13 V.S.A. § 1030 is amended to read:

§ 1030. VIOLATION OF AN ABUSE PREVENTION ORDER, AN ORDER AGAINST STALKING OR SEXUAL ASSAULT, OR A PROTECTIVE ORDER CONCERNING CONTACT WITH A CHILD

(a) A person who intentionally commits an act prohibited by a court or who fails to perform an act ordered by a court, in violation of an abuse prevention order issued under 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69, a protective order that concerns contact with a child and is issued under 33 V.S.A. chapter 51, or an order against stalking or sexual assault issued under 12 V.S.A. chapter 178, after the person has been served notice of the contents of the order as provided in those chapters; or in violation of a foreign abuse prevention order or an order against stalking or sexual assault issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia ~~shall be imprisoned not more than one year or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor.

(b) A person who is convicted of a second or subsequent offense under this section or is convicted of an offense under this section and has previously been convicted of domestic assault under section 1042 of this title, first degree aggravated domestic assault under section 1043 of this title, or second degree aggravated domestic assault under section 1044 of this title ~~shall be imprisoned not more than three years or fined not more than \$25,000.00, or both~~ commits a Class E felony.

* * *

Sec. 9. 13 V.S.A. § 1031 is amended to read:

§ 1031. INTERFERENCE WITH ACCESS TO EMERGENCY SERVICES

A person who, during or after the commission of a crime, willfully prevents or attempts to prevent a person from seeking or receiving emergency medical assistance, emergency assistance from a third party, or emergency assistance

from law enforcement ~~shall be imprisoned not more than one year or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor.

Sec. 10. 13 V.S.A. § 1042 is amended to read:

§ 1042. DOMESTIC ASSAULT

Any person who attempts to cause or willfully or recklessly causes bodily injury to a family or household member or willfully causes a family or household member to fear imminent serious bodily injury ~~shall be imprisoned not more than 18 months or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor and shall, in addition to the penalty for that offense, be imprisoned not more than an additional six months.

Sec. 11. 13 V.S.A. § 1043 is amended to read:

§ 1043. FIRST DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of first degree aggravated domestic assault if the person:

(1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or

(2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or

(3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

(b) A person who commits the crime of first degree aggravated domestic assault ~~shall be imprisoned not more than 15 years or fined not more than \$25,000.00, or both~~ commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years.

(c) Conduct constituting the offense of first degree aggravated domestic assault under this section shall be considered a violent act for the purpose of determining bail.

Sec. 12. 13 V.S.A. § 1044 is amended to read:

§ 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of second degree aggravated domestic assault if the person:

(1) Commits the crime of domestic assault and such conduct violates:

(A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;

(B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;

(C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

(D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

(2) Commits the crime of domestic assault; and:

(A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or

(B) has a prior conviction for domestic assault under section 1042 of this title or a prior conviction in another jurisdiction for an offense that, if committed within the State, would constitute a violation of section 1042 of this title.

(3) As used in this subsection:

(A) “Issued in another jurisdiction” means issued by a court in any other state; in a federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(B) “Prior conviction in another jurisdiction” means a conviction issued by a court in any other state; in a federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(b) A person who commits the crime of second degree aggravated domestic assault ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

* * *

Sec. 13. 13 V.S.A. § 1062 is amended to read:

§ 1062. STALKING

Any person who intentionally stalks another person ~~shall be imprisoned not more than two years or fined not more than \$5,000.00, or both~~ commits a Class A misdemeanor.

Sec. 14 13 V.S.A. § 1063 is amended to read:

§ 1063. AGGRAVATED STALKING

(a) A person commits the crime of aggravated stalking if the person intentionally stalks another person, and:

(1) such conduct violates a court order that prohibits stalking and is in effect at the time of the offense;

(2) has been previously convicted of stalking or aggravated stalking;

(3) has been previously convicted of an offense an element of which involves an act of violence against the same person;

(4) the person being stalked is under 16 years of age; or

(5) had a deadly weapon, as defined in section 1021 of this title, in ~~his or her~~ the person's possession while engaged in the act of stalking.

(b) A person who commits the crime of aggravated stalking ~~shall be imprisoned not more than five years or be fined not more than \$25,000.00, or both~~ commits a Class D felony.

* * *

Sec. 15. 13 V.S.A. § 1201 is amended to read:

§ 1201. BURGLARY

(a) A person is guilty of burglary if ~~he or she~~ the person enters any building or structure knowing that ~~he or she~~ the person is not licensed or privileged to do so, with the intent to commit a felony, petit larceny, simple assault, or unlawful mischief. This provision shall not apply to a licensed or privileged entry, or to an entry that takes place while the premises are open to the public, unless the person, with the intent to commit a crime specified in this subsection, surreptitiously remains in the building or structure after the license or privilege expires or after the premises no longer are open to the public.

(b) As used in this section:

(1) “Building,” “premises,” and “structure” shall, in addition to their common meanings, include and mean any portion of a building, structure, or premises that differs from one or more other portions of such building, structure, or premises with respect to license or privilege to enter, or to being open to the public.

(2) “Occupied dwelling” means a building used as a residence, either full time or part time, regardless of whether someone is actually present in the building at the time of entry.

(c)(1) A person convicted of burglary ~~shall be imprisoned not more than 15 years or fined not more than \$1,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

(2) A person convicted of burglary and who carries a dangerous or deadly weapon, openly or concealed, shall, in addition to the penalty for the underlying crime, be imprisoned not more than ~~20~~ five years ~~or fined not more than \$10,000.00, or both.~~

(3) A person convicted of burglary into an occupied dwelling:

~~(A) shall be imprisoned not more than 25 years or fined not more than \$1,000.00, or both; or~~

~~(B) shall, in addition to the penalty for the underlying crime, be imprisoned not more than 30~~ five years ~~or fined not more than \$10,000.00, or both, if the person carried a dangerous or deadly weapon, openly or concealed, during commission of the offense.~~

(4) When imposing a sentence under this section, the court shall consider as an aggravating factor whether, during commission of the offense, the person entered the building when someone was actually present or used or threatened to use force against the occupant.

Sec. 16. 13 V.S.A. § 1204 is amended to read:

§ 1204. MAKING OR HAVING BURGLAR'S TOOLS

A person who manufactures or knowingly has in ~~his or her~~ the person's possession any engine, machine, tool, or implement, adapted and designed for cutting through, forcing or breaking open any building, room, vault, safe, or other depository, in order to steal therefrom money or other property, knowing the same to be adapted and designed for such purpose, with intent to use or employ the same therefor, ~~shall be imprisoned not more than 20 years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 17. 13 V.S.A. § 2405 is amended to read:

§ 2405. KIDNAPPING

* * *

~~(b) Kidnapping is punishable by a maximum sentence of life imprisonment or a fine of not more than \$50,000.00, or both a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00. It is, however, an affirmative defense which that reduces the penalty to imprisonment for not more than 30 years or a fine of not more than \$50,000.00, or both, a Class B felony that the defendant voluntarily caused the release of the victim alive in a safe place before arraignment without having caused serious bodily injury to the victim.~~

Sec. 18. 13 V.S.A. § 2406 is amended to read:

§ 2406. UNLAWFUL RESTRAINT IN THE SECOND DEGREE

(a) A person commits the crime of unlawful restraint in the second degree if the person:

(1) not being a relative of a person under ~~the age of~~ 18 years of age, knowingly takes, entices, or harbors that person, without the consent of the person's custodian, knowing that he or she has no right to do so; or

(2) knowingly takes or entices from lawful custody or harbors any person who is mentally incompetent, or other person entrusted by authority of law to the custody of another person or an institution, without the consent of the person or institution, knowing that he or she has no right to do so; or

(3) knowingly restrains another person.

(b) It is a defense to a prosecution under this section that the defendant acted reasonably and in good faith to protect the person from imminent physical or emotional danger.

(c) Unlawful restraint in the second degree is ~~punishable by imprisonment for not more than five years or a fine of not more than \$25,000.00, or both a~~ Class D felony.

Sec. 19. 13 V.S.A. § 2407 is amended to read:

§ 2407. UNLAWFUL RESTRAINT IN THE FIRST DEGREE

(a) A person commits the crime of unlawful restraint in the first degree if that person:

(1) knowingly restrains another person under circumstances exposing that person to a risk of serious bodily injury; or

(2) holds another person in a condition of involuntary servitude.

(b) Unlawful restraint in the first degree is ~~punishable by imprisonment for not more than 15 years or a fine of not more than \$50,000.00, or both a~~ Class C felony.

Sec. 20. 13 V.S.A. § 2451 is amended to read:

§ 2451. CUSTODIAL INTERFERENCE

(a) A person commits custodial interference by taking, enticing, or keeping a child from the child's lawful custodian, knowingly, without a legal right to do so, when the person is a relative of the child and the child is less than 18 years ~~old~~ of age.

(b) A person who commits custodial interference ~~shall be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a

Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

* * *

Sec. 21. 13 V.S.A. § 608 is amended to read:

§ 608. ASSAULT AND ROBBERY

(a) A person who assaults another and robs, steals, or takes from ~~his or her~~ the other person or in ~~his or her~~ the other person's presence money or other property that may be the subject of larceny ~~shall be imprisoned for not more than 10 years~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined.

(b) A person who, being armed with a dangerous weapon, assaults another and robs, steals, or takes from ~~his or her~~ the other person or in ~~his or her~~ the other person's presence money or other property that may be the subject of larceny shall, in addition to the penalty for the underlying crime, be imprisoned for not more than ~~15~~ five years nor less than one year.

(c) If in the attempt or commission of an offense under subsection (a) or (b) of this section, a person causes bodily injury, ~~such~~ the person shall, in addition to the penalty for the underlying crime, be imprisoned for not more than ~~20~~ five years nor less than one year. ~~Any penalty imposed under this subsection shall be in lieu of any penalty imposed under subsection (a) or (b) of this section.~~

Sec. 22. 13 V.S.A. § 2303 is amended to read:

§ 2303. PENALTIES FOR FIRST AND SECOND DEGREE MURDER

(a)(1) ~~The punishment for murder~~ Murder in the first degree shall be a Class A felony punishable by imprisonment for:

(A) a minimum term of not less than 35 years and a maximum term of life; or

(B) life without the possibility of parole.

(2) ~~The punishment for murder~~ Murder in the second degree shall be a Class A felony punishable by imprisonment for:

(A) a minimum term of not less than 20 years and a maximum term of life; or

(B) life without the possibility of parole.

(3) Notwithstanding any other provision of law, this subsection shall apply only if the murder was committed on or after ~~the effective date of this act~~ May 1, 2006.

(b) ~~The punishment for murder~~ Murder in the first degree shall be a Class A felony punishable by imprisonment for life and for a minimum term of 35 years unless a jury finds that there are aggravating or mitigating factors ~~which~~ that justify a different minimum term. If the jury finds that the aggravating factors outweigh any mitigating factors, the court may set a minimum term longer than 35 years, up to and including life without parole. If the jury finds that the mitigating factors outweigh any aggravating factors, the court may set a minimum term at less than 35 years but not less than 15 years.

(c) ~~The punishment for murder~~ Murder in the second degree shall be a Class A felony punishable by imprisonment for life and for a minimum term of 20 years unless a jury finds that there are aggravating or mitigating factors ~~which~~ that justify a different minimum term. If the jury finds that the aggravating factors outweigh any mitigating factors, the court may set a minimum term longer than 20 years, up to and including life without parole. If the jury finds that the mitigating factors outweigh any aggravating factors, the court may set a minimum term at less than 20 years but not less than 10 years.

* * *

(g) Subsections (b)–(f) of this section shall apply only if the murder was committed before ~~the effective date of this act~~ May 1, 2006, and:

(1) the defendant was not sentenced before ~~the effective date of this act~~ May 1, 2006; or

(2) the defendant's sentence was stricken and remanded for resentencing pursuant to the Vermont Supreme Court's decision in *State v. Provost*, 2005 VT 134 (2005).

(h) Notwithstanding section 53 of this title, a person who violates this section shall not be fined.

Sec. 23. 13 V.S.A. § 2304 is amended to read:

§ 2304. MANSLAUGHTER- PENALTIES

A person who commits manslaughter shall be fined not more than \$3,000.00 or imprisoned for not less than one year nor more than 15 years, or both commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that,

notwithstanding section 53 of this title, the person shall not be fined more than \$3,000.00.

Sec. 24. 13 V.S.A. § 1378 is amended to read:

§ 1378. NEGLECT

(a) A caregiver who intentionally or recklessly neglects a vulnerable adult ~~shall be imprisoned not more than 18 months or fined not more than \$10,000.00, or both~~ commits a Class B misdemeanor and shall, in addition to the penalty for that offense, be imprisoned not more than an additional six months.

(b) A caregiver who violates subsection (a) of this section, and as a result of such neglect, serious bodily injury occurs to the vulnerable adult, ~~shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

Sec. 25. 13 V.S.A. § 205 is amended to read:

§ 205. INTERMARRIAGE OF OR FORNICATION BY PERSONS
PROHIBITED TO MARRY

Persons between whom marriages are prohibited by the laws of this State ~~who shall not intermarry or commit fornication with each other shall be imprisoned not more than five years or fined not more than \$1,000.00, or both.~~ A person who violates this section commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

Sec. 26. 13 V.S.A. § 1379 is amended to read:

§ 1379. SEXUAL ABUSE

(a) A person who volunteers for or is paid by a caregiving facility or program shall not engage in any sexual activity with a vulnerable adult. It shall be an affirmative defense to a prosecution under this subsection that the sexual activity was consensual between the vulnerable adult and a caregiver who was hired, supervised, and directed by the vulnerable adult. A person who violates this subsection ~~shall be imprisoned for not more than two years or fined not more than \$10,000.00, or both~~ commits a Class A misdemeanor.

(b) No person, whether or not the person has actual knowledge of the victim's vulnerable status, shall engage in sexual activity with a vulnerable adult if:

(1) the vulnerable adult does not consent to the sexual activity; or

(2) the person knows or should know that the vulnerable adult is incapable of resisting, declining, or consenting to the sexual activity due to his or her specific vulnerability or due to fear of retribution or hardship.

(c) A person who violates subsection (b) of this section shall be:

(1) ~~imprisoned for not more than five years or fined not more than \$10,000.00, or both,~~ commits a Class D felony if the sexual activity involves lewd and lascivious conduct;

(2) ~~imprisoned for not more than 20 years or fined not more than \$10,000.00, or both~~ commits a Class B felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00, if the sexual activity involves a sexual act.

(d) A caregiver who violates subsection (b) of this section shall be:

(1) ~~imprisoned for not more than seven years or fined not more than \$10,000.00, or both~~ commits a Class D felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional two years, if the sexual activity involves lewd and lascivious conduct.

(2) ~~imprisoned for not more than 25 years or fined not more than \$10,000.00, or both~~ commits a Class B felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00, if the sexual activity involves a sexual act.

Sec. 27. 13 V.S.A. § 2601 is amended to read:

§ 2601. LEWD AND LASCIVIOUS CONDUCT

A person guilty of open and gross lewdness and lascivious behavior ~~shall be imprisoned not more than five years or fined not more than \$300.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00.

Sec. 28. 13 V.S.A. § 2601a is amended to read:

§ 2601a. PROHIBITED CONDUCT

(a) No person shall engage in open and gross lewdness.

(b) A person who violates this section shall:

~~(1) be imprisoned not more than one year or fined not more than \$300.00, or both commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00, for a first offense; and~~

~~(2) be imprisoned not more than two years or fined not more than \$1,000.00, or both commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00, for a second or subsequent offense.~~

Sec. 29. 13 V.S.A. § 2602 is amended to read:

§ 2602. LEWD OR LASCIVIOUS CONDUCT WITH CHILD

(a)(1) No person shall willfully and lewdly commit any lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of 16 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of such person or of such child.

(2) This section shall not apply if the person is less than 19 years old, the child is at least 15 years old, and the conduct is consensual.

(b) A person who violates subsection (a) of this section ~~shall be:~~

~~(1) For a first offense, imprisoned not less than two years and not more than 15 years, and, in addition, may be fined not more than \$5,000.00, or both commits a Class C felony provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00 and shall:~~

~~(A) in addition to the penalty for that offense, be imprisoned not more than an additional five years; and~~

~~(B) be imprisoned not less than two years.~~

~~(2) For a second offense, imprisoned not less than five years and a maximum term of life, and, in addition, may be fined not more than \$25,000.00, or both commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than five years.~~

~~(3) For a third or subsequent offense, imprisoned not less than 10 years and a maximum term of life, and, in addition, may be fined not more than \$25,000.00, or both commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than 10 years.~~

(c)(1) Except as provided in subdivision (2) of this subsection, a sentence ordered pursuant to subdivision (b)(2) of this section shall include at least a

five-year term of imprisonment and a sentence ordered pursuant to subdivision (b)(3) of this section shall include at least a 10-year term of imprisonment. The five-year and 10-year terms of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year or 10-year term of imprisonment.

(2) The court may depart downwardly from the five-year and 10-year terms of imprisonment required by subdivisions (b)(2) and (3) of this section and impose a lesser term of incarceration if the court makes written findings on the record that the downward departure will serve the interests of justice and public safety.

(d) A person convicted of violating subdivision (b)(2) or (3) of this section shall be sentenced under section 3271 of this title.

* * *

Sec. 30. 13 V.S.A. § 2605 is amended to read:

§ 2605. VOYEURISM

* * *

(b) No person shall intentionally view, photograph, film, or record in any format:

(1) the intimate areas of another person without that person's knowledge and consent while the person being viewed, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy; or

(2) the intimate areas of another person without that person's knowledge and consent and under circumstances in which the person has a reasonable expectation of privacy.

(c) No person shall display or disclose to a third party any image recorded in violation of subsection (b), (d), or (e) of this section.

(d) No person shall intentionally conduct surveillance or intentionally photograph, film, or record in any format a person without that person's knowledge and consent while the person being surveilled, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy within a home or residence. Bona fide private investigators and bona fide security guards engaged in otherwise lawful activities within the scope of their employment are exempt from this subsection.

(e) No person shall intentionally photograph, film, or record in any format a person without that person's knowledge and consent while that person is in a place where a person has a reasonable expectation of privacy and that person is engaged in sexual conduct.

* * *

(j) For a first offense, ~~a person who violates subsection (b), (d), or (e) of this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00. For a second or subsequent offense, a person who violates subsection (b), (d), or (e) of this section ~~shall be imprisoned not more than three years or fined not more than \$5,000.00, or both~~ commits a Class E felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00. A person who violates subsection (c) of this section ~~shall be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

Sec. 31. 13 V.S.A. § 2606 is amended to read:

§ 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT
CONSENT

* * *

(b)(1) A person violates this section if he or she knowingly discloses a visual image of an identifiable person who is nude or who is engaged in sexual conduct, without his or her consent, with the intent to harm, harass, intimidate, threaten, or coerce the person depicted, and the disclosure would cause a reasonable person to suffer harm. A person may be identifiable from the image itself or information offered in connection with the image. Consent to recording of the visual image does not, by itself, constitute consent for disclosure of the image. A person who violates this subdivision (1) ~~shall be imprisoned not more than two years or fined not more than \$2,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00.

(2) A person who violates subdivision (1) of this subsection with the intent of disclosing the image for financial profit ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

* * *

Sec. 32. 13 V.S.A. § 2632 is amended to read:

§ 2632. PROSTITUTION

(a) A person shall not:

(1) occupy a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(2) knowingly permit a place, structure, building, or conveyance owned by the person or under the person's control to be used for the purpose of prostitution, lewdness, or assignation;

(3) receive or offer, or agree to receive, a person into a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(4) permit a person to remain in a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(5) direct, take or transport, or offer or agree to take or transport a person to a place, structure, building, or conveyance or to any other person knowingly, or with reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

(6) procure or solicit or offer to procure or solicit a person for the purpose of prostitution, lewdness, or assignation;

(7) reside in, enter or remain in a place, structure, or building or enter or remain in a conveyance for the purpose of prostitution, lewdness, or assignation;

(8) engage in prostitution, lewdness, or assignation; or

(9) aid or abet prostitution, lewdness, or assignation, by any means whatsoever.

(b) A person who violates a provision of subsection (a) of this section ~~shall be fined not more than \$100.00 or may be imprisoned not more than one year~~ commits a Class B misdemeanor. For a second offense, such person ~~shall be imprisoned for not more than three years~~ commits a Class A misdemeanor. Notwithstanding section 53 of this title, a person who violates this section shall not be fined more than \$100.00.

Sec. 33. 13 V.S.A. § 2635 is amended to read:

§ 2635. SLAVE TRAFFIC

(a) A person shall not:

(1) induce, entice, or procure a person to come into the State or to go from the State for the purpose of prostitution or for any immoral purpose or to enter a house of prostitution in the State;

(2) willfully or knowingly aid such person in obtaining transportation to or within the State for such purposes;

(3) place a person in the charge or custody of another person for immoral purposes or in a house of prostitution;

(4) induce, entice, procure, or compel such person to reside in a house of prostitution; or

(5) induce, entice, procure, or compel such person to live a life of prostitution.

~~(b) A person violating a provision hereof shall be imprisoned not more than 10 years nor less than one year or fined not more than \$2,000.00 nor less than \$200.00, or both~~ who violates this section commits a Class C felony and shall be imprisoned not less than one year, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.

Sec. 34. 13 V.S.A. § 2636 is amended to read:

§ 2636. UNLAWFUL PROCUREMENT

(a) A person shall not:

(1) induce, entice, procure, or compel a person, for the purpose of prostitution or for any other immoral purposes, to enter a house of prostitution;

(2) receive money or other valuable consideration for or on account of placing a person in a house of prostitution;

(3) pay money or other valuable consideration to procure a person for the purpose of placing such person for immoral purposes in a house of prostitution, with or without the person's consent; or

(4) knowingly receive money or other valuable thing for or on account of procuring or placing a person in a house of prostitution for immoral purposes, with or without the person's consent.

~~(b) A person violating a provision hereof shall be punished as provided in section 2635 of this title~~ who violates this section commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.

Sec. 35. 13 V.S.A. § 2637 is amended to read:

§ 2637. APPROPRIATING OR LEVYING UPON EARNINGS OF
PROSTITUTE

(a) A person shall not:

(1) hold, detain, or restrain a person in a house of prostitution for the purpose of compelling such person, directly or indirectly, by the person's voluntary or involuntary service or labor, to pay, liquidate, or cancel a debt, dues, or obligations incurred or claimed to have been incurred in such house of prostitution; or

(2) accept, receive, levy, or appropriate money or other valuable thing from the proceeds or earnings of a person engaged in prostitution.

(b) An acceptance, receipt, levy, or appropriation of such money or valuable thing shall be presumptive evidence of lack of consideration.

(c) A person who violates a provision of this section ~~shall be punished as provided in section 2635 of this title~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.

Sec. 36. 13 V.S.A. § 2652 is amended to read:

§ 2652. HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) recruit, entice, harbor, transport, provide, or obtain by any means a person ~~under the age of 18 years of age~~ for the purpose of having the person engage in a commercial sex act;

(2) recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act;

(3) compel a person through force, fraud, or coercion to engage in a commercial sex act;

(4) benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture;

(5) subject a person to labor servitude;

(6) recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude; or

(7) benefit financially or by receiving anything of value from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for a term up to and including life or fined not more than \$500,000.00, or both~~ commits a Class A felony.

* * *

Sec. 37. 13 V.S.A. § 2653 is amended to read:

§ 2653. AGGRAVATED HUMAN TRAFFICKING

(a) A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:

(1) the offense involves a victim of human trafficking who is a child ~~under the age of 18 years of age;~~

(2) the person has previously been convicted of a violation of section 2652 of this title;

(3) the victim of human trafficking suffers serious bodily injury or death; or

(4) the actor commits the crime of human trafficking under circumstances that constitute the crime of sexual assault as defined in section 3252 of this title, aggravated sexual assault as defined in section 3253 of this title, or aggravated sexual assault of a child as defined in section 3253a of this title.

(b) A person who violates this section ~~shall be imprisoned not less than 20 years and a maximum term of life or fined not more than \$100,000.00, or both~~ commits a Class A felony and shall be imprisoned not less than 20 years.

(c) The provisions of this section do not limit or restrict the prosecution for murder or manslaughter.

Sec. 38. 13 V.S.A. § 2654 is amended to read:

§ 2654. PATRONIZING OR FACILITATING HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) permit a place, structure, or building owned by the person or under the person's control to be used for the purpose of human trafficking;

(2) receive or offer or agree to receive or offer a person into a place, structure, or building for the purpose of human trafficking; or

(3) permit a person to remain in a place, structure, building, or conveyance for the purpose of human trafficking.

(b) A person who violates this section ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

Sec. 39. 13 V.S.A. § 2655 is amended to read:

§ 2655. SOLICITATION

(a) No person shall knowingly solicit a commercial sex act from a victim of human trafficking.

(b) A person who violates this section ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

Sec. 40. 13 V.S.A. § 2802b is amended to read:

§ 2802b. MINOR ELECTRONICALLY DISSEMINATING INDECENT

MATERIAL TO ANOTHER PERSON

(a)(1) No minor shall knowingly and voluntarily and without threat or coercion use a computer or electronic communication device to transmit an indecent visual depiction of ~~himself or herself~~ themselves to another person.

(2) No person shall possess a visual depiction transmitted to the person in violation of subdivision (1) of this subsection. It shall not be a violation of this subdivision if the person took reasonable steps, whether successful or not, to destroy or eliminate the visual depiction.

(b) Penalties; minors.

(1) Except as provided in subdivision (3) of this subsection, a minor who violates subsection (a) of this section shall be adjudicated delinquent. An action brought under this subdivision (1) shall be filed in family court and treated as a juvenile proceeding pursuant to 33 V.S.A. chapter 52, and may be referred to the juvenile diversion program of the district in which the action is filed.

(2) A minor who violates subsection (a) of this section and who has not previously been adjudicated in violation of that section shall not be prosecuted under chapter 64 of this title (sexual exploitation of children), and shall not be subject to the requirements of chapter 167, subchapter 3 of this title (sex offender registration).

(3) A minor who violates subsection (a) of this section who has previously been adjudicated in violation of that section may be adjudicated in ~~family court~~ as the Family Division under subdivision (b)(1) of this section or prosecuted ~~for a Class C misdemeanor in district court~~ the Criminal Division under chapter 64 of this title (sexual exploitation of children), but shall not be subject to the requirements of chapter 167, subchapter 3 of this title (sex offender registration), provided that, notwithstanding section 53 of this title, the minor shall not be fined.

(4) Notwithstanding any other provision of law, the records of a minor who is adjudicated delinquent under this section shall be expunged when the minor reaches 18 years of age.

(c) Penalties; adults. A person 18 years of age or older who violates subdivision (a)(2) of this section ~~shall be fined not more than \$300.00 or imprisoned for not more than six months, or both~~ commits a Class C misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00.

* * *

Sec. 41. 13 V.S.A. § 2807 is amended to read:

§ 2807. PENALTY

A person who violates any provision of section 2802, 2802a, 2803, 2804, 2804a, or 2804b of this title ~~shall be imprisoned not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

Sec. 42. 13 V.S.A. § 2825 is amended to read:

§ 2825. PENALTIES

(a) A person who violates section 2822, 2823, or 2824 of this title ~~shall be imprisoned not more than 10 years or fined not more than \$20,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$20,000.00.

(b) Upon conviction for a violation of section 2822, 2823, or 2824 of this title of a person who has earlier been convicted under any of those sections, the person shall be ~~imprisoned not less than one year nor more than 15 years or fined not more than \$50,000.00, or both~~ punished for a Class C felony and shall:

(1) in addition to the penalty for that offense, be imprisoned not more than an additional five years; and

(2) be imprisoned not less than one year.

(c) A person who violates section 2827 this title by possessing or accessing with intent to view a photograph, film, or visual depiction, including a depiction stored electronically, ~~which~~ that constitutes:

(1) a clearly lewd exhibition of a child's genitals or anus, other than a depiction of sexual conduct by a child, ~~shall be imprisoned not more than two years or fined not more than \$5,000.00, or both~~ commits a Class A misdemeanor;

(2) sexual conduct by, with, or on a child, ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

(d) A person who violates section 2827 of this title after being convicted of a previous violation of the same section ~~shall be imprisoned not more than 10 years or fined not more than \$50,000.00, or both~~ commits a Class C felony.

(e) A person who violates section 2828 of this title ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 43. 13 V.S.A. § 3252 is amended to read:

§ 3252. SEXUAL ASSAULT

* * *

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section ~~shall be imprisoned not less than three years and for a maximum term of life and, in addition, may be fined not more than \$25,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than three years.

(2) A person who violates subsection (c) of this section ~~shall be imprisoned for not more than 20 years, and, in addition, may be fined not more than \$10,000.00~~ commits a Class B felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

* * *

Sec. 44. 13 V.S.A. § 3253 is amended to read:

§ 3253. AGGRAVATED SEXUAL ASSAULT

(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances ~~which~~ that constitute the crime of kidnapping.

(4) The actor has previously been convicted in this State of sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense ~~which~~ that would constitute sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault if committed in this State.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is under ~~the age of~~ 13 years of age and the actor is at least 18 years of age.

(9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence, or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) A person who commits the crime of aggravated sexual assault ~~shall be imprisoned not less than ten years and a maximum term of life, and, in addition, may be fined not more than \$50,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00, and shall be imprisoned not less than 10 years.

(c)(1) Except as provided in subdivision (2) of this subsection, a sentence ordered pursuant to subsection (b) of this section shall include at least a ten-year term of imprisonment. The ten-year term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation,

parole, furlough, or any other type of early release until the expiration of the five-year or ten-year term of imprisonment.

(2) The court may depart downwardly from the ten-year term of imprisonment required by subsection (b) of this section and impose a lesser term of incarceration if the court makes written findings on the record that the downward departure will serve the interests of justice and public safety, provided that in no event may the court impose a term of incarceration of less than five years.

* * *

Sec. 45. 13 V.S.A. § 3253a is amended to read:

§ 3253a. AGGRAVATED SEXUAL ASSAULT OF A CHILD

(a) A person commits the crime of aggravated sexual assault of a child if the actor is at least 18 years of age and commits sexual assault against a child ~~under the age of 16 years of age~~ in violation of section 3252 of this title and at least one of the following circumstances exists:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances ~~which~~ that constitute the crime of kidnapping.

(4) The actor has previously been convicted in this State of sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this title, or aggravated sexual assault of a child under this section, or has been convicted in any jurisdiction in the United States or territories of an offense ~~which~~ that would constitute sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this title, or aggravated sexual assault of a child under this section if committed in this State.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another, and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence, or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) A person who commits the crime of aggravated sexual assault of a child ~~shall be imprisoned for not less than 25 years with a maximum term of life, and, in addition, may be fined not more than \$50,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00. A sentence ordered pursuant to subsection (b) of this section shall include at least a 25-year term of imprisonment. The 25-year term of imprisonment required by this subsection shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the 25-year term of imprisonment.

Sec. 46. 13 V.S.A. § 3257 is amended to read:

§ 3257. SEXUAL EXPLOITATION OF A PERSON UNDER THE

SUPERVISION OF THE DEPARTMENT OF CORRECTIONS

(a) A correctional employee, contractor, or other person providing services to offenders on behalf of the Department of Corrections or pursuant to a court order or in accordance with a condition of parole, probation, supervised community sentence, or furlough shall not engage in a sexual act with:

(1) a person who the employee, contractor, or other person providing services knows is confined to a correctional facility; or

(2) any offender being supervised by the Department of Corrections while on parole, probation, supervised community sentence, or furlough, where the employee, contractor, or other service provider knows or reasonably should have known that the offender is being supervised by the Department, unless the offender and the employee, contractor, or person providing services were married, parties to a civil union, or engaged in a consensual sexual relationship at the time of sentencing for the offense for which the offender is being supervised by the Department.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 47. 13 V.S.A. § 3258 is amended to read:

§ 3258. SEXUAL EXPLOITATION OF A MINOR

(a) No person shall engage in a sexual act with a minor if:

(1) the actor is at least 48 months older than the minor; and

(2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00.

(c) A person who violates subsection (a) of this section and who abuses ~~his or her~~ the person's position of power, authority, or supervision over the minor in order to engage in a sexual act ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 48. 13 V.S.A. § 3259 is amended to read:

§ 3259. SEXUAL EXPLOITATION OF A PERSON IN THE CUSTODY OF
A LAW ENFORCEMENT OFFICER

(a) No law enforcement officer shall engage in a sexual act with a person whom the officer is detaining, arresting, or otherwise holding in custody or who the officer knows is being detained, arrested, or otherwise held in custody by another law enforcement officer.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 49. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 11-0-0)

H. 512

An act relating to modernizing land records and notarial acts law

Rep. Kimbell of Woodstock, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND INTENT

(a) The General Assembly finds:

(1) Uniform laws, standards, and best practices provide desirable and practicable uniformity that:

(A) benefits core aspects of government operations and commerce;

(B) facilitates intrastate and interstate business transactions, commerce, and economic development; and

(C) provides consistency for individuals and businesses.

(2) Notarial acts and the recording of deeds and other property records are:

(A) core aspects of government operations and commerce that benefit from uniformity; and

(B) common intrastate and interstate business transactions that should be consistent and facilitated through the enactment of uniform laws and adoption of uniform standards and best practices.

(3) The Uniform Law Commission, also known as the National Conference of Commissioners on Uniform State Laws, has adopted uniform laws related to notarial acts and the recording of deeds and other property records that have been accepted and enacted into law by a substantial number of states, including:

(A) the Revised Uniform Law on Notarial Acts or “RULONA” of 2010, which was enacted by the General Assembly pursuant to 2018 Acts and Resolves No. 160 to govern actions by a notary public;

(B) the Uniform Electronic Transaction Act or “UETA” of 1999, which was enacted by the General Assembly pursuant to 2003 Acts and Resolves No. 46 to establish the legal equivalence of electronic records and signatures with paper records and manually signed signatures and remove barriers to electronic commerce; and

(C) the Uniform Real Property Electronic Recording Act or “URPERA” of 2004, which has not been enacted by the General Assembly to allow local recording offices to accept deeds and other property records in electronic form and to provide electronic access to recordings.

(4) The COVID-19 pandemic exacerbated the need to modernize:

(A) notarial acts to include those performed on electronic records and for remotely located individuals; and

(B) the acceptance, recording, and availability of deeds and other property records in electronic form.

(5) The COVID-19 pandemic underscored the need for approaches to modernization that are carefully planned; coordinated and comprehensive; multi-jurisdictional; and include fiscal, governance, and operational sustainability.

(b) Therefore, it is the intent of the General Assembly to provide a practical step forward to modernizing notarial acts and the recording of deeds and other property records in the State of Vermont through legislation that promotes uniformity within Vermont and with other states, specifically:

(1) uniform laws that have been accepted and enacted into law by a substantial number of states;

(2) uniform standards and best practices that have been accepted and adopted by a substantial number of states; and

(3) uniform approaches to modernization that are carefully planned; coordinated; comprehensive; multi-jurisdictional; and have fiscal, governance, and operational sustainability.

Sec. 2. 27 V.S.A. chapter 5, subchapter 8 is added to read:

Subchapter 8. Uniform Real Property Electronic Recording Act

§ 621. SHORT TITLE

This subchapter may be cited as the Uniform Real Property Electronic Recording Act.

§ 622. DEFINITIONS

For the purposes of this subchapter:

(1) “Document” means information that is:

(A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) eligible to be recorded in the land records maintained by the recorder.

(2) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic document” means a document that is received by the recorder in an electronic form.

(4) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(5) “Person” means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; public corporation; government; governmental subdivision, agency, or instrumentality; or any other legal or commercial entity.

(6) “Recorder” means a town clerk, pursuant to 24 V.S.A. § 1154, or a county clerk, pursuant to subchapter 3 of this chapter, responsible for recording deeds and other instruments or evidences respecting real estate.

(7) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

§ 623. VALIDITY OF ELECTRONIC DOCUMENTS

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this subchapter.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

§ 624. RECORDING OF DOCUMENTS

(a) In this section, “paper document” means a document that is received by the recorder in a form that is not electronic.

(b) A recorder:

(1) who implements any of the functions listed in this section shall do so in compliance with the most recent standards and best practices;

(2) may receive, index, store, transmit, and preserve electronic documents;

(3) may provide for access to, and for search and retrieval of, documents and information by electronic means;

(4) who accepts electronic documents for recording shall continue to accept paper documents as authorized by State law and shall place entries for both types of documents in the same index;

(5) may convert paper documents accepted for recording into electronic form;

(6) may convert into electronic form information recorded before the recorder began to record electronic documents;

(7) may accept electronically any fee the recorder is authorized to collect; and

(8) may agree with other officials of this State or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

§ 625. STANDARDS AND BEST PRACTICES

To ensure consistency in the standards and best practices of, and the technologies used by, recorders in this State, recorders shall, so far as is consistent with the purposes, policies, and provisions of this subchapter, seek services from the Vermont State Archives and Records Administration pursuant to 3 V.S.A. § 117.

§ 626. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This subchapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7001, et seq.) but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. § 7003(b)).

Sec. 3. VERMONT STATE ARCHIVES AND RECORDS

ADMINISTRATION; REPORT

(a) On or before January 15, 2024, the Vermont State Archives and Records Administration, in consultation with the Joint Fiscal Office, the Vermont League of Cities and Towns, the Vermont Municipal Clerks' and Treasurers' Association, and other interested parties, shall submit a report to the House Committees on Commerce and Economic Development and Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and Government Operations concerning the fiscal, governance, and operational sustainability of uniform

approaches to the modernization of the acceptance, recording, and availability of deeds and other property records in electronic form.

(b) The report shall be based on analyses of the following:

(1) services requested by recorders pursuant to 27 V.S.A. § 625 to achieve consistency and uniformity in standards and best practices;

(2) systems currently deployed by recorders and associated costs; and

(3) anticipated recorder costs to transition to electronic recording pursuant to 27 V.S.A. chapter 5, subchapter 8.

(c) On or before January 15, 2023, the Vermont State Archives and Records Administration shall prepare an interim report concerning the information and analyses required by this section and submit the interim report to the House Committees on Commerce and Economic Development and Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and Government Operations

Sec. 4. VERMONT STATE ARCHIVES AND RECORDS

ADMINISTRATION; POSITION

There is created within Vermont State Archives and Records Administration one new permanent classified position to facilitate and provide the services described in 27 V.S.A. § 625. Any funding necessary to support the position created in this section shall be derived from the Secretary of State Services Fund, with no General Fund dollars.

Sec. 5. 26 V.S.A. chapter 103 is amended to read:

CHAPTER 103. NOTARIES PUBLIC

* * *

§ 5304. DEFINITIONS

As used in this chapter:

* * *

(4) “Communication technology” means an electronic device or process operating in accordance with section 5380 of this chapter and any standards adopted by the Office pursuant to section 5323 of this chapter that:

(A) allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(B) when necessary and consistent with other applicable laws, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

(5) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(5)(6) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(7) “Foreign state” means a government other than the United States, a state, or a federally recognized Indian tribe.

(8) “Identity proofing” means a process or service operating in accordance with section 5380 of this chapter and any standards adopted by the Office pursuant to section 5323 of this chapter by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(6)(9) “In a representative capacity” means acting as:

* * *

(7)(10)(A) “Notarial act” means an act, whether performed with respect to a tangible or an electronic record, that a notary public may perform under the law of this State. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

* * *

~~(8)(11) “Notarial officer” means an individual authorized to perform a notarial act under authority and within the jurisdiction of another state, under authority and within the jurisdiction of a federally recognized Indian tribe, under authority of federal law, under authority and within the jurisdiction of a foreign state or constituent unit of the foreign state, or under authority of a multinational or international governmental organization a notary public or other individual authorized to perform a notarial act.~~

(9)(12) “Notary public” means an individual commissioned to perform a notarial act by the Office.

(10)(13) “Office” means the Office of Professional Regulation within the Office of the Secretary of State.

~~(11)~~(14) “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic process, seal, or image or ~~electronic information~~ attached to or logically associated with an electronic record.

(15) “Outside the United States” means a location outside the geographic boundaries of the United States; Puerto Rico; the U.S. Virgin Islands; and any territory, insular possession, or other location subject to the jurisdiction of the United States.

~~(12)~~(16) “Person” means an individual, corporation, business trust, statutory trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

~~(13)~~(17) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(18) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act under section 5379 of this chapter.

~~(14)~~(19) “Sign” means, with present intent to authenticate or adopt a record:

* * *

~~(15)~~(20) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

~~(16)~~(21) “Stamping device” means:

* * *

~~(17)~~(22) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~(18)~~(23) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notary public, that a statement in a record is true.

* * *

§ 5323. RULES

(a) The Office, with the advice of the advisor appointees, may adopt rules to implement this chapter. The rules may:

* * *

(4) prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking the commission or special commission endorsement of or otherwise disciplining a notary public and assuring the trustworthiness of an individual holding a commission or special commission endorsement as notary public;

(5) include provisions to prevent fraud or mistake in the performance of notarial acts; ~~and~~

~~(6) prescribe standards for remote online notarization, including standards for credential analysis, the process through which a third person affirms the identity of an individual, the methods for communicating through a secure communication link, the means by which the remote notarization is certified, and the form of notice to be appended disclosing the fact that the notarization was completed remotely on any document acknowledged through remote online notarization~~ the means of performing a notarial act involving a remotely located individual using communication technology;

(7) establish standards for communication technology and identity proofing;

(8) establish standards and a period for the retention of an audiovisual recording created under section 5379 of this chapter; and

(9) prescribe methods for a notary public to confirm, under subsections 5379(c) and (d) of this chapter, the identity of a tangible record.

(b) Rules adopted regarding the performance of notarial acts with respect to electronic records and remote online notarization may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. In adopting, amending, or repealing rules regarding notarial acts with respect to electronic records and remote online notarization, the Office shall consider, as far as is consistent with this chapter:

(1) the most recent standards regarding electronic records ~~and remote online notarization~~ promulgated by national bodies, such as the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that have laws substantially enaet similar to this chapter; and

* * *

~~(c) Neither electronic notarization nor remote online notarization shall be allowed until the Secretary of State has adopted rules and prescribed standards in these areas. [Repealed.]~~

§ 5324. FEES

~~(a) For the issuance of a commission as a notary public, the Office shall collect a fee of \$15.00 \$30.00.~~

~~(b) For issuance of a special endorsement authorizing the performance of electronic and remote notarial acts in accordance with subsection 5341(d) of this chapter, the Office shall collect a fee of \$30.00.~~

* * *

§ 5341. COMMISSION AS NOTARY PUBLIC; QUALIFICATIONS; NO IMMUNITY OR BENEFIT

* * *

~~(d) Upon compliance with this section, the Office shall issue a commission as a notary public to an applicant, which shall be valid through the then current commission term end date A notary public shall not perform a notarial act on an electronic record or for a remotely located individual without obtaining a special endorsement from the Office. A notary public shall hold a notary public commission to be eligible for a special endorsement to perform notarial acts on electronic records and for remotely located individuals. The Office shall adopt rules for obtaining and regulating a special commission endorsement authorizing a notary public to perform notarial acts on electronic records and for remotely located individuals. These rules shall require notaries public performing notarial acts on electronic records and for remotely located individuals to ensure the communication technology and identity proofing used for the performance of the notarial act on electronic records or for remotely located individuals comply with the requirements of section 5380 of this chapter and any rules adopted by the Office in accordance with section 5323 of this chapter. A notary public shall apply for the special commission endorsement for the performance of notarial acts on electronic records and for remotely located individuals by filing with the Office an application provided by the Office accompanied by the required fees and evidence of eligibility, as required in rules adopted by the Office in accordance with section 5323 of this chapter.~~

~~(e) A commission to act as a notary public authorizes the notary public to perform notarial acts except for notarial acts on electronic records or for remotely located individuals. A commission with a special endorsement issued under subsection (d) of this section authorizes a notary public to~~

perform notarial acts on electronic records and for remotely located individuals. The commission does not provide the notary public any immunity or benefit conferred by law of this State on public officials or employees.

* * *

§ 5362. AUTHORIZED NOTARIAL ACTS

(a) A notary public may perform a notarial act as authorized by and in accordance with the requirements of this chapter or otherwise by law of this State.

* * *

(c) A notary public may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

§ 5363. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS

* * *

(e) Copies. A notary public who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

§ 5364. PERSONAL APPEARANCE REQUIRED

(a) If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notary public.

(b) ~~The requirement for a personal appearance is satisfied if:~~

~~(1) the notary public and the person executing the signature are in the same physical place; or~~

~~(2) the notary public and the person are communicating through a secure communication link using protocols and standards prescribed in rules adopted by the Secretary of State pursuant to the rulemaking authority set forth in this chapter. [Repealed.]~~

* * *

§ 5368. SHORT-FORM CERTIFICATES

The following short-form certificates of notarial acts shall be sufficient for the purposes indicated, if completed with the information required by subsections 5367(a) and (b) of this chapter:

* * *

(5) For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession of _____

Dated _____

Signature of notarial officer _____

Stamp _____

Title of office _____ [My commission expires: _____]

* * *

§ 5371. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL
ACT ON ELECTRONIC RECORD; SELECTION OF
TECHNOLOGY

(a) A notary public holding a special commission endorsement pursuant to subsection 5341(d) of this title and who is thus authorized to perform notarial acts on electronic records may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records ~~from the tamper-evident technologies approved by the Office by rule.~~ A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) ~~Before a notary public performs the notary public's initial notarial act with respect to an electronic record, the notary public shall notify the Office that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use from the list of technologies approved by the Office by rule. If the Office has established standards by rule for approval of technology pursuant to section 5323 of this chapter, the technology shall conform to the standards. If the technology conforms to the standards, the Office shall approve the use of the technology~~ A recorder, as defined in 27 V.S.A. § 622, may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notary public executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

* * *

§ 5379. NOTARIAL ACT PERFORMED FOR REMOTELY LOCATED
INDIVIDUAL

(a) A remotely located individual may comply with section 5364 of this chapter by using communication technology to appear before a notary public with a special commission endorsement.

(b) A notary public located in this State may perform a notarial act using communication technology for a remotely located individual if:

(1) the notary public holds a special commission endorsement pursuant to subsection 5341(d) of this title;

(2) the notary public:

(A) has personal knowledge under subsection 5365(a) of this chapter of the identity of the individual;

(B) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under subsection 5365(b) of this chapter; or

(C) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;

(3) the notary public is reasonably able to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;

(4) the notary public, or a person acting on behalf of the notary public, creates an audiovisual recording of the performance of the notarial act; and

(5) for a remotely located individual located outside the United States:

(A) the record:

(i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or

(ii) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(B) the act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

(c) A notary public in this State may use communication technology under subsection (b) of this section to take an acknowledgement of a signature on a tangible record physically present before the notary public if the record is

displayed to and identified by the remotely located individual during the audiovisual recording under subdivision (b)(4) of this section.

(d) The requirement under subdivision (b)(3) of this section for the performance of a notarial act with respect to a tangible record not physically present before the notary public is satisfied if:

(1) the remotely located individual:

(A) during the audiovisual recording under subdivision (b)(4) of this section, signs:

(i) the record; and

(ii) a declaration, in substantially the following form, that is part of or securely attached to the record:

I declare under penalty of perjury that the record of which this declaration is part or to which it is attached is the same record on which (name of notary public), a notary public, performed a notarial act and before whom I appeared by means of communication technology on _____ (date).

Signature _____ of _____ remotely located individual

Printed name _____ of _____ remotely located individual _____; and

(B) sends the record and declaration to the notary public not later than three days after the notarial act was performed; and

(2) the notary public:

(A) in the audiovisual recording under subdivision (b)(4) of this section, records the individual signing the record and declaration; and

(B) after receipt of the record and declaration from the individual, executes a certificate of notarial act under section 5367 of this chapter, which must include a statement in substantially the following form:

I, (name of notary public), witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date).

(e) A notarial act performed in compliance with subsection (d) of this section complies with subdivision 5367(a)(1) of this chapter and is effective on the date the remotely located individual signed the declaration under subdivision (d)(1)(A)(ii) of this section.

(f) Subsection (d) of this section does not preclude use of another procedure to satisfy subdivision (b)(3) of this section for a notarial act performed with respect to a tangible record.

(g) A notary public located in this State may use communication technology under subsection (b) of this section to administer an oath or affirmation to a remotely located individual if, except as otherwise provided by other law of this State, the notary public:

(1) identifies the individual under subdivision (b)(2) of this section;

(2) creates or causes the creation under subdivision (b)(4) of this section of an audiovisual recording of the individual taking the oath or affirmation; and

(3) retains or causes the retention under subsection (k) of this section of the recording.

(h) The notary public shall ensure that the communication technology and identity proofing used to perform a notarial act for a remotely located individual complies with section 5380 of this chapter and any standards adopted by the Office in accordance with section 5323 of this chapter.

(i) If a notarial act is performed under this section, the certificate of notarial act required by section 5367 of this chapter and the short-form certificate provided in section 5368 of this chapter must indicate that the notarial act was performed using communication technology.

(j) A short-form certificate provided in section 5368 of this chapter for a notarial act subject to this section is sufficient if it:

(1) complies with rules adopted under section 5323 of this chapter; or

(2) is in the form provided in section 5367 of this chapter and contains a statement substantially as follows: “This notarial act involved the use of communication technology.”

(k) A notary public, guardian, conservator, or agent of a notary public or a personal representative of a deceased notary public shall retain the audiovisual recording created under subdivision (b)(4) of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rules adopted under section 5323 of this chapter, the recording must be retained for a period of at least 10 years after the recording is made.

(l) Providers of the communication technologies, identity proofing, or storage must be registered with the Secretary of State to do business in Vermont and, by allowing communication technology or identity proofing to

facilitate a notarial act of an electronic record or for a remotely located individual or by providing storage of the audiovisual recording under subdivision (b)(3) of this section, providers of the communication technology, identity proofing, or storage consent and agree that the service or process being provided is in compliance with the requirements set forth in this chapter and with any rules adopted by the Office.

§ 5380. COMPUTER TECHNOLOGY AND IDENTITY PROOFING

PROVIDERS; MINIMUM STANDARDS

(a) Communication technology and identity proofing providers shall develop, maintain, and implement processes and services that are consistent with the requirements of this chapter and industry standards and best practices for the process or service provided. Providers must also comply with all applicable federal and State regulations, rules, and standards, including:

(1) with respect to communication technology, regulations, rules, and standards specific to simultaneous communication by sight and sound and information and communication technology for individuals with physical, sensory, and cognitive disabilities; and

(2) with respect to identity proofing, regulations, rules, and standards specific to the enrollment and verification of an identity used in digital authentication.

(b) A provider of communication technology or identity proofing shall provide evidence to the notary public's satisfaction of the provider's ability to satisfy the requirements of this chapter for the service or process being provided.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 10-0-1)

H. 548

An act relating to miscellaneous cannabis establishment procedures

Rep. Gannon of Wilmington, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 862a is added to read:

§ 862a. SYNTHETIC AND HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

Sec. 2. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

* * *

(I) regulation of additives to cannabis and cannabis products, including those cannabidiol derived from hemp and substances that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

* * *

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; and

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

* * *

(5) Rules concerning retailers shall include:

* * *

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such ~~and displayed separately from cannabis and cannabis products;~~

(D) requirements for opaque, child-resistant packaging of ~~cannabis and~~ cannabis products at point of sale to customer; and

* * *

Sec. 3. 7 V.S.A. § 884 is amended to read:

§ 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board. A person may apply for an identification card prior to obtaining employment with a licensee. An employee identification card shall authorize the person to work for any licensee.

(b)(1) Prior to issuing the identification card, the Board shall obtain from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or, in the case of owners and principals, upon the expiration of the cannabis establishment's license, whichever occurs first.

Sec. 4. 7 V.S.A. § 901(d)(3) is amended to read:

(3)(A) Except as provided in ~~subdivision~~ subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

* * *

(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

Sec. 5. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises.

* * *

Sec. 6. 7 V.S.A. § 909(c) is added to read:

(c) An integrated licensee shall comply with the provisions of subsection 908(f) of this title and have its cannabis or cannabis products tested by an independent licensed testing laboratory.

Sec. 7. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE

PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

* * *

Sec. 8. 2019 Acts and Resolves No. 164, Sec. 8(a)(1) is amended to read:

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86 shall no longer apply on and after February 1, 2022. A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 until October 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-2-0)

H. 551

An act relating to prohibiting racially and religiously restrictive covenants in deeds

Rep. Grad of Moretown, 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. LEGISLATIVE INTENT

While racially and religiously restrictive covenants have been held unenforceable by courts since the U.S. Supreme Court's 1948 decision in *Shelley v. Kramer*, 344 U.S. 1 (1948), no State law currently exists to remove or render these covenants void and to put an end to what was an invidious, historical practice of discrimination in the United States. This practice was responsible, in part, for preventing Americans of BIPOC and religious minority backgrounds from fully participating in one of the greatest expansions of wealth and prosperity in this country's history through federally backed mortgages and freely available homeownership. It is the intent of the General Assembly that this act prohibit racially and religiously restrictive covenants from ever being used in Vermont again, regardless of their enforceability, and that it establish a process for their removal from existing real estate transaction records.

Sec. 2. 27 V.S.A. § 546 is added to read:

§ 546. RACIALLY AND RELIGIOUSLY RESTRICTIVE COVENANTS IN DEEDS PROHIBITED; PROCESS FOR REMOVAL

(a)(1) A deed, mortgage, plat, or other recorded device recorded on or after July 1, 2022 shall not contain a covenant, easement, or any other restrictive or reversionary interest purporting to restrict the ownership or use of real property on the basis of race or religion.

(2) A covenant, easement, or any other restrictive or reversionary interest in a deed, mortgage, plat, or other recorded device purporting to restrict the ownership or use of real property on the basis of race or religion is declared contrary to the public policy of the State of Vermont and shall be void and unenforceable. This subdivision shall apply to a restrictive covenant executed at any time.

(b) A restrictive covenant, easement, or similar restrictive or reversionary interest prohibited by subsection (a) of this section may be released by the owner of the real property interest subject to the covenant by recording a Certificate of Release of Certain Prohibited Covenants. The real property

owner may record the certificate prior to recording a deed conveying the property or at any other time the owner discovers that the prohibited covenant exists. The certificate may be prepared without assistance of an attorney but shall conform substantially to the following Certificate of Certain Prohibited Covenants form:

“CERTIFICATE OF RELEASE OF CERTAIN PROHIBITED COVENANTS

Town of Record: _____

Date of Instrument containing prohibited covenant(s): _____

Instrument Type: _____

Deed Book _____ Page _____ or Plat Book _____ Page _____

Name(s) of Current Owner(s): _____

Real Property Description: _____

The covenant contained in the above-mentioned instrument is released from the above-described real property to the extent that it contains terms purporting to restrict the ownership or use of the property as prohibited by 27 V.S.A. § 546(a).

The undersigned is/are the legal owner(s) of the property described herein.

Given under my/our hand(s) this _____ day of _____, 20__.

(Current Owners)

(1) For an acknowledgment in an individual capacity:

State of Vermont [County] of _____

This record was acknowledged before me on _____ by _____

Date _____ Name(s) of individual(s) _____

Signature of notary public _____

Stamp _____ [_____]

Title of office _____ [My commission expires: _____]

(2) For an acknowledgment in a representative capacity:

State of Vermont [County] of _____

This record was acknowledged before me on _____ by _____
Date _____ Name(s) of individual(s) _____ as _____
(type of authority, such as officer or trustee) of _____ (name of
party on behalf of whom record was executed).

Signature of notary public _____

Stamp [_____]

Title of office _____ [My commission expires: _____]

The clerk has satisfied the requirements of 32 V.S.A. § 1671.”

Sec. 3. 32 V.S.A. § 1671 is amended to read:

§ 1671. TOWN CLERK

(a) For the purposes of this section, a “page” is defined as a single side of a leaf of paper on which is printed, written, or otherwise placed information to be recorded or filed. The maximum covered area on a page shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth inch in height or in at least eight-point type. Unless otherwise provided by law, the fees to the town clerks shall be as follows:

(1) For recording a trust mortgage deed as provided in 24 V.S.A. § 1155, \$15.00 per page;

* * *

(g) When a fee applies under this section, no fee shall be required for the recordation of:

(1) a Certificate of Release of Certain Prohibited Covenants pursuant to 27 V.S.A. § 546(b); or

(2) a deed correction subject to 27 V.S.A. § 546(a).

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 11-0-0)

Rep. Mattos of Milton, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Judiciary.

(Committee Vote:11-0-0)

H. 635

An act relating to secondary enforcement of minor traffic offenses

Rep. Colston of Winooski, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPEAL OF CERTAIN MOTOR VEHICLE OFFENSES; REPORT

(a)(1) The Commissioner of Public Safety shall examine the following motor vehicle violations for the purpose of making recommendations as to whether the statutes should be repealed, modified, or limited to secondary enforcement:

(A) 23 V.S.A. § 307 (failure to carry a registration certificate);

(B) 23 V.S.A. § 511(c) (failure to display registration sticker or failure to display unobstructed license numbers);

(C) 23 V.S.A. § 512 (failure to display number plate on trailer or semi-trailer);

(D) 23 V.S.A. § 615 (operation by an individual with a learner's permit);

(E) 23 V.S.A. § 1023 (pedestrian-control signals);

(F) 23 V.S.A. §§ 1052 (crossing except at crosswalks), 1054 (pedestrians to use right half of crosswalks), 1055 (pedestrians on roadways), 1056 (highway solicitations), and 1058 (duties of pedestrians);

(G) 23 V.S.A. § 1125 (obstructing windshield or windows);

(H) 23 V.S.A. §§ 1134 (possession or consumption of alcohol or cannabis by operator), 1134a (possession or consumption of alcohol or cannabis by passenger) and 1134b(a) (using tobacco in a motor vehicle with child present);

(I) 23 V.S.A. § 1221 (condition of vehicle);

(J) 23 V.S.A. §§ 1243 (headlights), 1244 (illumination required), 1245 (illumination required on motorcycles), 1248 (taillights), and 1249 (directional signal lights); and

(K) 23 V.S.A. § 1259 (safety belts; persons 18 years of age or older).

(2) The Commissioner may make recommendations for repeal, modification, or designation for secondary enforcement of other motor vehicle violations at the Commissioner's discretion.

(b) The Commissioner shall report the recommendations to the House and Senate Committees on Government Operations and on Transportation not later than October 1, 2022.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

H. 661

An act relating to licensure of mental health professionals

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

* * * Continuing Education Units; Psychologists * * *

Sec. 1. 26 V.S.A. § 3015 is amended to read:

§ 3015. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee.

* * *

(d) Continuing education units.

(1) As a condition of renewal, the Board may shall require that licensees establish that they have satisfied continuing education requirements established by Board rule and this subsection.

(2) At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(3) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training.

(4) Upon application, the Board may exempt from continuing education requirements a licensee on active duty in the U.S. Armed Forces, if obtaining continuing education credits would be impossible in practice or a significant hardship for the licensee.

(5) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one

mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Social Workers * * *

Sec. 2. 26 V.S.A. § 3208 is amended to read:

§ 3208. RENEWALS

* * *

(d) As a condition of renewal, a licensee shall complete continuing education, approved by the Director by rule, during the preceding two-year period. For purposes of this subsection, the Director may require, by rule, not more than 20 hours of approved continuing social work education as a condition of renewal. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Alcohol and Drug Abuse
Counselors * * *

Sec. 3. 26 V.S.A. § 3238 is amended to read:

§ 3238. BIENNIAL RENEWALS

(a) Licenses and certifications shall be renewed every two years on a schedule set by the Office upon:

(1) ~~payment~~ Payment of the required fee; ~~and,~~

(2) ~~documentation~~ Documentation that the applicant has completed at least 40 hours of continuing education, approved by the Director. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the

other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Clinical Mental Health
Counselors * * *

Sec. 4. 26 V.S.A. § 3269 is amended to read:

§ 3269. RENEWALS

Licenses shall be renewed every two years upon payment of required fees and proof of such continuing education as the Board may require by rule and as required by this section. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Marriage and Family
Therapists * * *

Sec. 5. 26 V.S.A. § 4040 is amended to read:

§ 4040. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee, provided the person applying for renewal has completed at least 20 hours of continuing education, approved by the Board, during the preceding two-year period.

(1) The Board shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(2) The continuing education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Psychoanalysts * * *

Sec. 6. 26 V.S.A. § 4060 is amended to read:

§ 4060. RENEWALS

(a) Certification shall be renewed every two years upon payment of the required fee, provided the person applying for renewal completes at least 20 hours of continuing education, approved by the Director, during the preceding two-year period.

(1) The Director, with the advice of the advisor appointees, shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(2) The education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Applied Behavior Analysts * * *

Sec. 7. 26 V.S.A. § 4925 is amended to read:

§ 4925. RENEWALS

* * *

(c) As a condition of renewal, the Director may by rule require that a licensee establish that ~~he or she~~ the licensee has completed continuing education.

(1) The Director may accept proof of current certification from the Behavior Analyst Certification Board as evidence of continuing competency if

the Director finds that the maintenance of such certification implies appropriate continuing education consistent with this subsection and Board rule.

(2) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(3) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Mental Health Professional Licensure; Study * * *

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

(a) Study. The Office of Professional Regulation shall conduct a study on:

(1) the possibility of streamlining the licensure of mental health professionals practicing in the State, including a review of the feasibility of creating one mental health professional license with endorsements for specific mental health professions;

(2) whether additional regulation of supervisors for mental health professionals in training is necessary, including a review of potential limits on areas of mental health work a supervisor may supervise based on the supervisor's own work experience and education, the rate or fee a supervisor may charge for providing supervision, and the number of supervisees assigned to one supervisor; and

(3) the barriers for individuals who are Black, Indigenous, or Persons of Color (BIPOC), refugees and new Americans, individuals with low income, those individuals with disabilities, and those individuals with lived mental health and substance use experience entering mental health professions regulated by the Office of Professional Regulation.

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

(1) representatives of each mental health care profession associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(2) the Commissioner of Mental Health or designee;

(3) the Commissioner of Health Equity or designee;

(4) representatives of mental health care professional organizations;

(5) representatives of health insurers;

(6) individuals in mental health care professions or seeking to enter mental health care professions, selected by AALV, Inc., the Vermont Commission on Native American Affairs, the Vermont Center for Independent Living, and Outright Vermont; and

(7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions.

(c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

* * * Mental Health Professional Supervisors Registry * * *

Sec. 9. MENTAL HEALTH PROFESSIONAL SUPERVISORS; REGISTRY

The Office of Professional Regulation shall maintain a registry of mental health professionals who are available to serve as supervisors for mental health professionals in training. The registry shall begin upon passage and shall contain a complete list by 2025.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 9-2-0)

H. 703

An act relating to promoting workforce development

Rep. Kimbell of Woodstock, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. IMMEDIATE STRATEGIES AND FUNDING FOR EXPANDING THE LABOR FORCE; INCREASING THE NUMBER OF

PARTICIPANTS AND PARTICIPATION RATES;
APPROPRIATIONS

In fiscal year 2023, the following amounts are appropriated from the General Fund to the following recipients for the purposes specified:

(1) \$5,000,000.00 to the University of Vermont Office of Engagement, in consultation with the Vermont Student Assistance Corporation, to administer a statewide forgivable loan program of \$5,000.00 per graduate for recent college graduates across all Vermont higher education institutions who commit to work in Vermont for two years after graduation.

(2) \$1,000,000.00 to the State Refugee Office to administer as grants to refugee- or New American-focused programs working in Vermont to support increased in-migration or retention of recent arrivals.

(3) \$387,000.00 to Vermont Technical College to develop a skilled meat cutter training and apprenticeship facility.

Sec. 2. CTE FUNDING AND GOVERNANCE; FINDINGS

(a) Vermont's career and technical education (CTE) system is critical to ensuring that all Vermonters have access to the high-quality resources they need to explore a wide variety of career pathways, earn a postsecondary credential of value, and establish a productive career.

(b) CTE is a vital component of our educational system, supporting and delivering on the goals established by the General Assembly in 2013 Acts and Resolves No. 77 (flexible pathways), 2018 Acts and Resolves No. 189 (workforce development), and in achieving our attainment goal, which is that 70 percent of working-age Vermonters have a credential of value by 2025 (10 V.S.A. § 546).

(c) CTE is also an equity lever, providing every student access to critical workforce training, postsecondary coursework, and the real-world skills and networks that prepare our youth to continue to earn and learn during and after high school.

(d) As of the fall semester of the 2021–2022 school year, students were enrolling in CTE programs at a higher rate than at the beginning of the pandemic, increasing from 4,160 to 4,565. In the 2020–2021 school year, Vermont's CTE system awarded Tier II credentials of value to 459 students.

(e) Since 2015, through legislative initiatives such as 2015 Acts and Resolves No. 51, 2017 Acts and Resolves No. 69, 2018 Acts and Resolves No. 189, 2019 Acts and Resolves No. 80, and most recently 2021 Acts and Resolves No. 74, the General Assembly and other stakeholders in education

and in State government have been working to identify, understand, and resolve long-standing concerns related to the functioning of the CTE system.

(f) In 2018, the Agency of Education embarked on a collaborative process that included students, legislators, and communities across the State to develop a strategic vision and aspirational goals to help guide the transformation of the CTE system.

(g) The State Board of Education adopted the Agency of Education’s vision and goals for CTE that “all Vermont learners attain their postsecondary goals by having access to career and technical education systems that are equitable, efficient, integrated and collaborative.”

(h) 2018 Acts and Resolves No. 189 committed Vermont to a redesign of its workforce development and training system, including the approval of up to four pilot sites or projects to examine the way our CTE system is funded and governed.

(i) In a report dated June 14, 2021, the Agency of Education reported on its progress, which was interrupted by the COVID-19 pandemic. The report presented possible alternatives to our current funding structure, which is widely seen as a barrier to enrollment. However, these alternatives were based on an examination of only the CTE school district funding model and did not include the study of governance models. The report recommended completing this study of CTE funding and governance models to propose actionable implementation steps for the State.

(j) The Agency of Education’s State plan for federal Perkins funds is aligned to the vision and goals created through collaborative processes that included a public comment period. Processes required in the federal legislation like the biennial Comprehensive Local Needs Assessment will strengthen the role of CTE in each region and help to focus the use of limited federal funds to improve the system.

Sec. 3. FUNDING AND GOVERNANCE STRUCTURES OF

CAREER TECHNICAL EDUCATION IN VERMONT

(a) There is appropriated to the Agency of Education for fiscal year 2023 the amount of \$180,000.00 from the General Fund to contract for services to:

(1) complete a systematic examination of the existing funding structures of career technical education (CTE) in Vermont and how these structures impede or promote the State’s educational and workforce development goals;

(2) examine CTE governance structures in relationship to those funding structures;

(3) examine the implications of the existing funding and governance structures for kindergarten through grade 12 schools and adult education;

(4) consider the CTE funding and governance structures in other states;

and

(5) identify and prioritize potential new models of CTE funding and governance structures to reduce barriers to enrollment and to improve the quality, duration, impact, and access to CTE statewide.

(b) In performing its work, the contractor shall consult with the consultant and any other stakeholders involved in completing the report on the design, implementation, and costs of an integrated and coherent adult basic education, adult secondary education, and postsecondary career and technical education system pursuant to 2021 Acts and Resolves No. 74, Sec. H.3.

(c)(1) On or before March 1, 2023, the Agency of Education shall issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on the status of its work under subsection (a) of this section.

(2) On or before July 1, 2023, the Agency of Education shall develop an implementation plan, including recommended steps to design and implement new funding and governance models, and issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs describing the results of its work under subsection (a) of this section and making recommendations for legislative action.

Sec. 4. INVESTMENT IN THE UP-SKILLING OF PRIVATE SECTOR

EMPLOYERS TO SUPPORT THE EVOLUTION OF BUSINESS

AND ORGANIZATIONAL MODELS; APPROPRIATIONS

In fiscal year 2023, the amount of \$500,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to regrant a performance-based contract to the Vermont Professionals of Color Network for statewide delivery of business coaching and other forms of training to BIPOC business owners, networking and special convenings, and career fairs, workshops and paid internships, career guidance, and other support for BIPOC workers across the State.

Sec. 5. REGIONAL WORKFORCE EXPANSION SYSTEM

(a) Regional Workforce Expansion System. The amount of \$3,000,000.00 is appropriated from the General Fund to the Department of Labor to launch and lead a coordinated regional system to support the State's workforce expansion efforts that is designed to:

(1) support employers in tailoring their work requirements, conditions, and expectations to better access local workers;

(2) collaborate with local education and training providers and regional workforce partners, to create and regularly distribute data related to local labor force supply and demand; and

(3) create and share work-based learning and training opportunities with secondary and postsecondary students, local workforce expansion partners, and others interested in starting or advancing in their career.

(b) System infrastructure.

(1) The Vermont Department of Labor shall make investments that improve and expand regional capacity to connect supply (workers) and demand (employment) in real-time.

(2) The Department shall place in the Barre, Bennington, Brattleboro, Rutland, St. Albans and St. Johnsbury areas, six state-funded Workforce Expansion Specialists who are limited-service, full-time-employees and who shall report to the Workforce Development Division.

(c) Coordination.

(1) The Department shall co-convene regular, regional meetings of education, training, business, and service provider partners; coordinate local workforce information collection and distribution, assist with pilot projects, provide targeted sector support, and develop localized career resources such as information for career counseling, local job fairs, career expos, available to a wide range of stakeholders.

(2) The Department shall develop labor market information reports by CTE district to support discussion and decision making that will address local labor market challenges and opportunities and support a regional approach to solving local or unique labor supply challenges.

(d) Report. On or before December 15, 2024, the Department shall provide a narrative update on the progress made in hiring staff, establishing interagency agreements, developing regional information exchange systems, and serving jobseekers and employers to the House and Senate Committees of Jurisdiction. The report shall also recommend ongoing metrics that can be

easily recorded and reported at the local and State levels on a regular basis to meet multiple information needs.

(e) Implementation. The Department of Labor shall begin implementing the Regional Workforce Expansion System on or before August 1, 2022.

Sec. 6. JUSTICE-INVOLVED INDIVIDUALS; WORKFORCE
DEVELOPMENT; PILOT PROGRAM

(a) Findings.

(1) Justice-involved individuals are persons who hold a conviction record and may or may not have served time in a corrections facility.

(2) 95 percent of incarcerated individuals will be released to their communities and between 78–83 percent of those released are between 25 and 54 years of age, which is prime working age.

(3) 63 percent of incarcerated individuals in the Vermont Southern State Correctional Facility reported job training as the most helpful program to meet their needs.

(b) Policy; appropriations.

(1)(A) In fiscal year 2023, the amount of \$417,000.00 is appropriated from the General Fund to the Department of Corrections to address vocational enhancement needs.

(B) The Department shall use funds to transition vocational training space within existing correctional facilities to support continued education and vocational training and placement in the community.

(C) The Department may allocate funds over three years, consistent with the following:

(i) \$267,000 for transition development, to include equipment, renovation of vocational space, and/or mobile lab in one or more sites.

(ii) \$100,000 for training partner support.

(iii) \$50,000 for development of curriculum.

(2) In fiscal year 2023, the amount of \$300,000.00 is appropriated from the General Fund to the Department of Corrections to subgrant to the Vermont Works for Women, which may be allocated over not more than three years, to establish a community-based pilot reentry program at the Chittenden Correctional Facility that will provide continuity of services for justice-involved women and:

(A) expand VWW's current employment readiness program within the Chittenden facility by building pathways for coordinated transition to employment;

(B) focus on the first six months after individuals are released from the facility;

(C) coordinate with local community resources, parole and probation offices, and supports to ensure successful transition into the community;

(D) assist individuals in successfully transitioning into new jobs; and

(E) work with employers to support successful hiring and best practices to support justice involved employees.

(c) Report. On or before January 15, 2023, the Department of Corrections shall create and submit a report on Workforce and Education Training Programs in Correctional Facilities to the Joint Legislative Justice Oversight Committee; the House Committees on Corrections and Institutions and on Commerce and Economic Development; and the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary. The report shall:

(1) identify program design, logistical needs, and policy changes to current Department of Corrections facility-based training and educational programs necessary to successfully support justice involved individuals' reentry into their communities, including changes to programs that better support individuals' skill development, knowledge, and support needed to qualify and secure a position in a critical occupation in Vermont;

(2) identify disparities of outcomes for justice-involved BIPOC individuals in facility-based training and educational programming and successful reentry into the community and solutions for addressing the disparities;

(3) provide an update on the Department of Corrections Vocational Enhancement work funding in FY23; and

(4) provide an update on what aspects of the Reentry Pilot Program could and should be replicated in other correctional facilities in Vermont.

Sec. 7. REPEALS

10 V.S.A. §§ 544 and 545 are repealed.

Sec. 8. WORK-BASED LEARNING AND TRAINING PROGRAM

(a) Vermont Work-Based Learning and Training Program. The Department of Labor shall develop the statewide Work-Based Learning and Training

Program that serves transitioning secondary and postsecondary students and Vermonters seeking work-based experience as part of a career change and is designed to:

(1) support Vermonters who are graduating from postsecondary education or a secondary CTE program or who are pursuing a career change with a paid on-the-job work experience lasting 12 weeks or less;

(2) establish a statewide platform available to all employers to list their internships, returnships, pre-apprenticeships, and registered apprenticeship opportunities and for jobseekers to view and access information about specific opportunities; and

(3) support employers by providing them with assistance in developing and implementing meaningful work-based learning and training opportunities.

(b) Definitions. As used in this section:

(1) “Internship” means a work-based learning experience with an employer where the participant may, but does not necessarily, receive academic credit.

(2) “Pre-apprenticeship” is a program of combined learning and work-based experiences that lead to an informal apprenticeship or formal registered apprenticeship program.

(3) “Registered Apprenticeship” is a program approved by the Vermont Department of Labor as a federally recognized apprenticeship program.

(4) “Returnship” means an on-the-job learning experience for an individual who is returning to the workforce after an extended absence or is seeking a limited-duration on-the-job work experience in a different occupation or occupational setting as part of a career change.

(c) Activities. The Department may use funds appropriated to it for the Program to:

(1) build and administer the Program;

(2) develop an online platform that will connect students and jobseekers with work-based learning and training opportunities within Vermont;

(3) support work-based learning and training opportunities with public and private employers available to prospective workers located in or relocating to Vermont;

(4) promote work-based learning and training as a valuable component of a talent pipeline; and

(5) assist employers in developing meaningful work-based learning and training opportunities.

(d) Data; goals. The Department shall collect data and establish goals and performance measures that demonstrate Program results for activities funded through the Program.

(e) State participation. The Department shall engage appropriate State agencies and departments to expand Program opportunities with State government and with entities awarded State contracts.

(f) Reporting. On or before February 15, 2023, the Department shall report on recommended metrics for measuring Program performance to the relevant committees of jurisdiction.

Sec. 8a. INTERNSHIP COST OFFSET INITIATIVE

(a) In fiscal year 2023 the amount of \$3,000,000 is appropriated from the General Fund to the Department of Labor for an Internship Cost Offset Initiative.

(b) The Department shall design and implement the Initiative to expand the number of postsecondary students participating in an internship with a Vermont employer, consistent with the following:

(1) Students enrolled in an approved postsecondary institution are eligible for not more than \$3,000.00 for tuition and fees directly related to participating in an internship with a Vermont employer for which they are also receiving postsecondary credit toward a degree.

(2) The Department shall enter into an agreement with the Vermont Student Assistance Corporation to develop and administer the Initiative, which shall include an amount not to exceed 7 percent for costs associated with the administration of the program.

(c) Reporting. On or before February 15, 2023, the Department shall report on recommended metrics for measuring Initiative performance to the relevant committees of jurisdiction.

Sec. 9. THE VERMONT TRADES SCHOLARSHIP PROGRAM

(a) The Vermont Trades Scholarship Program is created and shall be administered by the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse initial licensing fees, exam fees, and tuition payments under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for a scholarship under the Program, an individual, whether a resident or nonresident, shall:

(1) be enrolled in an industry recognized training and certification program that leads to initial employment or career advancement in a building, mechanical, industrial, or medical trade, or in clean energy, energy efficiency, weatherization, or clean transportation;

(2) demonstrate financial need;

(3) register with the Vermont Department of Labor for the purpose of receiving relevant job referrals, if unemployed; and

(4) agree to work in their profession in Vermont for a minimum of one year following licensure or certification completion for each year of scholarship awarded.

(c)(1) The Corporation shall give preference to students attending a Vermont-based training program or, if one isn't available for their certification, an offer of employment or promotion from a Vermont employer upon completion.

(2) The Corporation shall give priority to applicants who have not received other assistance.

(d) There shall be no deadline to apply for a scholarship under this section. Scholarships shall be awarded on a rolling basis if funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Vermont Student Assistance Corporation in the following fiscal year to award additional scholarships as set forth in this section.

(e) The sum of \$3,000,000.00 in base General Funds is appropriated to the Vermont Student Assistance Corporation for scholarships for trades students under the Vermont Trades Scholarship Program.

Sec. 10. THE VERMONT TRADES LOAN REIMBURSEMENT PROGRAM

(a) The Vermont Trades Loan Repayment Reimbursement Program is created and shall be administered by the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse funds under the Program to eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for loan repayment under the Program, an individual, shall:

(1) be a Vermont resident; and

(2) be employed in an occupation in the building, mechanical, industrial, or medical trades, or in the clean energy, energy efficiency, weatherization, or clean transportation sectors, for an average of at least 30 hours per week for least one full calendar year before applying.

(c) For every year of work in a qualifying occupation, an individual shall be eligible for up to \$5,000.00 in loan repayment reimbursement. Reimbursements shall not exceed the total amount of educational debt owed.

(d) There shall be no deadline to apply for loan repayment reimbursement under this section. Loan repayment shall be awarded on a rolling basis if funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Vermont Student Assistance Corporation in the following fiscal year to award additional loan repayment as set forth in this section.

(e) The sum of \$500,000.00 is appropriated from the General Fund to the Vermont Student Assistance Corporation for loan repayment for trades professionals under the Program.

Sec. 11. CTE CONSTRUCTION AND REHABILITATION

EXPERIENTIAL LEARNING PROGRAM; REVOLVING LOAN FUND

(a) Purpose. This section authorizes and provides funding for the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund, the purposes of which are to:

(1) expand the experiential and educational opportunities for high school and adult CTE students to work directly on construction projects;

(2) build community partnerships among CTE centers, housing organizations, government, and private businesses;

(3) beautify communities and rehabilitate buildings that are underperforming assets;

(4) expand housing access to Vermonters in communities throughout the State; and

(5) improve property values while teaching high school and adult students trade skills.

(b) Appropriation; creation of fund; administration.

(1) In fiscal year 2023, the amount of \$15,000,000.00 is appropriated from the Education Fund to the Vermont Housing and Conservation Board to

create and administer the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund pursuant to this section.

(2) The Board may use not more than five percent of the Fund for its costs of administration.

(c) Proposals; applications; funding.

(1) A regional CTE center, working in collaboration with one or more housing and community partners, private businesses, nonprofit organizations, or municipalities, shall identify construction projects that would be relevant and appropriate for CTE students enrolled in construction, electrical, plumbing, design, business management, or other CTE programs, including:

(A) rehabilitation of residential properties that are blighted or not code-compliant;

(B) new residential construction projects or improvements to land in cases of critical community need; and

(C) commercial construction projects that have substantial community benefit.

(2) Prior to or during the application process, a CTE center and its partners may consult with the Board to identify and consider potential funding partners to leverage amounts available through the Fund.

(3) A CTE center and its partners shall apply to the Board for funding by submitting a project application that includes the information required by the Board and addresses the following:

(A) the educational benefits for students and fit with the CTE curriculum;

(B) the community benefits for the neighborhood, municipality, or region in which the project is located; and

(C) the partners with whom the CTE center is collaborating and the respective responsibility for the aspects of a project, including:

(i) educational instruction and academic credit;

(ii) project management;

(iii) insurance coverage for students and the property;

(iv) compensation and benefits, including compliance with labor laws, standards, and practices; and

(v) property acquisition, ownership, and transfer.

(4) A CTE center may use funding for, and shall specify in its application the allocation of costs associated with:

(A) acquisition, design, permitting, construction, marketing, and other building-related expenses; and

(B) costs for labor, including for student wages and for instructor compensation during the academic year as well as for summer or other work that is not otherwise budgeted during the academic year.

(d) Eligibility; review; approval. The Board may approve an application that includes the information required by subsection (c) of this section and provide funding for a project that meets the following eligibility criteria:

(1) The project involves the rehabilitation of blighted or otherwise noncode compliant property, or new residential construction projects or improvements to land in cases of critical need, and results in a building with not more than four residential dwelling units.

(2) The project includes a weatherization component.

(3) Students working on the project receive academic credit, a competitive wage, or both.

(e) Affordability; flexibility. If appropriate in the circumstances, the Board may condition funding for a project on the inclusion of one or mechanisms addressing the affordability of the property upon rent or sale.

(f) Funding; proceeds; revolving loans.

(1) The Board shall provide funding for projects from the amounts available in the Fund in the form of zero-interest loans, in an amount, for a period, and upon terms specified by the Board.

(2) The Board shall return to the Fund any proceeds realized to provide funding for future projects.

(g) Report. The Board shall address the implementation of this section in its annual report to the General Assembly.

Sec. 12. EARLY CHILDHOOD EDUCATOR RECRUITMENT

In fiscal year 2023, the amount of \$125,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division to subgrant to the Vermont Association for the Education of Young Children to develop and implement a comprehensive early childhood educator recruitment campaign.

Sec. 13. HEALTH CARE WORKFORCE; LEGISLATIVE INTENT

(a) The General Assembly values all health care workers, at every level and in each component of the health care system. The General Assembly also acknowledges the many struggles faced by health care workers and that the pandemic has placed further strain on an already taxed system. Many health care workers have not had their pay adjusted over time to address increases in the cost of living, essentially amounting to pay cuts from year to year. Health care workers have experienced burnout, trauma, and moral injuries due to a history of underfunding and the present stress of the pandemic.

(b) In order to retain and recruit health care workers in Vermont, it is the intent of the General Assembly to invest in multiple solutions aimed at reinforcing our health care workforce in the present and sustaining our health care workers into the future.

Sec. 14. EMERGENCY GRANTS TO SUPPORT NURSE EDUCATORS

(a) The sum of \$3,000,000.00 is appropriated to the Department of Health from General Fund in fiscal year 2023 and shall carry forward for the purpose of providing emergency interim grants to Vermont's nursing schools over three years to increase the compensation for their nurse faculty and staff, with \$1,000,000.00 to be distributed in each of fiscal years 2023, 2024, and 2025 to increase the compensation for each full-time-equivalent (FTE) member of the clinical and didactic nurse faculty and staff. The Department shall distribute the funds among the nursing schools in Vermont equitably based on each school's proportion of nursing faculty and staff to the total number of FTE nursing faculty and staff across all nursing schools statewide.

(b) If the nurse faculty or staff, or both, of a nursing school receiving a grant under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the nursing school for those faculty or staff, or both, shall be subject to impact bargaining between the nursing school and the collective bargaining representative of the nurse faculty or staff, or both, to the extent required by the applicable collective bargaining agreement.

Sec. 15. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;

WORKING GROUP; REPORT

(a)(1) The sum of \$2,400,000.00 is appropriated to the Agency of Human Services from the General Fund in fiscal year 2023 to provide incentive grants to hospital-employed nurses in Vermont to serve as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to hospitals employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided,

at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital for the nurse preceptors shall be subject to impact bargaining between the hospital and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(b)(1) The Director of Health Care Reform or designee in the Agency of Human Services shall convene a working group of stakeholders representing nursing schools, long-term care facilities, designated and specialized service agencies, federally qualified health centers, home health agencies, primary care practices, and other health care facilities to:

(A) identify ways to increase clinical placement opportunities across a variety of health care settings for nursing students enrolled in Vermont nursing school programs;

(B) establish sustainable funding models for compensating nurses serving as preceptors or for supporting the hiring of additional nurses to alleviate the pressures on nurse preceptors, or both; and

(C) develop an action plan for implementing the clinical placement expansion and sustainable funding models identified and established pursuant to subdivisions (A) and (B) of this subdivision (1), including addressing the need for student housing opportunities.

(2) On or before January 15, 2023, the Director of Health Care Reform shall provide the working group's action plan and any recommendations for legislative action to the House Committees on Health Care, on Commerce and Economic Development, and on Appropriations and the Senate Committees on Health and Welfare, on Economic Development, Housing and General Affairs, and on Appropriations.

Sec. 16. HEALTH CARE EMPLOYER NURSING PIPELINE AND

APPRENTICESHIP PROGRAM

(a) The sum of \$3,000,000.00 is appropriated to the Vermont Student Assistance Corporation (VSAC) from the General Fund in fiscal year 2023 and shall carry forward for the purpose of providing grants to health care employers, including hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers, to establish or expand partnerships with Vermont nursing schools to create nursing pipeline or apprenticeship programs, or both, that

will train members of the health care employers' existing staff, including personal care attendants, licensed nursing assistants, and licensed practical nurses, to become higher-level nursing professionals. Through a combination of scholarship awards, grants awarded to health care employers pursuant to this section, and the health care employer's contributions, the trainees' tuition and fees shall be covered in full, and trainees shall be provided with assistance in meeting their living costs, such as housing and child care, while attending the program.

(b) In awarding grants pursuant to this section, VSAC shall give priority to health care employer proposals based on the following criteria:

(1) the extent to which the health care employer proposes to participate financially in the program;

(2) the extent of the health care employer's commitment to sustaining the program financially, including providing financial support for nurse preceptors, to create ongoing opportunities for educational advancement in nursing;

(3) the ability of the health care employer's staff to leverage nursing scholarship opportunities to maximize the reach of the grant funds;

(4) the employer's demonstrated ability to retain nursing students in the Vermont nursing workforce;

(5) the employer's geographic location, in order to ensure access to pipeline and apprenticeship programs for nursing staff across Vermont; and

(6) the employer's commitment to advancing the professional development of individuals from marginalized communities, especially those that have been historically disadvantaged in accessing educational opportunities and career advancement in the health care professions.

(c)(1) VSAC shall begin awarding grants under this section expeditiously in order to enable health care employer staff to begin enrolling in nursing school programs that commence in the fall of 2022.

(2) On or before September 15, 2022, VSAC shall provide an update to the Health Reform Oversight Committee on the status of program implementation.

Sec. 17. 18 V.S.A. § 34 is added to read:

§ 34. VERMONT NURSING FORGIVABLE LOAN INCENTIVE

PROGRAM

(a) The Vermont Nursing Forgivable Loan Incentive Program is created and shall be administered by the Department of Health in collaboration with the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse scholarship funds under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for a scholarship under the Program, an individual, whether a resident or nonresident, shall:

(1) be enrolled at an approved postsecondary education institution as defined in 16 V.S.A. § 2822;

(2) demonstrate financial need;

(3) demonstrate academic capacity by carrying the minimum grade point average in the individual's course of study prior to receiving the fund award; and

(4) agree to work as a nurse in Vermont for a minimum of one year following licensure for each year of scholarship awarded.

(c)(1) First priority for scholarship funds shall be given to students pursuing a practical nursing certificate who will be eligible to sit for the NCLEX-PN examination upon completion of the certificate.

(2) Second priority for scholarship funds shall be given to students pursuing an associate's degree in nursing who will be eligible to sit for the NCLEX-RN examination upon graduation.

(3) Third priority for scholarship funds shall be given to students pursuing a bachelor of science degree in nursing.

(4) Fourth priority shall be given to students pursuing graduate nursing education.

(d) Students attending an approved postsecondary educational institution in Vermont shall receive first preference for scholarships.

(e) There shall be no deadline to apply for a scholarship under this section. Scholarships shall be awarded on a rolling basis as long as funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Department of Health and the Vermont Student Assistance

Corporation in the following fiscal year to award additional scholarships as set forth in this section.

Sec. 18. REPEAL

18 V.S.A. § 31 (educational assistance; incentives; nurses) is repealed.

Sec. 19. VERMONT NURSING FORGIVABLE LOAN INCENTIVE
PROGRAM; APPROPRIATION

The sum of \$3,000,000.00 in Global Commitment investment funds is appropriated to the Department of Health in fiscal year 2023 for scholarships for nursing students under the Vermont Nursing Forgivable Loan Program established in Sec. 17 of this act.

Sec. 20. 18 V.S.A. § 35 is added to read:

§ 35. VERMONT NURSING LOAN REPAYMENT PROGRAM

(a) As used in this section:

(1) “Corporation” means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) “Eligible individual” means an individual who satisfies the eligibility requirements for loan repayment under this section.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Loan repayment” means the cancellation and repayment of loans under this section.

(5) “Loans” means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(6) “Program” means the Vermont Nursing Loan Repayment Program created under this section.

(b) The Vermont Nursing Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides loan repayment on behalf of individuals who live and work as a nurse in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) The loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) have graduated from an eligible school where the individual has, within the past five years, been awarded a nursing degree;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a nurse in this State; and

(4) be a resident of Vermont.

(f)(1) An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for every for one year of service as a nurse in this State.

(2) The Corporation shall award loan repayments in amounts that are sufficient to attract high-quality candidates while also making a meaningful increase in Vermont's health care professional workforce.

(i) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Sec. 21. VERMONT NURSING LOAN REPAYMENT PROGRAM;

APPROPRIATION

The sum of \$2,000,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2023 for loan repayment for nurses under the Vermont Nursing Loan Repayment Program established in Sec. 20 of this act.

Sec. 22. 18 V.S.A. § 36 is added to read:

§ 36. NURSE EDUCATOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAM

(a) Definitions. As used in this section:

(1) "Eligible individual" means an individual who satisfies the eligibility requirements under this section for a scholarship or loan repayment.

(2) "Eligible school" means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(3) "Gift aid" means grant or scholarship financial aid received from the federal government or from the State.

(4) “Loan repayment” means the cancellation and repayment of loans under this section.

(5) “Loans” means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(6) “Program” means the Nurse Educator Scholarship and Loan Repayment Program created under this section.

(7) “Scholarship” means a scholarship awarded under this section covering tuition, room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(b) Program creation. The Nurse Educator Scholarship and Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides scholarships to students enrolled in an eligible school who commit to working as a nurse educator at a nursing school in this State and who meet the eligibility requirements in subsection (d) of this section. The Program also provides loan repayment on behalf of individuals who work as nurse educators at a nursing school in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) The scholarship and loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) Eligibility for scholarships. To be eligible for a scholarship under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at an eligible school in a program that leads to a graduate degree in nursing;

(2) continually demonstrate satisfactory academic progress by maintaining the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages;

(3) have used any available gift aid;

(4) have executed a contract with the Corporation committing the individual to work as a nurse educator at a nursing school in this State;

(5) have executed a promissory note obligating the individual to repay the individual's scholarship benefit, in whole or in part, if the individual fails to complete the period of service required in subsection (f) of this section; and

(6) have completed the Program's application form, the free application for federal student aid (FAFSA), and the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation.

(e) Eligibility for loan repayment. To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) graduated from an eligible school where the individual has, within the past five years, been awarded a graduate degree in nursing;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a nurse educator at a nursing school in this State; and

(4) be a resident of Vermont.

(f) Service commitment.

(1) Scholarships. For each year of service as a nurse educator at a nursing school in this State, an eligible individual shall be entitled to a full academic year of full scholarship benefit under the Program. If an eligible individual fails to serve as a nurse educator at a nursing school in this State for a period that would entitle the individual to the full scholarship benefit received by the individual, other than for good cause as determined by the Corporation, then the individual shall reimburse the Corporation a pro rata portion of the scholarship paid under the Program pursuant to the terms of the interest-free reimbursement promissory note signed by the individual at the time of entering the Program.

(2) Loan repayment. An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for every for one year of service as a nurse educator at a nursing school in this State.

(g) Adoption of policies, procedures, and guidelines. The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Sec. 23. NURSE EDUCATOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAM; APPROPRIATION

The sum of \$500,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2023 for scholarships and loan repayment for nurse educators under the Nurse Educator Scholarship and Loan Repayment Program established in Sec. 22 of this act.

Sec. 24. NURSING SCHOOLS; SIMULATION LAB UPDATE AND EXPANSION; APPROPRIATION

The sum of \$4,000,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2023 for purposes of providing capital grants to nursing school programs to enable them to renovate or expand their simulation laboratories, or both, in order to enable them to increase student enrollment. The amount of the grant funds shall be divided among the nursing schools in Vermont based on each school's projected nursing student enrollment following completion of the renovation or expansion.

Sec. 25. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

(a) The Board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter and in accordance with a schedule established by the Board.

(b) In conjunction with budget reviews, the Board shall:

* * *

(10) require each hospital to provide information on administrative costs, as defined by the Board, including specific information on the amounts spent on marketing and advertising costs; ~~and~~

(11) require each hospital to create or maintain connectivity to the State's Health Information Exchange Network in accordance with the criteria established by the Vermont Information Technology Leaders, Inc., pursuant to subsection 9352(i) of this title, provided that the Board shall not require a hospital to create a level of connectivity that the State's Exchange is unable to support;

(12) review the hospital's investments in workforce development initiatives, including nursing workforce pipeline collaborations with nursing schools and compensation and other support for nurse preceptors; and

(13) consider the salaries for the hospital's executive and clinical leadership and the hospital's salary spread, including a comparison of median salaries to the medians of northern New England states.

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Sec. 26. GREEN MOUNTAIN CARE BOARD; FISCAL YEAR 2023

HOSPITAL BUDGET REVIEW; NURSING WORKFORCE
DEVELOPMENT INITIATIVES

For hospital fiscal year 2023, the Green Mountain Care Board may exclude all or a portion of a hospital's investments in nursing workforce development initiatives from any otherwise applicable financial limitations on the hospital's budget or budget growth. Notwithstanding any provision of GMCB Rule 3.202, the Board may modify its hospital budget guidance for hospital fiscal year 2023 as needed to comply with this section.

Sec. 27. DESIGNATED AND SPECIALIZED SERVICE AGENCIES;
MEDICAID RATE INCREASE; REPORT

(a) Since the 1960s, the State and federal governments have directed the community mental health system to provide care in the community using the least restrictive means for those who would previously have been institutionalized, but never redistributed the money to the community mental health system or fully funded that mandate. The General Assembly is taking the steps set forth in subsections (b) and (c) of this section to address the shortfall.

(b) In order to increase by 10 percent the Medicaid rates for the mental health and developmental disability services provided by designated and specialized service agencies, the sum of \$41,854,493.00 in Global Commitment dollars is appropriated to the Agency of Human Services in fiscal year 2023.

(c) The Departments of Mental Health and of Disabilities, Aging, and Independent Living, in consultation with representatives of the designated and specialized services agencies, shall report to the House Committees on Health Care, on Human Services, and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations on or before January 15, 2023 with the total amount of funds that would be necessary on an annual basis to increase the salaries for all staff in the community mental health system to the level of equivalent positions in the State workforce, Vermont hospitals, and school settings.

Sec. 28. AGENCY OF HUMAN SERVICES; DESIGNATED AND
SPECIALIZED SERVICE AGENCIES; WORKFORCE
DEVELOPMENT

(a) The sum of \$6,000,000.00 is appropriated to the Agency of Human Services from the General Fund in fiscal year 2023 to expand the supply of high-quality mental health, substance use disorder treatment, and

developmental disability services professionals by distributing funds to the designated and specialized service agencies equitably based on each agency's proportion of full-time- equivalent (FTE) mental health, substance use disorder treatment, and developmental disability services staff to the total number of FTE mental health, substance use disorder treatment, and developmental disability services staff across all designated and specialized service agencies statewide. The designated and specialized service agencies shall use these funds for loan repayment and tuition assistance to promote the recruitment and retention of high-quality mental health, substance use disorder treatment, and developmental disability services professionals available to Vermont residents in need of their services, as set forth in subsection (b) of this section.

(b)(1) Each designated and specialized service agency shall make the funds received pursuant to subsection (a) of this section available to its current and prospective employees as set forth in subdivisions (A) and (B) of this subdivision (1) on a rolling basis in exchange for a one-year service obligation to provide mental health, substance use disorder treatment, or developmental disability services, or a combination of these, at a designated or specialized service agency in this State. The funds may be used for the following purposes:

(A) loan repayment for master's-level clinicians, bachelor's-level direct service staff, and nurses; and

(B) tuition assistance for individuals pursuing degrees to become master's-level clinicians, bachelor's-level direct service staff, and nurses.

(2) Loan repayment and tuition assistance funds shall be available to the current and prospective employees of designated and specialized service agencies in the form of forgivable loans, with the debt forgiven upon the employee's completion of the required service obligation.

(c) Until the funds have been fully expended, the Agency of Human Services shall report on or before January 15 annually to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare with information on the following:

(1) the specific designated and specialized service agencies that have received funds to date and the programs within each of those agencies in which the financial assistance recipients will deliver services;

(2) the amount of financial assistance funding provided to each recipient;

(3) the specific degrees or certificates toward which the tuition assistance recipients are working and those earned by loan repayment recipients; and

(4) the number of new employees attracted to the designated and specialized service agencies as a result of the financial assistance, their fields of study, and the programs in which they deliver services.

Sec. 29. OFFICE OF PROFESSIONAL REGULATION; BARRIERS TO
MENTAL HEALTH LICENSURE; REPORT

The Office of Professional Regulation shall undertake a systematic review of the licensing processes for mental health and substance use disorder treatment professionals to identify barriers to licensure. On or before January 15, 2023, the Office shall provide its findings and recommendations to address any identified barriers to licensure to the House Committees on Health Care, on Human Services, on Commerce and Economic Development, and on Government Operations and the Senate Committees on Health and Welfare, on Economic Development, Housing and General Affairs, and on Government Operations.

Sec. 30. AGENCY OF HUMAN SERVICES; POSITION;
APPROPRIATION

(a) One classified, three-year limited-service Health Care Workforce Coordinator position is created in the Agency of Human Services, Office of Health Care Reform in fiscal year 2023 to support the health care workforce initiatives set forth in this act and in the Health Care Workforce Development Strategic Plan. The Coordinator shall focus on building educational, clinical, and housing partnerships and support structures to increase and improve health care workforce training, recruitment, and retention.

(b) The sum of \$170,000.00 is appropriated from the General Fund to the Agency of Human Services, Office of Health Care Reform in fiscal year 2023 for the Health Care Workforce Coordinator position, of which \$120,000.00 is for personal services and \$50,000.00 is for operating expenses.

Sec. 31. DEPARTMENT OF LABOR; HEALTH CARE WORKFORCE
DATA HUB; HEALTH RESOURCE ALLOCATION PLAN

The sum of \$2,500,000.00 is appropriated to the Department of Labor from the General Fund in fiscal year 2023 to enable the Department to serve as the State's health care workforce data hub. The Department shall collect health care workforce data and identify and propose solutions to address data gaps, and shall share the data with the Green Mountain Care Board to inform the Board's work in identifying the State's health resources available to meet Vermonters' health care needs and additional resources that may be necessary,

as part of the Board's Health Resource Allocation Plan responsibilities pursuant to 18 V.S.A. § 9405. The Department shall use existing statewide information to the extent practicable to avoid imposing administrative burdens on health care providers and to avoid duplication of efforts underway elsewhere in Vermont. The Department shall expand its data collection practices over two years to include all levels of the health care workforce, beginning with the highest-level licensed health care professionals.

Sec. 32. DEPARTMENT OF LABOR; GREEN MOUNTAIN CARE
BOARD; SUPPLY AND DEMAND MODELING

On or before January 15, 2023, the Department of Labor, in collaboration with the Green Mountain Care Board, shall explore and recommend to the House Committees on Health Care, on Human Services, and on Commerce and Economic Development and the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs a process, methodology, and necessary funding amounts to establish and maintain the capacity to perform health care supply and demand modeling based on information in the health care workforce data hub, for use by health care employers, health care educators, and policymakers.

Sec. 33. DEPARTMENT OF FINANCIAL REGULATION; GREEN
MOUNTAIN CARE BOARD; PRIOR AUTHORIZATIONS;
ADMINISTRATIVE COST REDUCTION; REPORT

(a) The Department of Financial Regulation shall explore the feasibility of requiring health insurers and their prior authorization vendors to access clinical data from the Vermont Health Information Exchange whenever possible to support prior authorization requests in situations in which a request cannot be automatically approved.

(b) The Department of Financial Regulation shall direct health insurers to provide prior authorization information to the Department in a format required by the Department in order to enable the Department to analyze opportunities to align and streamline prior authorization request processes. The Department shall share its findings and recommendations with the Green Mountain Care Board, and the Department and the Board shall collaborate to provide recommendations to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on or before January 15, 2023 regarding the statutory changes necessary to align and streamline prior authorization processes and requirements across health insurers.

Sec. 34. 33 V.S.A. § 3543 is amended to read:

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year, except that this minimum time requirement does not apply to an employee of Vermont Head Start to the extent it conflicts with any law or contract provision governing the terms of employment.

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

* * *

Sec. 35. PILOT PROGRAM; POSITIONS EMBEDDED WITHIN
RECOVERY CENTERS

(a)(1) In fiscal year 2023, \$1,290,000.00 is appropriated to the Department for Disabilities, Aging, and Independent Living's Division of Vocation Rehabilitation and the Vermont Association of Business Industry and Rehabilitation from the State and Local Fiscal Recovery Fund for the purpose of developing and implementing a two-year pilot program that embeds 15 FTE new positions within 12 recovery centers across the State.

(2) The 15 FTE limited-service positions shall be allocated as follows:

(A) Of the total appropriation, \$540,000.00 total shall be allocated in equal amounts to fund the following 2.5 FTE at each of two geographically diverse recovery centers:

(i) one FTE to serve as an employment counselor within the Division of Vocation Rehabilitation;

(ii) one FTE to serve as an employment consultant within the Vermont Association of Business Industry and Rehabilitation; and

(iii) 0.5 FTE to serve as Employment Assistance Program staff within the Division of Vocation Rehabilitation.

(B) Of the total appropriation, \$75,000.00 shall be allocated in equal amounts to fund one FTE who shall serve as an employment support counselor at each of the 10 remaining recovery centers in the State.

(b) On or before January 1, 2024, the Division of Vocational Rehabilitation, in collaboration with the Vermont Association of Business Industry and Rehabilitation, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare summarizing the effectiveness of the pilot program, including:

- (1) educational attainment and achievement of program recipients;
- (2) acquisition of a credential of value pursuant to 10 V.S.A. § 546;
- (3) number of job placements; and
- (4) job retention rates.

Sec. 36. ADVANCE VERMONT PUBLIC-PRIVATE PARTNERSHIP

(a) Duties. Advance Vermont shall perform the following duties, in coordination and alignment with State partners, in support of the State's goal articulated in 10 V.S.A. § 546 that 70 percent of working-age Vermonters hold a credential of value by 2025 (Goal):

(1) increase public awareness of the value of postsecondary education and training to help persons of any age make informed decisions about the value of education and training that would further their advancement in educational pathways and pursuit of career goals, through targeted outreach as outlined in subsection (b) of this section;

(2) promote a broad understanding of the public good and value in achieving the State's Goal and of actions stakeholders can take to increase attainment;

(3) assist or coordinate with stakeholders, such as educational, business, governmental, nonprofit, and philanthropic organizations, in activities that seek to align the delivery of high-quality education and training opportunities with career advancement and support the policy priorities outlined in 10 V.S.A. § 546;

(4) collect and display publicly available, nonconfidential information about postsecondary credentials available to Vermonters;

(5) facilitate conversations or provide information about the national best practices in aligning, recognizing, measuring, tracking, and promoting postsecondary credentials of value to the Vermont Department of Labor and Agency of Education when requested;

(6) maintain its web-based resources that provide information about opportunities to obtain a postsecondary credential of value, in coordination with State partners;

(7) support the Vermont Department of Labor and Agency of Education transition or integration of Advance Vermont's web-based resources and collected information referenced in subdivisions (4) and (6) of this subsection into a State-supported system in a coordinated way; and

(8) meet on a quarterly basis with the Vermont Department of Labor and Agency of Education about activities described in this subsection.

(b) Outreach. Advance Vermont may use funds awarded by the State to:

(1) create and distribute public-facing communications and resources related to the duties described in this section; and

(2) offer support to career and education counselors, employment and training counselors, jobseekers and their families, and other stakeholders, consistent with best practice and State policy and programs, to help them better understand the postsecondary education and training landscape.

(c) Reports. Advance Vermont shall provide written reports to:

(1) the Vermont Department of Labor and Agency of Education about anticipated work and activities using a simplified reporting template jointly developed by Advance Vermont and the State entities on a quarterly basis; and

(2) on or before December 15, 2022, the House and Senate committees of jurisdiction regarding the use of funds, activities performed, and outcomes achieved by Advance Vermont.

(d) Appropriation. The sum of \$350,000.00 is appropriated from the General Fund in fiscal year 2023 to the Vermont Student Assistance Corporation for the purposes of funding the work outlined in this section by Advance Vermont.

Sec. 37. VERMONT SERVE, LEARN, AND EARN PROGRAM;

APPROPRIATION

In fiscal year 2023, the amount of \$3,200,000.00 is appropriated from the General Fund to the Department of Forests, Parks and Recreation to be granted to the Vermont Youth Conservation Corps to continue the Vermont Serve,

Learn, and Earn Program with other community partners, providing the Corps and its partners with the capital and operating funds necessary to support workforce development goals through creating meaningful paid service and learning opportunities for young adults.

Sec. 38. ADULT EDUCATION AND LITERACY; FINDINGS

The General Assembly finds:

(1) Adult education and literacy services are a key piece of the workforce development system and serve as the entryway into career readiness and workforce development for tens of thousands of our most vulnerable Vermonters, those with low literacy, under-education, or those simply in need of increased skills so that they can succeed.

(2) 36,000 adults in Vermont do not have a high school credential, and tens of thousands more lack the skills to matriculate into and be successful in college, in career training programs, or both. Adult education and literacy providers are the first stop on the path to the transformative opportunities that Vermont is offering for these individuals.

(3) Adult education and literacy services help people build the assets they need to move out of poverty successfully, as well as the confidence to continue to move toward success throughout their lives. Students are supported to identify concrete goals and then break those goals down into steps. Students set goals in the domains of:

(A) family and life;

(B) academics; and

(C) career and college readiness.

Sec. 39. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that:

(1) Sec. 8a(b)–(c) (Internship Cost Offset Initiative) shall take effect on passage.

(2) Sec. 25 (18 V.S.A. § 9456) shall take effect on January 1, 2023 and shall apply to hospital fiscal years 2024 and after.

(Committee Vote: 9-0-2)

H. 704

An act relating to the regulation of accessory on-farm businesses

Rep. Surprenant of Barnard, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 6001(3)(D) is amended to read:

(D) The word “development” does not include:

* * *

(ix) The construction of improvements for an accessory on-farm business located on a tract of land primarily devoted to farming, provided that:

(I) the proposed improvements are for an accessory on-farm business as defined by 24 V.S.A. § 4412(11);

(II) the farming operation is subject to the Required Agricultural Practices; and

(III) the improvements constructed for the accessory on-farm business do not physically alter more than one acre of land.

* * *

Sec. 2. 24 V.S.A. § 4412(11) is amended to read:

(11) Accessory on-farm businesses. No regional plan, municipal plan, or municipal bylaw shall have the effect of prohibiting an accessory on-farm business at the same location as a farm.

(A) Definitions. As used in this subdivision (11):

(i) “Accessory on-farm business” means activity that is accessory to a farm and comprises one or both of the following:

(I) The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are ~~principally~~ produced on the farm at which the business is located.

(II) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this subdivision (II), “farm stay” means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that

feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities

(ii) "Farm" means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAP rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period.

(iii) "Farming" shall have the same meaning as in 10 V.S.A. § 6001 except that when calculating whether an agricultural product was principally produced on the farm, water shall not be included in the calculation as an ingredient.

(iv) "Qualifying product" means a product that is wholly:

(I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;

(II) livestock or cultured fish or a product thereof;

(III) a product of poultry, bees, an orchard, or fiber crops;

(IV) a commodity otherwise grown or raised on a farm; or

(V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

(v) "RAP rules" means the rules on required agricultural practices adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.

(B) Eligibility. For an accessory on-farm business to be eligible for the benefit of this subdivision (11), the business shall comply with each of the following:

(i) The business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm

(ii) The farm meets the threshold criteria for the applicability of the RAP rules as set forth in those rules.

(C) Use of structures or land. An accessory on-farm business may take place inside new or existing structures or on the land.

(D) Review; permit. Activities of an accessory on-farm business that are not exempt under section 4413 of this title may be subject to site plan

review pursuant to section 4416 of this title. A bylaw may require that such activities meet the same performance standards otherwise adopted in the bylaw for similar commercial uses pursuant to subdivision 4414(5) of this title.

(E) Less restrictive. A municipality may adopt a bylaw concerning accessory on-farm businesses that is less restrictive than the requirement of this subdivision (11).

(F) Notification; training. The Secretary of Agriculture, Food and Markets shall provide periodic written notification and training sessions to farms subject to the RAP rules on the existence and requirements of this subdivision (11) and the potential need for other permits for an accessory on-farm business, including a potable water and wastewater system permit under 10 V.S.A. chapter 64.

Sec. 3. 10 V.S.A. § 6093 is amended to read:

§ 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

(a) Mitigation for loss of primary agricultural soils. Suitable mitigation for the conversion of primary agricultural soils necessary to satisfy subdivision 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

* * *

(5) State-owned airports. Notwithstanding 1 V.S.A. § 214 or any provision of this chapter to the contrary, the conversion of primary agricultural soils by a development or subdivision by a State-owned airport shall not be required to conduct mitigation or pay a mitigation fee under this section if:

(A)(i) the development or subdivision is the result of land acquisition, improvement, or maintenance authorized under 5 V.S.A. chapter 15, subchapter 6; or

(ii) the development or subdivision was authorized under the Federal Aviation Administration airport master plan for the State-owned airport; and

(B) the State-owned airport obtains any permit or permit amendment that may be required under this chapter for the development or subdivision.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 8-0-0)

Favorable

H. 482

An act relating to the Petroleum Cleanup Fund

Rep. Satcowitz of Randolph, for the Committee on Natural Resources, Fish, and Wildlife, recommends the bill ought to pass.

(Committee Vote: 9-0-2)

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote:11-0-0)

H. 715

An act relating to the Clean Heat Standard.

(Rep. Briglin of Thetford will speak for the Committee on Energy and Technology.)

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 6-4-1)

Senate Proposal of Amendment

H. 701

An act relating to cannabis license fees

The Senate proposes to the House to amend the bill as follows:

First: By striking out Sec. 7, 7 V.S.A. § 910, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 7 V.S.A. §§ 910 and 911 are added to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

The following fees shall apply to each person or product licensed by the Board:

(1) Cultivators.

(A) Outdoor cultivators.

(i) Outdoor cultivator tier 1. Outdoor cultivators with up to 1,000 square feet of plant canopy or fewer than 125 cannabis plants in an outdoor cultivation space shall be assessed an annual licensing fee of \$750.00.

(ii) Outdoor cultivator tier 2. Outdoor cultivators with up to

2,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$1,875.00.

(iii) Outdoor cultivator tier 3. Outdoor cultivators with up to 5,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$4,000.00.

(iv) Outdoor cultivator tier 4. Outdoor cultivators with up to 10,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(v) Outdoor cultivator tier 5. Outdoor cultivators with up to 20,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$18,000.00.

(vi) Outdoor cultivator tier 6. Outdoor cultivators with up to 37,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$34,000.00.

(B) Indoor cultivators.

(i) Indoor cultivator tier 1. Indoor cultivators with up to 1,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$1,500.00.

(ii) Indoor cultivator tier 2. Indoor cultivators with up to 2,500 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$3,750.00.

(iii) Indoor cultivator tier 3. Indoor cultivators with up to 5,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(iv) Indoor cultivator tier 4. Indoor cultivators with up to 10,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$16,000.00.

(v) Indoor cultivator tier 5. Indoor cultivators with up to 15,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$36,000.00.

(vi) Indoor cultivator tier 6. Indoor cultivators with up to 25,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$75,000.00.

(C) Mixed cultivator tiers.

(i) Mixed cultivator tier 1. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of

\$2,250.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 125 cannabis plants in an outdoor cultivation space.

(ii) Mixed cultivator tier 2. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,625.00: up to 2,500 square feet of plant canopy in an indoor cultivation space and up to 312 cannabis plants in an outdoor cultivation space.

(iii) Mixed cultivator tier 3. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 625 cannabis plants in an outdoor cultivation space.

(iv) Mixed cultivator tier 4. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$9,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 1,250 cannabis plants in an outdoor cultivation space.

(v) Mixed cultivator tier 5. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$19,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 2,500 cannabis plants in an outdoor cultivation space.

(2) Wholesalers. Wholesalers shall be assessed an annual licensing fee of \$4,000.00.

(3) Manufacturers.

(A) Manufacturer tier 1. Manufacturers that process and manufacture cannabis in order to produce cannabis products without using solvent-based extraction and not more than \$10,000.00 per year in cannabis products based on the manufacturer's total annual sales in cannabis products shall be assessed an annual licensing fee of \$750.00.

(B) Manufacturer tier 2. Manufacturers that process and manufacture cannabis in order to produce cannabis products without using solvent-based extraction shall be assessed an annual licensing fee of \$2,500.00.

(C) Manufacturer tier 3. Manufacturers that process and manufacture cannabis in order to produce cannabis products using all allowable methods of extraction, including solvent-based extraction, shall be assessed an annual licensing fee of \$15,000.00.

(4) Retailers. Retailers that sell cannabis and cannabis products to consumers shall be assessed an annual licensing fee of \$10,000.00.

(5) Testing laboratories. Testing laboratories shall be assessed an annual licensing fee of \$1,500.00.

(6) Integrated licensees. Integrated licensees shall be assessed an annual licensing fee of \$100,000.00.

(7) Employees. Cannabis establishments licensed by the Board shall be assessed an annual licensing fee of \$50.00 for each employee.

(8) Products. Retailers and integrated licensees shall be assessed an annual product licensing fee of \$50.00 for every type of cannabis and cannabis product that is sold in accordance with this chapter.

(9) Local licensing fees. Cannabis establishments licensed by the Board shall be assessed an annual local licensing fee of \$100.00 in addition to each fee assessed under subdivisions (1)–(6) of this section. Local licensing fees shall be distributed to the municipality in which the cannabis establishment is located pursuant to section 846(c) of this title.

(10) One-time fees.

(A) All applicants for a cannabis establishment license shall be assessed an initial one-time application fee of \$1,000.00.

(B) An applicant may choose to be assessed an initial one-time intent-to-apply fee of \$500.00. If the applicant subsequently seeks a license within one year after paying the intent-to-apply fee, the initial one-time application fee of \$1,000.00 shall be reduced by \$500.00.

§ 911. FEE WAIVER AND REDUCTION; SOCIAL EQUITY APPLICANTS

The Cannabis Control Board may, in its discretion and pursuant to adopted rule or readily accessible policy, or both, reduce or waive cannabis establishment application and licensing fees for social equity applicants as defined by the Board, including individuals from communities that historically have been disproportionately impacted by cannabis prohibition and individuals directly and personally impacted by cannabis prohibition.

Second: By striking out Sec. 10, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Regulation of the Medical Cannabis Registry * * *

Sec. 10. REPEAL

(a) Due to the failure of the House bill entitled “An act relating to fiscal year 2022 budget adjustments” (H.679), for which the report of the committee of conference was considered and adopted on the part of the Senate on February 24, 2022 and on the part of the House on March 8, 2022, to become law prior to March 1, 2022, 18 V.S.A. chapter 86 (therapeutic use of cannabis)

was repealed on March 1, 2022 pursuant to 2020 Acts and Resolves No. 164, Sec. 11. Accordingly, Secs. 59a (amendments to implementation of medical cannabis registry) and 59b (amendments to the effective dates of 2020 Acts and Resolves No. 164) of H.679 are now obsolete.

(b) If H.679 becomes law, then Secs. 59a and 59b of that act are repealed.

Sec. 11. REGULATION OF THE MEDICAL CANNABIS REGISTRY

Emergency rules identical to the proposed final rules entitled “Rule 3: Medical Cannabis” and “Rule 4: Compliance and Enforcement” that were filed with the Legislative Committee on Administrative Rules on March 9, 2022 shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a) if adopted as emergency rules prior to the permanent rules entitled “Rule 3: Medical Cannabis” and “Rule 4: Compliance and Enforcement” becoming effective.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to cannabis license fees and the regulation of the medical cannabis registry.

(For text see House Journal February 2, 2022)

Action Postponed Until March 17, 2022

Favorable with Amendment

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)

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

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 #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]*