

Senate Calendar

THURSDAY, APRIL 29, 2021

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**ACTION CALENDAR
CALLED UP FOR ACTION**

Committee Bill for Second Reading

S. 100.

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods.

By the Committee on Agriculture (Sen. Starr for the Committee.)

Reported favorably by Senator Campion for the Committee on Education.

(Committee vote: 6-0-0)

Reported favorably with recommendation of amendment by Senator Baruth for the Committee on Appropriations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. TITLE

This act shall be known as "Meals for All."

* * * Statutory Changes; Universal School Breakfast and Lunch * * *

Sec. 2. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

Subchapter 2. School Food Programs

§ 1261a. DEFINITIONS

As used in this subchapter:

(1) "Food programs" means provision of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq. and in the Child Nutrition Act, 42 U.S.C. § 1779 et seq., each as amended.

(2) "School board" means the governing body of a school district responsible for the administration of a public school.

(3) "Independent school board" means a governing body responsible for the administration of a nonprofit independent school exempt from United States U.S. income taxes.

* * *

§ 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to operate within ~~the school district~~ each school in the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student who qualifies for those meals under these Acts every school day. School districts shall maximize access to federal funds for the cost of the school breakfast and lunch program under the Community Eligibility Provision, Provision 2, or other provisions under these Acts.

(B) In addition, each school board operating a public school shall cause to operate within each school in the school district the same school lunch and the same school breakfast program made available to students who qualify for those meals under the National School Lunch Act and the National Child Nutrition Act, each as amended, to each attending student every school day at no charge.

(C) To the extent that costs are not reimbursed through federal or State funds or other sources, the cost of making available school lunches and breakfasts shall be borne by school districts.

* * *

(3) In operating its school breakfast and lunch program, a school district shall seek to achieve the highest level of student participation, which may include any or all of the following:

(A) providing breakfast meals that can be picked up by students;

(B) making breakfast available to students in classrooms after the start of the school day; and

(C) collaborating with the school's wellness community advisory council, as established under subsection 136(e) of this title, in planning school meals.

(4) Each school district shall request the parent or guardian of each student to complete the Household Income Form provided by the Agency of Education, which is used to determine a family's economic status to determine eligibility for various State and federal programs. This requirement shall not apply if the school district obtains equivalent information through another means.

* * *

(d) It is a goal of the State that by the year ~~2022~~ 2023 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers.

(e)(1) On or before December 31, 2020 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of the cost of locally produced foods that were purchased by the school board for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

* * *

§ 1265. EXEMPTION; PUBLIC DISCUSSION

~~(a) The school board of a public school district that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to offer either the school lunch program or the school breakfast program, or both, for a period of one year.~~

~~(b) If a public school is exempt from offering a breakfast or lunch program, its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with 1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the Secretary and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.~~

~~(c) On or before the first day of November prior to the date on which an exemption voted under this section is due to expire, the Secretary shall notify the boards of the affected school district and supervisory union in writing that the exemption will expire.~~

~~(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the Secretary and the superintendent of the supervisory union.~~

~~(e) The Secretary may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner. [Repealed.]~~

Sec. 3. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

* * *

(6) “Education spending” means the amount of the school district budget, any assessment for a joint contract school, career technical center payments made on behalf of the district under subsection 1561(b) of this title, and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is paid for by the school district, but excluding any portion of the school budget paid for from any other sources such as endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under chapter 101 of this title.

(A) [Repealed.]

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

* * *

(xii) Costs incurred by a school district or supervisory union to provide school breakfast and lunch under chapter 27 (transportation and board), subchapter 2 (school food programs) of this title.

* * *

* * * Federal Funds; Data Collection * * *

Sec. 4. 16 V.S.A. § 45 is added to read:

§ 45. FEDERAL FUNDS; DATA COLLECTION

(a) The Secretary of Education shall:

(1) define the term “student poverty” for the purpose of determining qualification for federal funds by school districts;

(2) establish what data should be collected by school districts to qualify for federal funds based on student poverty, the means by which the data should be collected, and the frequency of collection; and

(3) determine how this data shall be reported to the Agency of Education by school districts and the frequency of reporting.

(b) School districts shall collect data that is necessary to qualify for federal funds based on student poverty and report this data to the Agency of Education in accordance with subsection (a) of this section.

* * * Session Law; Universal School Breakfast and Lunch * * *

Sec. 5. SCHOOL MEALS CONSUMED DURING CLASS

A school district shall count time spent by students consuming school meals during class as instructional time.

Sec. 6. TRANSITION

On or before July 1, 2026, each school district shall comply with 16 V.S.A. chapter 27, subchapter 2, as amended by this act. Until the date upon which a school district complies with 16 V.S.A. chapter 27, subchapter 2, as amended by this act, 16 V.S.A. chapter 27, subchapter 2, as in effect on June 30, 2021, shall be in effect.

Sec. 7. AGENCY OF EDUCATION; STAFFING

The following two-year, limited-service position is created in the Agency of Education: one full-time, classified position specializing in the administration of school food programs. The position established in this section shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2, for fiscal year 2022 the amount of \$100,000.00 for salary, benefits, and operating expenses.

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

An act relating to universal school breakfast and lunch for all public school students.

(Committee vote: 7-0-0)

Amendment to the recommendation of amendment of the Committee on Appropriations to S. 100 to be offered by Senators Campion, Chittenden, Hooker, Lyons, Perchlik, Starr, Collamore, Parent, Pearson and Pollina

Senators Campion, Chittenden, Hooker, Lyons, Perchlik, Starr, Collamore, Parent, Pearson and Pollina move to amend the recommendation of amendment of the Committee on Appropriations by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Title * * *

Sec. 1. SHORT TITLE

This act may be cited as the “Universal School Breakfast and Creation of the Task Force on Universal School Lunch Act.”

* * * Purpose * * *

Sec. 2. PURPOSE

The purpose of this act is to:

(1) provide universal school breakfast for all public school students at no cost to the students or their families with funding provided to school districts from the Education Fund; and

(2) establish a task force to advise the General Assembly on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families, thereby making school food programs universally available to all public school students at no cost to the students or their families.

* * * Statutory Changes * * *

Sec. 3. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

Subchapter 2. School Food Programs

§ 1261a. DEFINITIONS

As used in this subchapter:

(1) “Food programs” means provision of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq. and ~~in~~ the Child Nutrition Act, 42 U.S.C. § 1779 et seq., each as amended.

(2) “School board” means the governing body of a school district responsible for the administration of a public school.

(3) “Independent school board” means a governing body responsible for the administration of a nonprofit independent school exempt from ~~United States~~ U.S. income taxes.

§ 1262a. AWARD OF GRANTS

* * *

(c)(1) On a quarterly basis, from State funds appropriated to the Agency for this ~~subsection~~ subdivision, the Agency shall award to each supervisory union, independent school board, and approved education program as described in subsection (a) of this section a sum equal to the amount that would have been the student share of the cost of all breakfasts and lunches actually provided in the district during the previous quarter to students eligible for a reduced-price breakfast under the federal school breakfast program and students eligible for a reduced-price lunch under the federal school lunch program.

(2)(A) From State funds appropriated to the Agency for this subdivision (2), the Agency shall reimburse each school district that made available school breakfast to students at no charge under subdivision 1264(a)(1)(B) of this title for the cost of each meal actually provided in the district during the previous quarter that qualifies as a paid breakfast under the federal school breakfast program.

(B) The reimbursement amount shall be a sum equal to the federal reimbursement rate for a free school breakfast less the federal reimbursement rate for a paid school breakfast, using rates identified annually by the Agency of Education from payment levels established annually by the U.S. Department of Agriculture.

* * *

§ 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to operate within the school district each school in the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student who qualifies for those meals under these Acts every school day. School districts shall maximize access to federal funds for the cost of the school breakfast and lunch program under the Community Eligibility Provision, Provision 2, or other provisions under these Acts.

(B) In addition, each school board operating a public school shall cause to operate within each school in the school district the same school breakfast program made available to students who qualify for those meals under the National Child Nutrition Act, as amended, for each attending student every school day at no charge.

(C) In operating its school breakfast program, a school district shall seek to achieve the highest level of student participation, which may include any or all of the following:

(i) providing breakfast meals that can be picked up by students;

(ii) making breakfast available to students in classrooms after the start of the school day; and

(iii) collaborating with the school's wellness community advisory council, as established under subsection 136(e) of this title, in planning school meals.

(D) A school district shall count time spent by students consuming school meals during class as instructional time.

* * *

(d) It is a goal of the State that by the year ~~2022~~ 2023 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers.

(e)(1) On or before December 31, 2020 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of the cost of locally produced foods that were purchased by the school board for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

* * *

§ 1265. EXEMPTION; PUBLIC DISCUSSION

~~(a) The school board of a public school district that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to offer either the school lunch program or the school breakfast program, or both, for a period of one year.~~

~~(b) If a public school is exempt from offering a breakfast or lunch program, its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with 1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the Secretary and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one~~

additional year.

~~(e) On or before the first day of November prior to the date on which an exemption voted under this section is due to expire, the Secretary shall notify the boards of the affected school district and supervisory union in writing that the exemption will expire.~~

~~(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the Secretary and the superintendent of the supervisory union.~~

~~(e) The Secretary may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner. [Repealed.]~~

Sec. 4. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

* * *

(b) Monies in the Education Fund shall be used for the following:

* * *

(6) To make payments required under subdivision 1262a(c)(2) of this title for school food programs.

* * *

* * * Session Law * * *

Sec. 5. APPROPRIATION; SCHOOL MEALS

The sum of \$8,000,000.00 is appropriated from the Education Fund for fiscal year 2022 to provide reimbursement for school meals under 16 V.S.A. § 1262a(c)(2).

Sec. 6. AGENCY OF EDUCATION; CONSULTATION; REPORT

The Agency of Education shall consult with school districts, Hunger Free Vermont, the Vermont School Boards Association, the Vermont Superintendents Association, the Vermont Association of School Business Officials, the Vermont Principals' Association, and the School Nutrition Association of Vermont on the impact of this act and, on or before December 15, 2021, shall report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture on the status of implementation under this act.

Sec. 7. AGENCY OF EDUCATION; STAFFING

The following position is created in the Agency of Education: one full-time, classified position specializing in the administration of school food programs. The position established in this section shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the General Fund for fiscal year 2022 the amount of \$100,000.00 for salary, benefits, and operating expenses.

Sec. 8. TASK FORCE ON UNIVERSAL SCHOOL LUNCH; REPORT

(a) Creation. There is created the Task Force on Universal School Lunch. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families.

(b) Membership. The Task Force shall be composed of the:

- (1) Secretary of Education or designee;
- (2) Secretary of Human Services or designee; and
- (3) Secretary of Agriculture or designee.

(c) Powers and duties. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families and shall perform the following tasks:

- (1) recommend funding sources for universal school lunch;
- (2) recommend what data should be collected by local education agencies, school districts, and schools to qualify for federal funds based on student poverty, the means by which the data should be collected, the frequency of collection, and how this data should be reported to the Agency of Education and the frequency of this reporting;
- (3) consider how other states offer and fund universal school meals at no cost to students or their families; and
- (4) meet with Vermont’s federal delegation to discuss what changes could be made to federal law and regulations to more readily facilitate universal school meals.

(d) Collaboration. In performing its duties under this section, the Task Force shall collaborate with Hunger Free Vermont, the School Nutrition Association of Vermont, the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Council of Special

Education Administrators, the Vermont Principals' Association, and the Vermont-National Education Association.

(e) Report. On or before January 15, 2022, the Task Force shall submit a written report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Task Force to occur on or before October 10, 2021.

(2) The Task Force shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Task Force shall meet not more than eight times.

(5) The Task Force shall expire on January 16, 2022.

(g) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch.

UNFINISHED BUSINESS OF WEDNESDAY, APRIL 28, 2021

Second Reading

Favorable with Proposal of Amendment

H. 438.

An act relating to capital construction and State bonding.

Reported favorably with recommendation of proposal of amendment by Senator Benning for the Committee on Institutions.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2, State Buildings, in subdivision (b)(10), by striking out “\$2,800,000.00” and inserting in lieu thereof \$2,750,000.00, and by striking out all after subdivision (c)(18) and inserting in lieu thereof the following:

<u>Appropriation – FY 2022</u>	<u>\$19,316,774.00</u>
<u>Appropriation – FY 2023</u>	<u>\$24,800,442.00</u>
<u>Total Appropriation – Section 2</u>	<u>\$44,117,216.00</u>

Second: In Sec. 4, Commerce and Community Development, by striking out subsection (c) in its entirety and by relettering the remaining subsection to be alphabetically correct.

Third: In Sec. 9, Natural Resources, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) The following amounts are appropriated in FY 2022 to the Agency of Natural Resources for the Department of Fish and Wildlife for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure: \$1,264,500.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

and by striking out all after subdivision (f)(2) and inserting in lieu thereof the following:

(g) The following amounts are appropriated in FY 2023 to the Agency of Natural Resources for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure: \$1,083,500.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

Appropriation – FY 2022 \$11,455,214.00

Appropriation – FY 2023 \$9,853,264.00

Total Appropriation – Section 9 \$21,308,478.00

Fourth: By striking out Sec. 26, Federal Funds; Capital Projects, in its entirety and inserting in lieu thereof the following:

Sec. 26. FEDERAL FUNDS; CAPITAL PROJECTS

(a) Intent. It is the intent of the General Assembly, to the extent permitted by federal law and guidance, to use federal funds provided to the State by the

American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital Projects Fund to carry out critical capital projects for the Executive, Legislative, and Judicial Branches to directly enable work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19).

(b) Prioritized uses. The federal funds provided to the State by the American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital Projects Fund shall be prioritized for critical capital projects proposed by the Executive, Legislative, and Judicial Branches in response to the COVID-19 pandemic and the entire amount provided to the State shall not be for the exclusive use of any single branch of State government.

(c) Recommendation.

(1) On or before December 15, 2021, the Commissioner of Finance and Management shall recommend a list of priority projects for the use of federal funds by the Executive Branch from the Coronavirus Capital Projects Fund for FY 2023 to the Governor for the FY 2022–2023 capital budget adjustment report. Consistent with federal guidance as it becomes available, Executive Branch recommendations may include infrastructure that provides the greatest economic benefit in and among our communities. Any recommendations shall take into consideration the capital needs of all three branches.

(2) On or before December 15, 2021, the Joint Legislative Management Committee shall recommend a list of priority projects for the use of federal funds from the Coronavirus Capital Projects Fund for capital projects in the Legislative Branch and the Court Administrator shall submit a list of priority projects for the use of federal funds from the Coronavirus Capital Projects Fund for capital projects in the Judicial Branch to the House Committee on Corrections and Institutions and the Senate Committee on Institutions for allocation in the FY 2022–2023 Capital Budget Adjustment Act. Any recommendations shall take into consideration the capital needs of all three branches.

Fifth: By striking out Sec. 31, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

Sec. 31. 29 V.S.A. § 410 is amended to read:

§ 410. RULEMAKING; ENCROACHMENTS ON PUBLIC WATERS

(a) The Department may adopt rules to implement the requirements of this chapter.

(b) The Department shall adopt rules establishing criteria for issuing an encroachment permit under this chapter for the creation of artificial reefs or sinking of vessels within the waters under the jurisdiction of the Department, including the requirement that any creation of an artificial reef or sinking of a vessel complies with federal rules or guidance for such activities.

Sec. 32. ANR ENCROACHMENT RULES; IMPLEMENTATION

(a) On or before January 1, 2022, the Department of Environmental Conservation shall initiate the rulemaking required under 29 V.S.A. § 410.

(b) On or before July 1, 2022, the Department of Environmental Conservation shall file a final proposal of the rules required under 29 V.S.A. § 410 with the Secretary of State under 3 V.S.A. § 841.

* * * Public Safety * * *

Sec. 33. WILLISTON PUBLIC SAFETY BARRACKS; SALE

The Commissioner of Buildings and General Services is authorized to sell the property known as the Williston Public Safety Barracks (State Office Building) located at 2777 St. George Road in Williston, Vermont pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects.

* * * Effective Date * * *

Sec. 34. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 25, 2021, page 505.)

Reported favorably with recommendation of proposal of amendment by Senator Baruth for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House to amend the bill by striking out Sec. 25, process for use of federal funds; FY 2022 and FY 2023; water and sewer infrastructure, in its entirety and by renumbering the remaining sections to be numerically correct.

(Committee vote: 7-0-0)

House Proposal of Amendment

S. 114

An act relating to improving prekindergarten through grade 12 literacy within the State.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to continue the ongoing work to improve literacy for all students in the State while recognizing that achieving this goal will require a multiyear and multidimensional effort requiring continued focus by the General Assembly, the Administration, and school leaders.

(b) The State has been awarded Elementary and Secondary School Emergency Relief (ESSER) funding under the American Rescue Plan Act of 2021 Section 2001(f) to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment programs, extended day programs, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on at-risk student populations, students experiencing homelessness, and children and youths in foster care, including by providing additional support to local educational agencies to fully address such impacts.

(c) The purpose of the technical support for supervisory unions under Sec. 3 of this act and the contractor support for the Agency of Education under Sec. 4 of this act is to carry out activities to address learning loss and improve literacy outcomes.

* * * Findings * * *

Sec. 2. FINDINGS

(a) Addressing literacy outcomes is a key strategy for the successful implementation of 2018 Acts and Resolves No. 173. The following findings from the report entitled "Expanding and Strengthening Best-Practice Supports for Students who Struggle" issued by the District Management Group in November 2017, which informed the development of Act 173, support the urgency to improve Vermont's literacy outcomes relative to special education reform:

(1) “Investing in the effectiveness of core reading instruction is critical for students in general education and students with disabilities.”

(2) “Students with mild-to-moderate disabilities who struggle with reading may not be supported by teachers skilled in the teaching of reading.”

(3) “While some special education teachers across the supervisory unions had a strong background in the teaching of reading, others indicated that they did not have the training or background to be effective supporting students struggling in reading.”

(b) The following data indicate Vermont needs to improve its literacy outcomes at the early grades:

(1) Smarter Balanced Assessment Consortium results from 2016 to 2018 indicate that only about 50 percent of students in grade three were proficient in English Language Arts in each of these years.

(2) From 2015 to 2019, Vermont’s average scale in grade four reading on the National Assessment of Educational Progress dropped every year from a high of 230 to a low score of 222.

(c) The COVID-19 emergency has adversely affected student academic and developmental progress. Failure to address literacy outcomes now could significantly impact student development for many years to come, since literacy is foundational to the success of each student.

(d) The General Assembly recognizes that improving literacy outcomes is a significant challenge for school systems and their constituencies, and that they will require time and assistance in making necessary changes.

* * * Assistance to Support Improved Literacy Outcomes * * *

Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY OUTCOMES

(a) In recognition that literacy proficiency is a foundational learning skill, the technical support provided in this section is designed to assist supervisory unions improve literacy outcomes as part of their implementation of 2018 Acts and Resolves No. 173.

(b)(1) The Agency of Education shall use the funding under Sec. 4(b) of this act to:

(A) provide professional development learning modules for teachers in methods of teaching literacy in the five key areas of literacy instruction as identified by the National Reading Panel, which are phonics, phonemic awareness, vocabulary, fluency, and reading comprehension; and

(B) assist supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss due to the COVID-19 pandemic.

(2) The Agency of Education shall, in accordance with the assurances required to be given by the Secretary of Education to the U.S. Department of Education under the American Rescue Plan Act of 2021, direct this funding to:

(A) address learning loss through the implementation of evidence-based interventions that respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student groups most impacted by the pandemic and for whom the pandemic exacerbated pre-existing inequities; and

(B) school districts that need additional support as evidenced by their needs assessment priorities in their COVID-19 recovery plans.

(c) The Agency of Education shall use the funding under Sec. 4(a) of this act to retain one or more contractors to provide the following technical assistance to supervisory unions:

(1) recommend how federal funds can be used to implement 2018 Acts and Resolves No. 173 in the context of improving literacy outcomes;

(2) recommend evidence-based best practices in teaching literacy instruction to students in prekindergarten through grade 3;

(3) recommend how to provide professional development for teachers and school leaders in methods of teaching literacy; and

(4) recommend policies, procedures, and other methods to ensure that improvements in literacy outcomes are sustained.

*** Agency of Education; Literacy Staffing; Appropriations ***

Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

(a) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The Agency may shift the use of this funding from the contractor or contractors to a limited service position that would expire at the end of fiscal year 2024 within the Agency focused on coordinating the Statewide literacy efforts.

(b) The sum of \$3,060,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the Agency of Education in fiscal year 2022 for providing professional development learning modules for teachers in methods of teaching literacy and assisting supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss for fiscal years 2022, 2023, and 2024. The Agency of Education may set aside not more than two percent of the funds appropriated under this subsection to cover the costs of retaining and overseeing the work of the contractor.

* * * Advisory Council on Literacy * * *

Sec. 5. 16 V.S.A. § 2903a is added to read:

§ 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following 16 members:

(1) eight members who shall serve as ex officio members:

(A) the Secretary of Education or designee;

(B) a member of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee; and

(2) eight members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three;

(C) three community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, one of whom shall be a high school student, appointed by the Agency of Education in consultation with the Vermont Family Network; and

(D) one member appointed by the Agency of Education who has expertise in working with students with dyslexia.

(c) Members with two-year terms.

(1) A member with a term limit shall serve a term of two years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of these members shall be staggered so that not all terms expire at the same time.

(2) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(3) A member with a term limit shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision.

(d) Powers and duties. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the Agency of Education on how to:

(A) update section 2903 of this title;

(B) implement the statewide literacy plan required by section 2903 of this title and whether, based on its implementation, changes should be made to the plan; and

(C) maintain the statewide literacy plan;

(2) advise the Agency of Education on what services the Agency should provide to school districts to support implementation of the plan and on staffing levels and resources needed at the Agency to support the statewide effort to improve literacy;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and

(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

(e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, the Council shall submit a written report to the House and Senate Committees on Education with its findings, any recommendations for legislative action, and progress toward outcomes identified in this section. The report shall contain an executive summary, which shall not exceed two pages.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Council shall select a chair from among its members.

(3) A majority of the membership shall constitute a quorum.

(4) The Council shall meet not more than eight times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings of the Council per year.

Sec. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$24,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 5 of this act for fiscal years 2022, 2023, and 2024.

Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is repealed on June 30, 2024.

Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON LITERACY

(a) The Advisory Council on Literacy, created in Sec. 5 of this act, is established on August 1, 2021.

(b) Members of the Council shall be appointed on or before August 1, 2021 and, for members with a term limit, their service on the Council from the date of appointment through December 31, 2021 shall not be counted toward their term limit.

(c)(1) In order to stagger the terms of the members of the Council, the initial terms of the following members shall be for one year:

(A) two of the teachers appointed under subdivision (b)(2)(B) of Sec. 5 of this act; and

(B) two of the community members appointed under subdivision (b)(2)(C) of Sec. 5 of this act.

(2) After the expiration of the initial term set forth in subdivision (1) of this subsection, Council member terms shall be as set forth in 16 V.S.A. § 2903a(c) in Sec. 5 of this act.

* * * Review of Teacher Preparation Programs * * *

Sec. 9. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before October 1, 2022, the Agency of Education, in collaboration with the Standards Board for Professional Educators, shall review:

(1) teacher preparation programs to assess to what extent these programs prepare teacher candidates to use “evidence-based literacy instruction”; and

(2) licensing and re-licensing criteria as it pertains to literacy instruction.

(b) As used in this section, “evidence-based literacy instruction” means reading, writing, and spelling instruction that is supported by high-quality research that meets rigorous standards and is proven to translate effectively to classroom practices.

* * * Agency of Education Reports * * *

Sec. 10. AGENCY OF EDUCATION; REPORTS

On or before December 15 of each of 2021, 2022, and 2023, the Agency of Education shall report to the General Assembly the statewide progress in achieving the purpose of this act, which is to improve literacy outcomes for all students in the State.

* * * Census-based Funding Advisory Group * * *

Sec. 11. 2018 Acts and Resolves No. 173, Sec. 9 (Census-based Funding Advisory Group), as amended by 2020 Acts and Resolves No. 112, Sec. 4 is further amended to read:

Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

* * *

(e) Meetings.

* * *

(4) The Advisory Group shall cease to exist on June 30, 2023.

(f) Reports. On or before January 15, 2019, the Advisory Group shall submit a written report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations on the development of proposed rules to implement this act and any recommendations for legislation. On or before January 15 of 2020, 2021, ~~and~~ 2022, and 2023, the Advisory Group shall submit a supplemental written report to the House and Senate Committees on Education and the State Board of Education with a

status of implementation under this act and any recommendations for legislation.

(g) Reimbursement. Members of the Advisory Group 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 as permitted under 32 V.S.A. § 1010 for not more than eight meetings per year in fiscal years 2019 and 2020 and not more than 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

(h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year 2018 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. ~~The Agency shall include in its budget request to the General Assembly for each of fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per diem compensation and reimbursement under subsection (g) of this section.~~

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

NEW BUSINESS

Third Reading

H. 46.

An act relating to miscellaneous provisions of mental health law.

H. 89.

An act relating to limiting liability for agritourism.

H. 104.

An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth.

H. 108.

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification.

Second Reading
Favorable with Proposal of Amendment

H. 171.

An act relating to the governance and financing of Vermont's child care system.

Reported favorably with recommendation of proposal of amendment by Senator Lyons for the Committee on Health and Welfare.

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly:

(1) that immediate investments are necessary to support Vermont's economy, ensure that all families with young children have affordable access to high-quality child care and early education, and that Vermont's early childhood educators are fairly compensated and well supported; and

(2) to continue and build upon the five-year redesign of the Child Care Financial Assistance Program that began in fiscal year 2020.

* * * Child Care Financial Assistance Program * * *

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection shall be ~~on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the current federal~~

~~poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 150 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including 350 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.~~

* * *

Sec. 3. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

* * *

(c)(1) The payment schedule established by the Commissioner may reimburse providers in accordance with the results of the most recent Vermont Child Care Market Rate Survey.

(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program. The lower limit of the reimbursement rate caps shall be not less than the 50th percentile of all reported rates for the same provider setting in each rate category.

Sec. 4. APPROPRIATION AND LEGISLATIVE INTENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) In fiscal year 2022, \$5,529,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of implementing Secs. 2 and 3 of this act.

(b) It is the intent of the General Assembly that:

(1) consideration be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year; and

(2) the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income.

* * * Bright Futures Information System * * *

Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION PLAN

(a) Funds for the modernization of the Bright Futures Information System are located within the Technology Modernization Reserve.

(b)(1) On or before October 1, 2021, the Department for Children and Families' Child Development Division shall make every reasonable effort to achieve full functionality of the first module of the modernized Bright Futures Information System.

(2) On or before August 1, 2021, the Department for Children and Families' Child Development Division shall convene and consult with a Bright Futures Information System end-user group, composed of child care providers, eligibility specialists from community child care support agencies, families participating in the Child Care Financial Assistance Program, and any other relevant stakeholders. The Division shall provide periodic updates to the end-user group regarding the Division's progress in completing the modernization project and any successes or challenges identified once the modernized Bright Futures Information System is operational. The Division shall actively seek advice and feedback from the end-user group regarding the modernized Bright Futures Information System. The end-user group shall be dissolved following full functionality of all components of the modernized Bright Futures Information System.

* * * Workforce Supports * * *

Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

Subchapter 5. Workforce

§ 3541. SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD PROVIDERS

(a) There is established a need-based scholarship program for individuals employed by a regulated, privately operated center-based child care program or family child care home while acquiring credits in early childhood development or that are related directly to working with children from birth through eight years of age.

(b) The Department of Children and Families may contract for the administration of the program set forth in subsection (a) of this section and adopt policies, procedures, and guidelines necessary for its implementation.

(c) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 3542. SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS

(a)(1) There is established a need-based scholarship program for individuals pursuing a college degree in early childhood education or early childhood special education. The scholarship program shall provide financial assistance up to the full cost of tuition for an eligible individual.

(2) An eligible individual shall:

(A) attend a Vermont college or university at least part-time;

(B) be pursuing an associates or bachelor's degree in early childhood education or early childhood special education; and

(C) commit to working in a regulated, privately operated center-based child care program or family child care home in Vermont for years equal to those in which scholarship monies are sought under this section.

(b)(1) The Department for Children and Families shall adopt policies, procedures, and guidelines necessary for implementation of the program described in subsection (a) of this section.

(2) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c)(1) Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(2) An eligible individual who does not work the required number of years in a regulated, privately operated center-based child care program or family child care home in Vermont after completion of the individual's degree program shall repay scholarship monies received under this section commensurate with the balance of the eligible individual's time commitment.

(d) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3543 of this title.

§ 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;

(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.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

(b)(1) The Department shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

(2) Student loan repayments shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(3) The Department may contract for the administration of the program. Administration costs shall not be more than 10 percent of the total appropriation received to implement this section.

(c) An individual shall not simultaneously participate in the student loan repayment assistance program set forth in this section and either of the scholarship programs set forth in section 3541 or 3542 of this title.

Sec. 7. APPROPRIATION AND EVALUATION; EARLY CHILDHOOD WORKFORCE PROGRAMS

(a) In fiscal year 2022:

(1) \$300,000.00 is appropriated to the Department for Children and Families' Child Development Division for the current early childhood provider scholarship program established pursuant to 33 V.S.A. § 3541.

(2) \$400,000.00 is appropriated to the Department for Children and Families for the prospective early childhood provider scholarship program established pursuant to 33 V.S.A. § 3542.

(3) \$1,800,000.00 is appropriated to the Department for Children and Families for the student loan repayment assistance program established pursuant to 33 V.S.A. § 3543.

(b) On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, 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:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current state, or retained with amendment.

Sec. 8. REPEALS

(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.

(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026.

(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.

* * * Building Bright Futures' Powers and Duties * * *

Sec. 9. 33 V.S.A. § 4603 is amended to read:

§ 4603. POWERS AND DUTIES

The Council established by section 4602 of this title shall have the following powers and duties necessary and appropriate to effectuating the purposes of this chapter:

(1) Advise the Administration and General Assembly on:

(A) the status and needs of the early care, health, and education system by conducting a review of the status of young children in Vermont and the care, health, and education services and systems that support them; and

(B) planning related to and the administration and operation of Vermont's child care system.

* * *

(3) Develop an early care, health, and education system plan for Vermont to serve as the basis for policy and funding recommendations, which shall reflect the growing diversity of Vermont's children and families.

* * *

(12) Convene members of the child care community, medical community, education community, business community, and other organizations, as well as State agencies serving young children, to ensure that families receive quality services in the most efficient and cost-effective manner.

* * *

* * * Recommendations on the American Rescue Plan Act of 2021 * * *

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE DEVELOPMENT BLOCK GRANT

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, as well as individuals representing a range of employer and business interests, families, child care and afterschool providers, child welfare advocates, and consultation with any other individuals necessary to make recommendations for most effectively utilizing Child Care Development Block Grant funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to the General Assembly to ensure that the use of the ARPA Child Care Development Block Grant is fully utilized. The working group shall consider the following priorities but need not be limited to consideration of the listed priorities:

(1) bridge funding necessary to ensure that the co-payment for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income;

(2) bridge funding to expand the Child Care Financial Assistance Program to families whose incomes are up to 400 percent of the current federal poverty level;

(3) funding necessary to complete the child care and early childhood education systems analysis and financing studies pursuant to Sec. 14 of this act;

(4) funding necessary to implement the child care workforce support programs established in 33 V.S.A. chapter 35, subchapter 5;

(5) increased access to high-quality infant care;

(6) access to high-quality, affordable child care for culturally and racially diverse families;

(7) support and assistance to stabilize regulated, privately operated center-based child care programs and family child care homes; and

(8) the identification of any statutory or regulatory barriers to using the ARPA funds to address the immediate and future child care needs of Vermonters.

(c) Report. On or before November 30, 2021, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare containing the working group's recommendations.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

(2) A majority of the membership shall constitute a quorum.

(3) The working group shall cease to exist on December 1, 2021.

Sec. 11. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE STABILIZATION GRANTS

(a) Purpose and membership. The Department for Children and Families, in coordination with Building Bright Futures, shall convene a child care working group composed of mutually agreed to stakeholders that reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color. Members of this working group shall include a representative from both the House Committee on Human Services and the Senate Committee on Health and Welfare, child care and afterschool providers, and consultation with any other individuals necessary to make recommendations for most effectively utilizing Child Care Stabilization Grants funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to meet the immediate and future child care needs of Vermonters.

(b) Powers and duties. The working group shall make recommendations to ensure that the use of the ARPA Child Care Stabilization Grants funding is fully utilized in a timely manner.

(c) Report and approval. On or before September 1, 2021, the Department shall submit a written report with the working group's recommendations to the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare or their designees. The Chairs or their designees shall review the report and recommend to the Joint Fiscal Committee whether or not to approve the report's recommendations. After review of the report and the recommendations of the Chairs or their designees, the Joint Fiscal Committee shall approve the report's recommendation, disapprove the report's recommendation, or direct the Department to amend and resubmit the report to the Chairs by a date certain. Upon approval by the Joint Fiscal Committee, the Department shall distribute funds according to the report's recommendations.

(d) Meetings.

(1) The Commissioner for Children and Families or designee and the Executive Director of Building Bright Futures shall call the first meeting of the working group and shall serve as Co-Chairs.

(2) A majority of the membership shall constitute a quorum.

(3) The working group shall cease to exist on January 1, 2022.

* * * Studies and Reports * * *

Sec. 12. REPORT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ENROLLMENT MODEL

On or before July 1, 2022, the Department for Children and Families' Child Development Division shall submit to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare analyses addressing the costs and policy implications associated with moving from an attendance-based model to an enrollment-based model in the Child Care Financial Assistance Program.

Sec. 13. CHILD CARE AND EARLY CHILDHOOD EDUCATION
SYSTEMS ANALYSIS STUDY

(a)(1) On or before September 1, 2021, Building Bright Futures shall develop and issue a request for proposals to select an independent consulting entity with expertise in the field of child care and early childhood education to provide an analysis and recommendations on Vermont's child care and early education systems for children from birth through five years of age. The development of the request for proposals and selection of an independent consulting entity shall be done in consultation with the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare or their designees.

(2) On or before July 1, 2022, the independent consulting entity shall submit the analysis and recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the following:

(A) existing child care and early childhood education systems and administrative stakeholders and structures, including functions that are currently not staffed or understaffed;

(B) emerging system needs;

(C) stakeholder engagement in decision-making processes and State plan development;

(D) mechanisms to strengthen system oversight and leverage current system strengths;

(E) identification of existing needs and challenges;

(F) ensuring data driven accountability for improvement of the current well-being and future outcomes of children and families; and

(G) ensuring that an antiracist approach is utilized in modifying existing policies and procedures and creating new policies and procedures.

(b) All findings and recommendations provided pursuant to this section shall:

(1) be divided by birth through five years of age and six years of age through 12 years of age; and

(2) rely on the work and advice provided pursuant to Sec. 10 of this act.

(c) As used in this section, “child care and early childhood education” means programming provided at a center-based child care program or family child care home regulated by the Department for Children and Families’ Child Development Division that serves children from birth through 12 years of age.

(d) In fiscal year 2022, \$200,000.00 is appropriated to the Department for Children and Families from the General Fund for the purpose of enabling Building Bright Futures to contract with an independent consulting entity pursuant to this section.

Sec. 14. CHILD CARE AND EARLY CHILDHOOD EDUCATION FINANCING STUDY

(a) On or before July 1, 2022, the Joint Fiscal Office shall contract with an economist or independent consulting entity with expertise in the field of child care and early childhood education to evaluate the economic impacts of and potential funding mechanisms to adjusting Vermont’s existing child care system regulated pursuant to 33 V.S.A. chapter 35 for children from birth through five years of age with consideration given to the intersection of and impacts on child care for children from six years of age through 12 years of age in alignment with the recommendations of the Universal Afterschool Task Force established pursuant to 2020 Acts and Resolves No. 154, Sec. B.1120.1. The work of the economist or independent consulting entity shall be governed by the following goals:

(1) that a family does not spend more than 10 percent of its gross annual income on child care;

(2) that child care providers receive compensation that is commensurate with peers in other fields; and

(3) the utilization of a cost of care model versus a market rate model in the Child Care Financial Assistance Program.

(b)(1) On or before December 1, 2022, the consultant shall submit preliminary results to the Joint Fiscal Office and to the Chairs of the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare.

(2) On or before January 15, 2023, the consultant shall submit to the House Committees on Appropriations, on Human Services, and on Ways and Means and to the Senate Committees on Appropriations, on Finance, and on Health and Welfare multiple financing options for public and private funding sources, including a final report that:

(A) projects the costs of expanding the State's child care benefit to more families in accordance with this section, requiring commensurate pay for providers, and utilizing cost of care in the Child Care Financial Assistance Program and the feasibility of implementing each policy in Vermont, both separately and jointly; and

(B) identifies and determines the feasibility of implementing stable, long-term funding sources to finance an affordable, high-quality early child care system for children from birth through five years of age.

* * * Federal Funding, Administration * * *

Sec. 15. FEDERAL FUNDS; ANTICIPATED RECEIPTS

(a) To the extent that appropriations in this act are made from federal funds provided by the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA), including State holding funds that are established as a result of the ARPA, the Commissioner of Finance and Management is authorized to make expenditures in anticipation of receipts as necessary. In the event monies received by the State under ARPA cannot be used for their designated purpose, appropriations shall instead be made from the General Fund.

(b) The appropriations in this act from funds provided by ARPA shall carry forward from fiscal year 2021 until expended.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

(a) This section and Secs. 10 (recommendations; American Rescue Plan Act of 2021; Child Care Development Block Grant) and 11 (recommendations; American Rescue Plan Act of 2021; Child Care Stabilization Grants) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2021, except that Secs. 2 (Child Care Financial Assistance Program; eligibility) and 3 (payment to providers) shall take effect on October 1, 2021.

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

An act relating to child care systems and financing.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2021, pages 450-474.)

Reported favorably with recommendation of proposal of amendment by Senator Westman for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Health and Welfare with the following amendments thereto:

First: By striking out Sec. 4, appropriation and legislative intent; child care financial assistance program, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. LEGISLATIVE INTENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

It is the intent of the General Assembly that:

(1) consideration be made in fiscal years 2023 through 2026 to progressively adjust the upper income limit of the Child Care Financial Assistance Program fee scale each year; and

(2) the co-payment at the upper limit of the income eligibility scale for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income.

Second: In Sec. 5, Bright Futures Information System; modernization plan, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) To the extent funds exist in fiscal year 2022, the Department for Children and Families shall modernize the Bright Futures Information System.

Third: By striking out Sec. 7, appropriation and evaluation; early childhood workforce programs, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EVALUATION; EARLY CHILDHOOD WORKFORCE PROGRAMS

On or before October 1, 2025, the Department for Children and Families' Child Development Division, in consultation with stakeholders, 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:

(1) evaluating the effectiveness of the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 at recruiting and retaining providers in Vermont's child care and early learning system; and

(2) recommending whether the scholarship and student loan repayment programs established in 33 V.S.A. chapter 35, subchapter 5 shall be repealed in accordance with Sec. 8 of this act, retained and funded in their current states, or retained with amendment.

Fourth: By striking out Sec. 10, recommendations; American Rescue Plan Act; Child Care Development Block Grant, in its entirety and inserting in lieu thereof in a new Sec. 10 to read as follows:

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN OF 2021; CHILD CARE DEVELOPMENT BLOCK GRANT

On or before January 15, 2022, the Department for Children and Families shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare summarizing its use of the Child Care Development Block Grant funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2.

Fifth: By striking out Sec. 11, recommendations; American Rescue Plan Act of 2021; child care stabilization grants, in its entirety and inserting in lieu thereof the following:

Sec. 11. [Deleted.]

Sixth: In Sec. 13, child care and early childhood education systems analysis study, by striking out subsection (d) in its entirety.

Seventh: By striking out Sec. 15, federal funds; anticipated receipts, in its entirety and inserting in lieu thereof the following:

Sec. 15. [Deleted.]

(Committee vote: 6-0-1)

H. 210.

An act relating to addressing disparities and promoting equity in the health care system.

Reported favorably with recommendation of proposal of amendment by Senator Hardy for the Committee on Health and Welfare.

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The Department of Health's 2018 State Health Assessment indicates that Vermont residents experience barriers to the equal enjoyment of good health based on race and ethnicity, sexual orientation, gender identity, and disability status.

(2) According to the 2018 Department of Health's Behavioral Risk Factor Surveillance System report, non-White Vermonters are:

(A) statistically less likely to have a personal doctor;

(B) statistically more likely to report poor mental health;

(C) more than twice as likely to report rarely or never getting the necessary emotional support;

(D) significantly more likely to have depression;

(E) significantly more likely to have been worried about having enough food in the past year; and

(F) significantly more likely to report no physical activity during leisure time.

(3) According to the Department of Mental Health's analysis entitled "Race Data VPCH Admissions," which reviewed patients admitted from May 1, 2019 to April 30, 2020, Non-White Vermonters are disproportionately represented in the highest level of involuntary hospitalization. At the Vermont Psychiatric Care Hospital, 15 percent of the patients are non-White.

(4)(A) Non-White Vermonters have also been disproportionately affected by COVID-19. According to a data brief published on the Department of Health’s website in December 2020, entitled “COVID-19 among Vermonters who are Black, Indigenous, and People of Color (BIPOC),” nearly one in every five COVID-19 cases in Vermont are among Black, Indigenous, and Persons of Color even though these Vermonters make up approximately six percent of Vermont’s population. According to that same data brief, the incidence rate for non-White Vermonters is 74.2 versus 26.2 for White Vermonters. The incidence rate for Black Vermonters is 225.7; the incidence rate for Asian Vermonters is 61; the incidence rate for Hispanic Vermonters is 41.7; and the incidence rate for other races is 20.5. Non-White Vermonters are also at a higher risk for more serious outcomes, such as hospitalization.

(B) According to the Department of Health’s December 2020 data brief, COVID-19 cases among non-White Vermonters tend to be younger than for White Vermonters. The average age of persons testing positive for COVID-19 is 33 among non-White Vermonters, whereas the average age is 46 among White Vermonters.

(C) While, according to the Department of Health’s 2018 Behavior Risk Factor Surveillance System, there are not statistically significant differences in the rates of preexisting conditions, such as diabetes, lung disease, and cardiovascular disease, among White and non-White Vermonters, the Vermont Department of Health’s December 2020 data brief indicates that there are disparities in the rates of preexisting conditions among Vermonters testing positive for COVID-19. As stated in that data brief, the preexisting conditions rate among COVID-19 cases is 19.4 percent for non-White Vermonters and 12.1 percent for White Vermonters. According to the same December 2020 data brief, this suggests that non-White Vermonters are at higher risk of exposure to COVID-19 due to their type of employment and living arrangements. Thirty-six percent of non-White Vermonters had household contact with a confirmed case of COVID-19, as compared to only 20 percent of White Vermonters as stated in the Department of Health’s December 2020 data brief.

(5) According to the 2018 Vermont Behavioral Risk Factor Surveillance System Report, adults with a disability are:

(A) five times as likely to consider suicide than adults with no disability;

(B) eight times more likely to report fair or poor health than adults with no disability;

(C) statistically more likely to delay care due to cost than adults with no disability;

(D) seven times more likely to report poor physical health than adults with no disability;

(E) statistically more likely to report poor mental health in the past month than adults with no disability;

(F) more than twice as likely to report rarely or never getting the necessary emotional support as compared to White adults with no disability;

(G) statistically more likely to report having arthritis than adults with no disability;

(H) statistically more likely to have asthma than adults with no disability;

(I) nearly twice as likely to have ever had cancer than adults without a disability;

(J) statistically more likely to have had skin cancer than adults with no disability;

(K) three times more likely to report having cardiovascular disease than adults with no disability;

(L) five times more likely to report having chronic obstructive pulmonary disease than Vermonters with no disability;

(M) significantly more likely to have depression than adults with no disability;

(N) three times as likely to report having diabetes than those with no disability;

(O) significantly more likely to report having hypertension than those with no disability;

(P) statistically more likely to report having kidney disease than adults with no disability;

(Q) significantly more likely to have been worried about having enough food in the past year when compared to adults with no disability;

(R) more than three times as likely to report housing insecurity in the past year than adults with no disability; and

(S) significantly more likely to report no physical activity during leisure time than adults with no disability.

(6) According to the 2018 Vermont Behavior Risk Factor Surveillance System Report, adults who are LGBTQ are:

(A) three times as likely to report seriously considering suicide compared to non-LGBTQ adults;

(B) statistically more likely to delay care due to cost than non-LGBTQ adults;

(C) statistically more likely to report poor mental health in the past month than non-LGBTQ adults;

(D) statistically more likely to report a disability than non-LGBTQ adults;

(E) statistically more likely to have asthma than non-LGBTQ adults;

(F) significantly more likely to have depression than non-LGBTQ adults; and

(G) significantly more likely to have been worried about having enough food in the past year when compared to non-LGBTQ adults.

(7) LGBTQ youths, according to Vermont's 2019 Youth Risk Behavior Survey, are:

(A) four times more likely to purposefully hurt themselves in the preceding 12 months and four times more likely to make a suicide plan in the preceding 12 months than cisgender, heterosexual peers;

(B) five times more likely to have attempted suicide in the preceding 12 months than cisgender, heterosexual peers;

(C) over three times more likely to experience unwanted sexual contact as compared to cisgender, heterosexual peers;

(D) twice as likely to experience bullying during the preceding month and significantly more likely to skip school due to safety concerns at or on their way to or from school as compared to cisgender, heterosexual peers;

(E) nearly three times more likely to experience housing insecurity as compared to cisgender, heterosexual peers;

(F) twice as likely to face food insecurity as compared to cisgender, heterosexual peers; and

(G) twice as likely to report having a physical disability, long-term health problem, emotional problem, or learning disability as compared to cisgender, heterosexual peers.

(8) According to Preliminary Data from the 2018 State Health Assessment presented to the House Committee on Health Care by the Department of Health in January 2018, Vermonters who experience health inequities report that they:

(A) face discrimination, prejudice, and racism that is often invisible to others;

(B) do not trust and feel misunderstood by “the system”;

(C) do not feel valued, included, or safe;

(D) feel like services are not designed to support them;

(E) feel a lack of agency over their health and their own lives; and

(F) believe this takes place because our society has been structured to maintain a status quo that provides them with unequal opportunities.

(9) Vermont’s 2018 State Health Assessment indicates that social determinants of health are underlying, contributing factors of the foregoing health inequities. That is, disparities in social determinants of health contribute to health inequities. Disparities in the social determinants of health exist in Vermont. For example:

(A) According to the Vermont Housing Finance Agency, just 21 percent of Black Vermonters own their own homes, whereas 72 percent of White Vermonters own their own home. Nationally, 41 percent of Black Americans own their own home.

(B) According to the Vermont Housing Finance Agency, the median household income of Black Vermonters is \$41,533.00, while the median household income of White Vermonters is \$58,244.00.

(C) According to the U.S. Census Bureau, in 2018, 23.8 percent of Black Vermonters were living in poverty, while 10.7 percent of White Vermonters lived in poverty. In addition, according to the Vermont Housing Finance Agency, 57 percent of Black Vermonters earned less than 80 percent of Vermont’s median income, while 43 percent of White Vermonters earned less than 80 percent of Vermont’s median income.

(D) According to the Vermont Housing Finance Agency, about one in two non-White Vermonters experience “housing problems,” which is defined by the U.S. Department of Housing and Urban Development as homes that lack complete kitchen facilities or plumbing; overcrowded homes; or households paying more than 30 percent of income towards rent, mortgage payments, and utilities. One in three Vermonters experience “housing problems.”

(E) According to the Vermont Coalition to End Homelessness and Chittenden County Homeless Alliance’s 2020 Point-in-Time Count, Black Vermonters are overrepresented among Vermonters experiencing homelessness. While Black Vermonters make up about one percent of Vermont’s population, they make up six percent of Vermonters experiencing homelessness.

(10) According to the Indian Health Service, “[t]he American Indian and Alaska Native people have long experienced lower health status when compared with other Americans,” including a life expectancy among American Indian and Alaska Native people born today that is 5.5 years less than the U.S. all races population.

(11) As outlined in 2021 J.R.H. 2, Vermont’s “State-sanctioned eugenics policies targeted Vermonters of Native American Indian heritage, including French-Indian and Abenaki families, and persons of mixed ethnicity and of French-Canadian heritage, as well as the poor and persons with disabilities, among others.” These policies, including the State’s 1931 sterilization law, are examples of past injustices in the health care system that continue to impact members of these communities in present day.

Sec. 2. LEGISLATIVE INTENT AND PURPOSE

(a) It is the intent of the General Assembly to promote health and achieve health equity by eliminating avoidable and unjust disparities in health through a systemic and comprehensive approach that addresses social, economic, and environmental factors that influence health. To this end, the General Assembly believes that:

(1) Equal opportunity is a fundamental principle of American democracy.

(2) Equal enjoyment of the highest attainable standard of health is a human right and a priority of the State.

(3) Structural racism, defined as the laws, policies, institutional practices, cultural representations, and other societal norms that often work together to deny equal opportunity, has resulted in health disparities among Vermonters. Great social costs arise from these inequities, including threats to economic development, democracy, and the social health of the State of Vermont.

(4) Health disparities are a function of not only access to health care, but also social determinants of health, including the environment, the physical structure of communities, nutrition and food options, educational attainment, employment, race, ethnicity, sex, geography, language preferences, immigrant

or citizen status, sexual orientation, gender identity, and socioeconomic status, that directly and indirectly affect the health, health care, and wellness of individuals and communities.

(5) Efforts to improve health in the United States have traditionally looked to the health care system as the key driver of health and health outcomes. However, there has been increased recognition that improving health and achieving health equity will require broader approaches that address factors that influence health.

(6) Health equity is the attainment of the highest level of health for all people. Health equity can be achieved only by eliminating the preventable differences in the health of one group over another as the result of factors such as race, sexual orientation, gender, disability, age, socioeconomic status, or geographic location.

(7) Definitions of racial categories and identities can be difficult to agree upon, as they often create hierarchies and comparisons that center whiteness, prioritize one group or identity over another, or fail to recognize historical inequities and oppression. Definitions also shift over time as broader cultural norms change. While potentially problematic, in order to align with data collection standards and create consistency, this bill does use the term “non-White” as defined in 18 V.S.A. § 251 and also seeks to create new definitions that better reflect racial and ethnic identities and categories pursuant to Sec. 6 of this act.

(b) The purpose of this act is to eliminate disparities in health status based on race, ethnicity, disability, and LGBTQ status by:

(1) establishing better and more consistent collection and access to data;

(2) enhancing the full range of available and accessible culturally appropriate health care and public services across Vermont;

(3) ensuring the early and equitable inclusion of Vermonters who experience health inequities because of race, ethnicity, disability, and LGBTQ status in efforts to eliminate such inequities; and

(4) addressing social determinants of health, particularly social, economic, and environmental factors that influence health.

Sec. 3. 18 V.S.A. chapter 6 is added to read:

CHAPTER 6. HEALTH EQUITY

§ 251. DEFINITIONS

As used in this chapter:

(1) “Cultural competency” means a set of integrated attitudes, knowledge, and skills that enables a health care professional to care effectively for patients from cultures, groups, and communities other than that of the health care professional. At a minimum, cultural competency should include the following:

(A) awareness and acknowledgement of the health care professional’s own culture;

(B) utilization of cultural information to establish therapeutic relationships;

(C) eliciting and incorporating pertinent cultural data in diagnosis and treatment;

(D) understanding and applying cultural and ethnic data to the process of clinical care; and

(E) the ability to recognize the importance of communication, language fluency, and interpretation in the provision of health care services and assist with access to interpretation and appropriate communication services.

(2) “Cultural humility” means the ability to maintain an interpersonal stance that is other-oriented, or open to the other, in relation to aspects of cultural identity that are most important to the client or patient.

(3) “Health disparity” means differences that exist among specific population groups in the United States in attaining individuals’ full health potential that can be measured by differences in incidence, prevalence, mortality, burden of disease, and other adverse health conditions.

(4) “Health equity” means all people have a fair and just opportunity to be healthy, especially those who have experienced socioeconomic disadvantage, historical injustice, and other avoidable systemic inequalities that are often associated with the social categories of race, gender, ethnicity, social position, sexual orientation, and disability.

(5) “Health equity data” means demographic data, including, but not limited to, race, ethnicity, primary language, age, gender, socioeconomic position, sexual orientation, disability, homelessness, or geographic data that can be used to track health equity.

(6) “LGBTQ” means Vermonters who identify as lesbian, gay, bisexual, transgender, queer, or questioning.

(7) “Non-White” means Black, Indigenous, and Persons of Color. It is not intended to reflect self-identity, but rather how people are categorized in the racial system on which discrimination has been historically based in the United States and how Vermont typically disaggregates data solely by White and non-White.

(8) “Race and ethnicity” mean the categories for classifying individuals that have been created by prevailing social perceptions, historical policies, and practices. Race and ethnicity include how individuals perceive themselves and how individuals are perceived by others.

(9) “Social determinants of health” are the conditions in the environments where people are born, live, learn, work, play, worship, and age, such as poverty, income and wealth inequality, racism, and sex discrimination, that affect a wide range of health, functioning, and quality-of-life outcomes and risks. They can be grouped into five domains: economic stability; education access and quality; health care access and quality; neighborhood and built environment; and social and community context. Social determinants of health are systematic, interconnected, cumulative, and intergenerational conditions that are associated with lower capacity to fully participate in society.

§ 252. HEALTH EQUITY ADVISORY COMMISSION

(a) Creation. There is created the Health Equity Advisory Commission to promote health equity and eradicate health disparities among Vermonters, including particularly those who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities. The Advisory Commission shall amplify the voices of impacted communities regarding decisions made by the State that impact health equity, whether in the provision of health care services or as the result of social determinants of health. The Advisory Commission shall also provide strategic guidance on the development of the Office of Health Equity, including recommendations on the structure, responsibilities, and jurisdiction of such an office.

(b)(1) Membership. The Advisory Commission shall be composed of the following members:

(A) the Executive Director of Racial Equity established pursuant to 3 V.S.A. § 5001 or designee;

(B) the Commissioner of Health or designee;

(C) the Commissioner of Mental Health or designee;

(D) the Commissioner of Disabilities, Aging, and Independent Living or designee;

- (E) the Commissioner of Vermont Health Access or designee;
- (F) the Commissioner for Children and Families or designee;
- (G) the Commissioner of Housing and Community Development or designee;
- (H) the Commissioner of Economic Development or designee;
- (I) the Chief Performance Officer or designee;
- (J) the Chief Prevention Officer or designee;
- (K) a member, appointed by the Racial Justice Alliance;
- (L) a member, appointed by the Rutland Area NAACP;
- (M) a member, appointed by the Association of Africans Living in Vermont;
- (N) a member, appointed by the Windham County Vermont NAACP;
- (O) a member, appointed by the Pride Center of Vermont;
- (P) a member, appointed by Outright Vermont;
- (Q) a member, appointed by Migrant Justice;
- (R) a member, appointed by Out in the Open;
- (S) a member, appointed by Another Way Community Center;
- (T) a member, appointed by Vermont Psychiatric Survivors;
- (U) a member, appointed by the Vermont Center for Independent Living;
- (V) a member, appointed by the Elnu Abenaki Tribe;
- (W) a member, appointed by the Nulhegan Abenaki Tribe;
- (X) a member, appointed by the Koasek Traditional Nation of Missiquoi;
- (Y) a member, appointed by the Abenaki Nation of Missiquoi;
- (Z) a member, appointed by the Vermont Commission on Native American Affairs;
- (AA) a member, appointed by Green Mountain Self-Advocates;
- (BB) a member, appointed by the Vermont Developmental Disabilities Council;

(CC) a member, appointed by Vermont Federation of Families for Children's Mental Health; and

(DD) any other members at large that the Advisory Commission deems necessary to appoint to carry out the functions of this section, including ensuring equitable representation and a balance between impacted communities, and that health care provider perspectives are represented, based on a majority vote of the members.

(2) The term of office of each appointed member shall be three years, with the exception that members at large shall each have a term of one year. Of the members first appointed, who are not designated as at-large members, ten shall be appointed for a term of one year, ten shall be appointed for a term of two years, and nine shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(c) Powers and duties. The Advisory Commission shall:

(1) provide guidance on the development of the Office of Health Equity, which shall be established based on the Advisory Commission's recommendations not later than January 1, 2023, including on:

(A) the structure, responsibilities, and jurisdiction of the Office;

(B) whether the Office shall be independent and, if not, in which State agency or department it shall be situated;

(C) how the Office shall be staffed;

(D) the populations served and specific issues addressed by the Office;

(E) the duties of the Office, including how grant funds shall be managed and distributed; and

(F) the time frame and necessary steps to establish the Office;

(2) provide advice and make recommendations to the Office of Health Equity once established, including input on:

(A) any rules or policies proposed by the Office;

(B) the awarding of grants and the development of programs and services;

(C) the needs, priorities, programs, and policies relating to the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(D) any other issue on which the Office of Health Equity requests assistance from the Advisory Commission;

(3) review, monitor, and advise all State agencies regarding the impact of current and emerging State policies, procedures, practices, laws, and rules on the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities;

(4) identify and examine the limitations and problems associated with existing laws, rules, programs, and services related to the health status of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities;

(5) advise the Department of Health and General Assembly on any funding decisions relating to eliminating health disparities and promoting health equity, including the distribution of federal monies related to COVID-19;

(6) to the extent funds are available for the purpose, distribute grants that stimulate the development of community-based and neighborhood-based projects that will improve the health outcomes of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(7) advise the General Assembly on efforts to improve cultural competency, cultural humility, and antiracism in the health care system through training and continuing education requirements for health care providers and other clinical professionals.

(d) Assistance. The Advisory Commission shall have the administrative, legal, and technical assistance of the Agency of Administration at the request of the Executive Director of Racial Equity.

(e) Report. Annually, on or before January 15, the Advisory Commission shall submit a written report to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services with its findings and any recommendations for legislative action. The Advisory Commission is encouraged to base recommendations on the data collected and analysis completed pursuant to section 253 of this title.

(f) Meetings.

(1) The Executive Director of Racial Equity or designee shall call the first meeting of the Advisory Commission to occur on or before September 1, 2021.

(2) The Advisory Commission shall select a chair and vice chair at its first meeting and annually thereafter.

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

(4) All meetings of the Advisory Commission and any subcommittees of the Advisory Commission shall be open to the public with opportunities for public comment provided on a regular basis.

(g) Acceptance of grants and other contributions. The Advisory Commission may accept from any governmental department or agency, public or private body, or any other source grants or contributions to be used in carrying out its responsibilities under this chapter.

(h) Compensation and reimbursement. Appointed members of the Advisory Commission shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for meetings as deemed appropriate by the Advisory Commission within the appropriation provided. These payments shall be made from monies appropriated to the Agency of Administration.

§ 253. DATA RESPONSIVE TO HEALTH EQUITY INQUIRIES

(a) Each State agency, department, board, or commission that collects health-related, individual data shall include in its data collection health equity data disaggregated by race, ethnicity, gender identity, age, primary language, socioeconomic status, disability, and sexual orientation. Data related to race and ethnicity shall use separate collection categories and tabulations, disaggregated beyond non-White and White, in accordance with the recommendation made by the Executive Director of Racial Equity, in consultation with the Advisory Commission.

(b)(1) The Department of Health shall systematically analyze such health equity data using the smallest appropriate units of analysis feasible to detect racial and ethnic disparities, as well as disparities along the lines of primary language, sex, disability status, sexual orientation, gender identity, and socioeconomic status, and report the results of such analysis on the Department's website periodically, but not less than biannually. The Department's analysis shall be used to measure over time the impact of actions

taken to reduce health disparities in Vermont. The data informing the Department's analysis shall be made available to the public in accordance with State and federal law.

(2) Annually, on or before January 15, the Department shall submit a report containing the results of the analysis conducted pursuant to subdivision (1) of this subsection to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services.

Sec. 4. 3 V.S.A. § 5003 is amended to read:

§ 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

(a) The Executive Director of Racial Equity (Director) shall work with the agencies and departments to implement a program of continuing coordination and improvement of activities in State government in order to combat systemic racial disparities and measure progress toward fair and impartial governance, including:

(1) overseeing a comprehensive organizational review to identify systemic racism in each of the three branches of State government and inventory systems in place that engender racial disparities;

(2) managing and overseeing the statewide collection of race-based data to determine the nature and scope of racial discrimination within all systems of State government; ~~and~~

(3) developing a model fairness and diversity policy and reviewing and making recommendations regarding the fairness and diversity policies held by all State government systems; and

(4) temporarily overseeing the establishment of the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252 until the Office of Health Equity is established.

* * *

Sec. 5. REPORT; CONTINUING EDUCATION

On or before October 1, 2022, the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252, in consultation with licensing boards, professional organizations, and providers of all health care and clinical professions, shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare with its recommendations for improving cultural competency and cultural humility and antiracism in Vermont's health care system through initial training, continuing education requirements, and investments.

Sec. 6. REPORT; FISCAL YEAR 2023 BUDGET RECOMMENDATIONS;
INCLUSIVE DEFINITIONS; AMERICAN RESCUE PLAN ACT
FUNDING

As part of the annual report that shall be submitted by the Health Equity Advisory Commission pursuant to 18 V.S.A. § 252(e), the Advisory Commission shall include:

(1) budget recommendations for continuation of its work in fiscal year 2023, if necessary, and for the funding of the Office of Health Equity;

(2) recommendations on:

(A) appropriate and inclusive terms to replace the term “non-White” in 18 V.S.A. chapter 6; and

(B) disaggregating data categories and tabulations beyond non-White and White in accordance with 18 V.S.A. § 253(a); and

(3) recommendations for most effectively utilizing funding received by the State pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2 in a manner that promotes health and achieves health equity by eliminating avoidable and unjust disparities in health on the basis of race, ethnicity, disability, or LGBTQ status.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2021, pages 482-496 and March 26, 2021, page 508.)

Reported favorably by Senator Westman for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Health and Welfare.

(Committee vote: 7-0-0)

H. 421.

An act relating to animal cruelty investigation response and training.

Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Agriculture.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 13 V.S.A. §351, in subdivision (5), by striking out the word “agency” and inserting in lieu thereof the word facility

Second: By striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 4. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals that are to be predominantly maintained in an outdoor area shall be provided with adequate natural shelter or adequate constructed shelter to prevent direct exposure to the elements. Pursuant to section 351b of this title, this section shall not apply to livestock and poultry husbandry practices for raising, management, and use of animals.

(b) Shelter for livestock.

(1) Livestock animals confined in enclosed areas shall be provided with adequate ventilation and shall have access to adequate exercise. Equines housed within a designated space continually, without access to a paddock, turn out, or other exercise area, shall be provided the opportunity for periodic exercise, either through free choice or through a forced work program, to maintain normal muscle tone and mass for the age, size, and condition of the animal or in accordance with accepted agricultural or veterinary practices. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort tie-stall, or stanchion lockups, or other housing under control of the Agency of Agriculture, Food and Markets. ~~This subdivision shall not apply to any accepted housing or grazing practices for any livestock industry.~~

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

(No House amendments)

H. 430.

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status.

Reported favorably with recommendation of proposal of amendment by Senator Hooker for the Committee on Health and Welfare.

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

Sec. 1. 33 V.S.A. chapter 19, subchapter 9 is added to read:

Subchapter 9. Coverage for Additional Populations

§ 2091. DR. DYNASAUR-LIKE COVERAGE; LEGISLATIVE INTENT

In establishing Dr. Dynasaur-like coverage for children and pregnant individuals who are not eligible for the Dr. Dynasaur program because of their immigration status, it is the intent of the General Assembly that the hospital, medical, dental, and prescription drug benefits and eligibility criteria for the coverage set forth in section 2092 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria of the Dr. Dynasaur program.

§ 2092. DR. DYNASAUR-LIKE COVERAGE FOR CERTAIN VERMONT RESIDENTS

(a) As used in this section, the term “Vermont residents who have an immigration status for which Medicaid coverage is not available” includes migrant workers who are employed in seasonal occupations in this State.

(b) The Agency of Human Services shall provide hospital, medical, dental, and prescription drug coverage equivalent to coverage in the Vermont Medicaid State Plan to the following categories of Vermont residents who have an immigration status for which Medicaid coverage is not available and who are otherwise uninsured:

(1) children under 19 years of age whose household income does not exceed the income threshold for eligibility under the Vermont Medicaid State Plan; and

(2) pregnant individuals whose household income does not exceed the income threshold for eligibility under the Vermont Medicaid State Plan, for coverage during their pregnancy and for postpartum coverage equivalent to that available under the Vermont Medicaid State Plan.

(c) The confidentiality provisions set forth in section 1902a of this chapter shall apply to all applications submitted and records created pursuant to this section, except that the Agency of Human Services shall not make any information regarding applicants or enrollees available to the United States government.

(d) The Agency of Human Services may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

Sec. 2. AGENCY OF HUMAN SERVICES; OUTREACH AND PROVIDER GRANTS; IMPLEMENTATION; APPROPRIATION

The sum of \$1,400,000.00 in one-time funds is appropriated to the Agency of Human Services in fiscal year 2022 to be used for the following purposes:

(1) Grants or reimbursements, or both, to health care providers for delivering health care services during fiscal year 2022 to children and pregnant individuals who have an immigration status for which Medicaid coverage is not available.

(2) Grants to Vermont organizations that work with members of Vermont's undocumented immigrant community or with members of the health care provider community to provide culturally and linguistically appropriate outreach and information regarding opportunities for children and pregnant individuals in Vermont who have an immigration status for which Medicaid coverage is not available to access health care services at low or no cost in fiscal year 2022 and thereafter. The outreach and information shall include information on the confidentiality of records pertaining to applicants and enrollees.

(3) Implementing the technological and operational processes necessary for the Department of Vermont Health Access to administer the coverage for Vermont residents who have an immigration status for which Medicaid coverage is not available as set forth in 33 V.S.A. § 2092 beginning on July 1, 2022.

Sec. 3. AGENCY OF HUMAN SERVICES; DR. DYNASAUR-LIKE COVERAGE; FISCAL YEAR 2023 ESTIMATE

The Agency of Human Services shall provide information on the estimated fiscal year 2023 costs of providing coverage to Vermont residents who have an immigration status for which Medicaid coverage is not available pursuant to 33 V.S.A. § 2092 beginning on July 1, 2022 as part of the Agency's fiscal year 2023 budget presentation to the House Committees on Appropriations and on Health Care and the Senate Committees on Appropriations and on Health and Welfare.

Sec. 4. EFFECTIVE DATES

(a) Sec. 2 (Agency of Human Services; outreach and provider grants; implementation; appropriation) shall take effect on July 1, 2021.

(b) The remaining sections shall take effect on passage, with the Agency of Human Services making coverage available to Vermont residents who have an immigration status for which Medicaid coverage is not available in accordance with Sec. 1 (33 V.S.A. § 2092) beginning on July 1, 2022, subject to fiscal year 2023 appropriations for this purpose.

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

An act relating to eligibility for Dr. Dynasaur-like coverage for all income-eligible children and pregnant individuals regardless of immigration status.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 23, 2021, page 411.)

Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Health and Welfare with the following amendment thereto:

In Sec. 2, Agency of Human Services; outreach and provider grants; implementation; appropriation, by striking out “The sum of \$1,400,000.00 in one-time funds is appropriated to the Agency of Human Services in fiscal year 2022 to be used for the following purposes” and inserting in lieu thereof To the extent that applicable funds are appropriated in the fiscal year 2022 budget, the Agency of Human Services shall use them for the following purposes

(Committee vote: 7-0-0)

H. 434.

An act relating to establishing the Agricultural Innovation Board.

Reported favorably with recommendation of proposal of amendment by Senator Collamore for the Committee on Agriculture.

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

Sec. 1. 6 V.S.A. chapter 215, subchapter 7A is amended to read:

Subchapter 7A. ~~Regenerative Farming~~ Regenerative and Innovative Agriculture

* * *

§ 4964. AGRICULTURAL INNOVATION BOARD

(a) Creation. There is created the Agricultural Innovation Board that shall:

(1) Review historic recommendations for pesticide reduction in the State and coordinate with existing work groups to avoid submitting to the General Assembly conflicting policy recommendations on the regulation of pesticides and farming.

(2) Recommend practices that reduce the use of and exposure to pesticides and synthetic fertilizers in order to protect soil biology, human health, and environmental health, including recommended targets to achieve the State goal of an overall reduction in the use of pesticides consistent with sound pest or vegetative management practices.

(3) Advise the Executive Branch and the General Assembly with respect to legislation concerning the use of agricultural pest control measures and integrated pest management.

(4) Recommend to the Secretary of Agriculture, Food and Markets policies, proposed rules, or legislation for the regulation of the use of treated articles when the Board determines that use of a treated article will have a hazardous or long-term deleterious effect on the environment in Vermont, presents a likely risk to human health, or is dangerous.

(5) Recommend practices to reduce the use and generation of waste associated with plastic in farming.

(6) Incentivize farming practices that are looking to reduce the use and dependence on pesticides in their practices.

(7) Advise the Agency with regard to the regulation of plant biostimulants.

(8) Recommend studies necessary for the performance of its functions as established under this section.

(9) Explore methods and standards for transitioning farmers to practices that reduce pesticide usage.

(10) Explore methods and standards for farmers to engage in carbon sequestration or mitigation.

(11) Review the seed traits of a new genetically engineered seed proposed for sale, distribution, or use in the State.

(12) Study and issue recommendations regarding the feasibility of the use of biodegradable plastics in agriculture and the promotion of the use of and production of biodegradable plastics and similar products in Vermont.

(b) Organization of the Board.

(1) The Secretary of Agriculture, Food and Markets shall convene the Agricultural Innovation Board. Members of the Board who are not serving in an ex officio capacity shall be appointed by the Secretary of Agriculture, Food and Markets, and the Secretary shall designate a chair from among the members of the Board. The Agricultural Innovation Board shall consist of the following 13 members:

(A) the Secretary of Agriculture, Food and Markets or designee;

(B) an active farmer who is a member of an organization representing the organic farming community;

(C) a member from the University of Vermont Center for Sustainable Agriculture;

(D) the Director of the Agency of Agriculture, Food and Markets, Agrichemical Program or designee;

(E) the Director of the Agency of Agriculture, Food and Markets, Water Quality Program or designee;

(F) the Commissioner of Health or a designee with expertise in the effects of pesticides on human health;

(G) the Secretary of Natural Resources or designee;

(H) a certified crop consultant;

(I) an active farmer who is a member of an organization representing the conventional dairy industry in Vermont;

(J) an active farmer who is a member of an organization representing fruit or vegetable farmers in Vermont;

(K) an active farmer who is a member of an organization representing grass-based, non-dairy livestock farming in Vermont;

(L) a soil biologist; and

(M) a member of an environmental organization that advocates for policy regarding the management or reduction of toxic substances in the State.

(2) Members of the Agricultural Innovation Board shall be appointed for terms of three years, except initially, appointments shall be made such that one member shall serve for a term of one year and one for a term of two years. Members other than ex officio members shall be allowed to serve not more than three consecutive terms.

(3) Members of the Agricultural Innovation Board other than ex officio members and those compensated for their participation on the Board shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed for his or her actual and necessary expenses incurred in carrying out his or her duties. These payments shall be made from the Pesticide Monitoring Revolving Fund under 6 V.S.A. § 929.

(4) The Board shall meet no fewer than four times a year.

(c) Powers and Duties of the Board. The Agricultural Innovation Board shall:

(1) issue a report annually to the General Assembly on or before January 15 that recommends policy solutions to assist farmers in:

(A) reducing the use of and exposure to pesticides; and

(B) the use of innovative or alternative practices;

(2) propose an annual budget report that provides ideas for funding sources for any new programs recommended in the annual report; and

(3) survey farmers from every county in the State to help better understand how agricultural inputs, such as pesticides, synthetic fertilizers, and plastics, are currently used, as well as current challenges farmers face in reducing these inputs in order to better inform recommendations to be provided in the annual report required under subdivision (1) of this subsection.

(d) Seed Review. Prior to sale, distribution, or use in the State of a new genetically engineered seed, a majority of the Agricultural Innovation Board shall approve of the sale, distribution, or use of the seed. In order to ensure the appropriate use of traits of a new genetically engineered seed in the State, the Agricultural Innovation Board may propose to the Secretary limits or conditions on the sale, distribution, or use of a seed or recommend a limited period of time for sale of the seed.

Sec. 2. REPEAL; PESTICIDE ADVISORY COUNCIL

6 V.S.A. § 1102 (Pesticide Advisory Council) is repealed.

Sec. 3. 6 V.S.A. § 1083(a)(5) is amended to read:

(5) Issue or deny permits to any person for the use of larvicides or pupacides for mosquito control in the waters of the State pursuant to procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include provisions regarding an opportunity for public review and comment on permit applications. Persons applying for a permit shall apply on a form provided by

the Agency. The Secretary shall seek the advice of the ~~Vermont Pesticide Advisory Council~~ Agricultural Innovation Board when designating acceptable control products and methods for their use, and when adopting or amending procedures for implementing this subsection. Before issuing a permit under this subsection, the Secretary shall find, after consultation with the Secretary of the Agency of Natural Resources, that there is acceptable risk to the nontarget environment and that there is negligible risk to public health.

Sec. 4. 6 V.S.A. § 1103(a) is amended to read:

(a) General authority. The Secretary shall have responsibility for regulating and controlling the sale, use, storage, treatment, and disposal of pesticides and pesticide wastes, in order to promote the public health, safety, and welfare and protect agricultural and natural resources. In the performance of such duties the Secretary shall act upon the advice of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board, and subject to the approval of the Governor.

Sec. 5. 6 V.S.A. § 1104 is amended to read:

§ 1104. POWERS OF SECRETARY

The Secretary in furtherance of the purposes of this chapter may:

* * *

(6) Require pesticide dealers and applicators to keep records of the sale and use of pesticides deemed particularly toxic or hazardous by the ~~Pesticide Advisory Council~~ Agricultural Innovation Board and to have such records available for examination by the Secretary or his or her agents at his or her request; the accounting for kinds and amounts of such economic poisons, to whom sold, and where and when used, and the reporting of incidents resulting from accidental contamination or misapplication of pesticides ~~which~~ that present a hazard to humans, animals, or the environment, may be required.

* * *

(9) Make, adopt, revise, and amend reasonable rules as he or she deems necessary with the advice of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board in order to carry out the provisions of this chapter.

* * *

Sec. 6. 6 V.S.A. § 1105a is amended to read:

§ 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST MANAGEMENT PRACTICES

(a) The Secretary of Agriculture, Food and Markets, upon the recommendation of the ~~Pesticide Advisory Council~~ Agricultural Innovation Board, may adopt by rule:

(1) best management practices, standards, procedures, and requirements relating to the sale, use, storage, or disposal of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

* * *

(3) requirements for the examination or inspection of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(4) requirements for persons selling treated articles to keep or make available to the Secretary records of sale of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous; or

(5) requirements for reporting of incidents resulting from accidental contamination from or misuse of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous.

(b) At least 30 days prior to pre-filing a rule authorized under subsection (a) of this section with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry for review.

Sec. 7. 6 V.S.A. § 642 is amended to read:

§ 642. DUTIES AND AUTHORITY OF THE SECRETARY

(a) The Secretary shall enforce and carry out the provisions of this subchapter, including:

(1) Sampling, inspecting, making analysis of, and testing seeds subject to the provisions of this subchapter that are transported, sold, or offered or exposed for sale within the State for sowing purposes. The Secretary shall notify promptly a person who sells, offers, or exposes seeds for sale and, if appropriate, the person who labels or transports seeds, of any violation and seizure of the seeds, or order to cease sale of the seeds under section 643 of this title.

(2) Making or providing for purity and germination tests of seed for farmers and dealers on request and to fix and collect charges for the tests made.

(3) Cooperating with the U.S. Department of Agriculture and other agencies in seed law enforcement.

(4) Prior to sale, distribution, or use of a new genetically engineered seed in the State and after consultation with ~~a seed review committee convened under subsection (e) of this section~~ the Agricultural Innovation Board under section 4964 of this title, review the traits of the new genetically engineered seed. The Secretary may prohibit, restrict, condition, or limit the sale, distribution, or use of the seed in the State when determined necessary to prevent an adverse effect on agriculture in the State.

(b) The Secretary shall establish rules to carry out the provisions of this subchapter, including those governing the methods of sampling, inspecting, analyzing, testing, and examining seeds and reasonable standards for seed.

~~(c)(1) The Secretary shall convene a seed review committee to review the seed traits of a new genetically engineered seed proposed for sale, distribution, or use in the State.~~

~~(2) A seed review committee convened under this subsection shall be composed of the Secretary of Agriculture, Food and Markets or designee and the following members appointed by the Secretary:~~

~~(A) a certified commercial agricultural pesticide applicator;~~

~~(B) an agronomist or relevant crop specialist from the University of Vermont or Vermont Technical College;~~

~~(C) a licensed seed dealer; and~~

~~(D) a member of a farming sector affected by the new genetically engineered seed.~~

~~(3) A majority of the seed review committee must approve of the sale, distribution, or use of a new genetically engineered seed prior to sale, distribution, or use in the State. In order to ensure the appropriate use or traits~~

~~of a new genetically engineered seed in the State, a seed review committee may propose to the Secretary limits or conditions on the sale, distribution, or use of a seed or recommend a limited period of time for sale of the seed. [Repealed.]~~

Sec. 8. IMPLEMENTATION; TRANSITION

The Secretary of Agriculture, Food and Markets shall appoint those members of the Agricultural Innovation Board under 6 V.S.A. § 4964 on or before January 1, 2022 so that the Agricultural Innovation Board can fulfill its functions and duties.

Sec. 9. EFFECTIVE DATES

This act shall take effect on January 1, 2022, except that the authority of the Secretary of Agriculture, Food and Markets to appoint members of the Agricultural Innovation Board under 6 V.S.A. § 4964(b)(1) shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 19, 2021, page 396.)

Reported favorably by Senator Starr for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture.

(Committee vote: 7-0-0)

H. 439.

An act relating to making appropriations for the support of government.

Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.

For text of report of Committee on Appropriations, see Addendum to Senate Calendar for April 28, 2021.

(Committee vote: 7-0-0)

(For House amendments, see House Journal for March 26, 2021, pages 509-515.)

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 120.

An act relating to the Joint Legislative Health Care Affordability Study Committee.

Reported favorably with recommendation of amendment by Senator Hooker for the Committee on Health and Welfare.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Task Force on Affordable, Accessible Health Care * * *

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The COVID-19 pandemic has caused significant job losses, with women especially impacted, likely causing a significant negative impact on the number of Vermonters without health insurance and placing greater financial strains on those who are underinsured.

(2) Many Vermonters who have health insurance are still exposed to high out-of-pocket costs through their plans' co-payment, coinsurance, and deductible requirements, in addition to ever-increasing premium rates. In 2020, a family of four earning more than \$105,000.00 per year that was enrolled in a silver plan through the Vermont Health Benefit Exchange could pay as much as \$44,000.00 per year for health care between health insurance premiums and out-of-pocket costs. In some instances, an individual or family may have health insurance but not be able to afford to receive necessary health care services because of the out-of-pocket costs associated with their plan. Others who lack coverage or who are underinsured and receive necessary health care services find themselves saddled with substantial medical debt.

(3) The ever-increasing cost of prescription drugs continues to significantly increase the cost of health insurance and limit individuals' ability to access care and treatment.

(4) Employers across the State, including local municipalities and school districts, small businesses, and community organizations, face significant and persistent budget pressures due to the increasing cost of health care coverage for their employees.

(5) Hundreds of Vermonters lack access to any health insurance coverage due to their citizenship or immigration status, and many younger adults cannot afford to purchase adequate health insurance coverage.

(6) Vermont is facing a significant shortage of health care providers, especially primary care physicians and nursing professionals, in many areas of the State.

(7) The Biden Administration has indicated interest in using its demonstration and waiver authorities to partner with states to pursue certain reforms that cannot be accomplished through Congress. The Administration has signaled that it may be open to working with interested states to test strategies such as an expanded public option for health coverage.

Sec. 2. TASK FORCE ON AFFORDABLE, ACCESSIBLE HEALTH CARE; REPORT

(a) Creation. There is created the Task Force on Affordable, Accessible Health Care to explore opportunities to make health care more affordable for Vermont residents and employers.

(b) Membership. The Task Force shall be composed of the following six members:

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties. The Task Force shall explore opportunities to make health care, including prescription drugs, more affordable for Vermont residents and employers, including identifying potential opportunities to leverage federal flexibility and financing and to expand existing public health care programs. The Task Force shall consider the following, keeping in mind the principles for health care reform enacted in 2020 Acts and Resolves No. 48 and codified at 18 V.S.A. § 9371:

(1) the long-term trends in out-of-pocket costs in Vermont in individual and small group health insurance plans and in large group health insurance plans;

(2) how Vermont's current health care system is impacting Vermont residents and businesses and their access to affordable health care;

(3) the extent to which Vermont's uninsured rate may have increased during the COVID-19 pandemic and the specific causes of any such increase;

(4) opportunities to decrease health care disparities, especially those highlighted by the COVID-19 pandemic and those attributable to a lack of access to affordable health care services;

(5) the findings and recommendations from previous studies and analyses relating to the affordability of health care coverage in Vermont; and

(6) opportunities made available by the Biden Administration to expand access to affordable health care through existing public health care programs or through the creation of new or expanded public option programs, including the potential for expanding Medicare to cover individuals between 50 and 64 years of age and for expanding Vermont's Dr. Dynasaur program to cover individuals up to 26 years of age to align with the young adult coverage under the Affordable Care Act.

(d) Public engagement. In order to gain a fuller understanding of the impact of health care affordability issues on Vermont residents, the Task Force shall:

(1) Solicit input from a wide range of stakeholders, including health care providers; health care administrators; Vermonters who lack health insurance or who have inadequate health coverage; employers; labor unions; members of the New American and Black, Indigenous, and Persons of Color communities; Vermonters with low income; and older Vermonters.

(2) Beginning on or before September 15, 2021, hold public hearings to hear from Vermont residents from around the State. Public hearings may be held in person or by remote means. A summary of the findings from these field hearings shall be included as an appendix to the Task Force report.

(e) Assistance. To the extent that applicable funds are appropriated in the fiscal year 2022 budget, the Task Force, through the Office of Legislative Operations, shall hire a consultant to provide technical and research assistance, deliver actuarial analyses as needed, and support the work of the Task Force. In addition, the Task Force shall have the administrative, technical, and legal assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(f) Report. On or before January 15, 2022, the Task Force shall present to the General Assembly its findings and recommendations regarding the most cost-effective ways to expand access to affordable health care for Vermonters without health insurance and those facing high health care costs and the various options available to implement these recommendations.

(g) Meetings.

(1) The first meeting of the Task Force shall occur on or before August 15, 2021.

(2) The Task Force shall select House and Senate co-chairs from among its members at its first meeting. The Co-Chairs shall alternate acting as Chair at Task Force meetings.

(3) A majority of the Task Force membership shall constitute a quorum.

(4) The Task Force shall cease to exist on January 15, 2022.

(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, the members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

* * * Accountable Care Organizations; Data Collection; * * *

Sec. 3. 18 V.S.A. § 9574 is added to read:

§ 9574. DATA COLLECTION AND ANALYSIS

(a) An accountable care organization shall collect and analyze clinical data regarding patients' age, health condition or conditions, health care services received, and clinical outcomes in order to determine the quality of the care provided to its attributed patients, implement targeted quality improvement measures, and ensure proper care coordination and delivery across the continuum of care.

(b) An accountable care organization shall provide the results of its quality analyses pursuant to subsection (a) of this section to the Green Mountain Board.

* * * Pharmacy Benefit Managers; 340B Entities * * *

Sec. 4. 18 V.S.A. § 9473 is amended to read:

§ 9473. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES WITH RESPECT TO PHARMACIES

* * *

(d) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier 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.

Sec. 5. REPEAL

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

Sec. 6. DEPARTMENT OF FINANCIAL REGULATION; 340B DRUG PRICING PROGRAM; REPORT

On or before January 15, 2022, the Department of Financial Regulation, in consultation with the Office of the Attorney General, shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding national activity affecting participation in the 340B Drug Pricing Program, including:

(1) recent changes to the manner in which prescription drug manufacturers pay rebates to pharmacy benefit managers for prescriptions filled through 340B pharmacies;

(2) the potential impacts of these changes on Vermont stakeholders, including individual Vermonters; and

(3) possible State responses to prescription drug manufacturer and pharmacy benefit manager actions related to participation in the 340B Drug Pricing Program.

* * * State Health Improvement Plan * * *

Sec. 7. 18 V.S.A. § 9405(a) is amended to read:

(a) ~~The Secretary of Human Services or designee~~ Commissioner of Health, in consultation with the Chair of the Green Mountain Care Board and health care professionals and after receipt of public comment, shall adopt a State Health Improvement Plan that sets forth the health goals and values for the State. ~~The Secretary~~ Commissioner may amend the Plan as the ~~Secretary~~ Commissioner deems necessary and appropriate. The Plan shall include health promotion, health protection, nutrition, and disease prevention priorities for the State; identify available human resources as well as human resources needed for achieving the State's health goals and the planning required to meet those needs; identify gaps in ensuring equal access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care; and identify geographic parts of the State needing investments of additional resources in order to improve the health of the population. Copies

of the Plan shall be submitted to members of the Senate Committee on Health and Welfare and the House Committee on Health Care.

Sec. 8. STATE HEALTH IMPROVEMENT PLAN; REPORT

On or before January 15, 2022, the Commissioner of Health shall submit copies of the current State Health Improvement Plan, along with any updates to the Plan and a timeline for adoption of a new State Health Improvement Plan, to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare.

* * * Additional Reports * * *

Sec. 9. GREEN MOUNTAIN CARE BOARD; HEALTH INSURANCE;
ADMINISTRATIVE EXPENSES; REPORT

On or before January 15, 2022, the Green Mountain Care Board shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance an analysis of the increases in health insurers' administrative expenses over the most recent five-year period for which information is available and a comparison of those increases with increases in the Consumer Price Index. The analysis shall break out insurers' administrative costs and cost drivers by category.

Sec. 10 ACCOUNTABLE CARE ORGANIZATIONS; CARE
COORDINATION; REPORT

On or before January 15, 2022, each accountable care organization certified pursuant to 18 V.S.A. § 9382 shall provide to the House Committee on Health Care and the Senate Committee on Health and Welfare a description of the accountable care organization's initiatives to connect primary care practices with social service providers, including the specific individuals or position titles responsible for carrying out these care coordination efforts.

Sec. 11. PRIMARY CARE VISITS; COST-SHARING; REPORTS

(a) On or before January 15, 2022, the Department of Vermont Health Access, in consultation with the Department of Financial Regulation, health insurers, and other interested stakeholders, shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance an analysis of the likely impacts on qualified health plans, patients, providers, health insurance premiums, and population health of requiring individual and small group health insurance plans to provide each insured with at least two primary care visits per year with no cost-sharing requirements.

(b) On or before January 15, 2022, the Green Mountain Care Board, in consultation with the Departments of Financial Regulation and of Human Resources, health insurers, and other interested stakeholders, shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance an analysis of the likely impacts on patients, providers, health insurance premiums, and population health of requiring large group health insurance plans, including the plans offered to State employees and to school employees, to provide each insured with at least two primary care visits per year with no cost-sharing requirements.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on passage.

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

An act relating to the Task Force on Affordable, Accessible Health Care and other health care provisions.

(Committee vote: 5-0-0)

S. 142.

An act relating to designating August 31 as Overdose Awareness Day.

Reported favorably with recommendation of amendment by Senator Ram for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) According to the Department of Health's Monthly Opioid Update (February 2021), in calendar year 2019, approximately 100 non-suicidal drug deaths involving opioids were recorded, 87 percent of which were fentanyl related, and in calendar year 2020, the number of similar deaths increased to 134, 89 percent of which were fentanyl related.

(2) According to the Department of Health's Opioids Scorecard, during the first quarter of calendar year 2020, nearly 1,700 naloxone rescue kits were provided to Vermonters as an overdose prevention measure.

(3) In fiscal year 2019, the Centers for Disease Control and Prevention reported 128 drug overdose cases in Vermont, and in fiscal year 2020, the number of overdose cases increased to 146.

(4) Governor Philip Scott proclaimed February 17, 2021 as Recovery Day, demonstrating the State's commitment to supporting those with mental illness, addictions, and co-occurring conditions.

(5) Annually, Overdose Awareness Day is observed internationally on August 31 to raise awareness of drug overdoses, to reduce the associated stigma, and to acknowledge the grief of the families and friends of persons who have experienced a drug overdose.

(6) Designating Drug Overdose Awareness Day as a Vermont commemorative day recognizes the importance of each person who has experienced a drug overdose, and it reminds Vermonters that death due to a drug overdose is preventable.

Sec. 2. 1 V.S.A. § 378 is added to read:

§ 378. OVERDOSE AWARENESS DAY

August 31 of each year is designated as Overdose Awareness Day.

Sec. 3. 1 V.S.A. 496f is added to read:

§ 496f. FLAG PROTOCOL; OVERDOSE AWARENESS DAY

The Department of Buildings and General Services shall direct, in the flag flying protocol established in section 496d of this title, that the Vermont State flag shall be flown at half-staff, on all State-owned flag poles, on August 31 each year in observance of Overdose Awareness Day.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

Favorable with Proposal of Amendment

H. 177.

An act relating to approval of an amendment to the charter of the City of Montpelier.

Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 2, 24 App. V.S.A. chapter 5, § 1501(a), immediately following the words "who on election day is" by inserting the words a citizen of the United States or before "legal resident of the United States"

(Committee vote: 4-1-0)

(No House amendments)

H. 313.

An act relating to miscellaneous amendments to alcoholic beverage laws.

Reported favorably with recommendation of proposal of amendment by Senator Clarkson for the Committee on Economic Development, Housing and General Affairs.

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

Sec. 1. 7 V.S.A. § 204 is amended to read:

§ 204. APPLICATION AND RENEWAL FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid when applying for a new license or permit or to renew a license or permit:

* * *

(6) For a third-class license, \$1,095.00 for an annual license and \$550.00 for a six-month license. For a stand-alone third-class license, the issuing municipality may assess an additional \$50.00 local processing fee.

* * *

(24) For a third-class license granted to the holder of a manufacturer's or rectifier's license, \$230.00.

(b) Except for fees collected for first-, second-, and third-class licenses, the fees collected pursuant to subsection (a) of this section shall be deposited in the Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

(1) Third-class license fees: 55 percent shall go to the Liquor Control Enterprise Fund, and 45 percent shall go to the General Fund and shall fund alcohol abuse prevention and treatment programs. The local processing fee for stand-alone third-class licenses shall be retained by the issuing municipality.

* * *

Sec. 2. 7 V.S.A. § 230 is added to read:

§ 230. SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

(a) The Board of Liquor and Lottery and the local control commissioners may authorize:

(1) First- and third-class licensees to sell malt beverages, vinous beverages, and spirits-based prepared drinks for off-premises consumption. All sales of alcoholic beverages for off-premises consumption must be accompanied by a food order.

(2) Second-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed premises pursuant to section 222 of this subchapter.

(3) Fourth-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed location pursuant to section 224 of this subchapter.

(b) For any alcoholic beverage sold pursuant to subdivision (a)(1) of this section, the first- or third-class licensee shall provide the alcoholic beverage in a container:

(1) with a securely affixed tamper-evident seal; and

(2) bearing a label that:

(A) states that the beverage contains alcohol; and

(B) lists the ingredients and serving size.

(c) A licensee may sell alcoholic beverages pursuant to this section between 10:00 a.m. and 11:00 p.m.

(d) The Board of Liquor and Lottery may adopt rules and forms necessary to implement this section.

Sec. 3. 7 V.S.A. § 253 is amended to read:

§ 253. FESTIVAL PERMITS

* * *

(b)(4) A festival required to be permitted under this section is any event that is open to the public for which the primary purpose is to serve one or more of the following: malt beverages, vinous beverages, fortified wines, or spirits.

(c) A festival permit holder is permitted to conduct an event that is open to the public at which one or more of the following are served: malt beverages, vinous beverages, fortified wines, or spirits.

(d) The permit holder shall ensure the following:

(1) Attendees at the festival shall be required to pay an entry fee of not less than \$5.00.

(2)(A) Malt beverages for sampling shall be offered in glasses that contain not more than 12 ounces with not more than 60 ounces served to any patron at one event.

(B) Vinous beverages for sampling shall be offered in glasses that contain not more than five ounces with not more than 25 ounces served to any patron at one event.

(C) Fortified wines for sampling shall be offered in glasses that contain not more than three ounces with not more than 15 ounces served to any patron at one event.

(D) Spirits for sampling shall be offered in glasses that contain not more than one ounce with not more than five ounces served to any patron at one event.

(E) Patrons attending a festival where combinations of malt, vinous, fortified wines, or spirits are mutually sampled shall not be served more than a combined total of six U.S. standard drinks containing 3.6 fluid ounces or 84 grams of pure ethyl alcohol.

(3) The event shall be conducted in compliance with all the requirements of this title.

(e)(1) A festival permit holder may purchase invoiced volumes of malt or vinous beverages directly from a manufacturer or packager licensed in Vermont, or a manufacturer or packager that holds a federal Basic Permit or Brewers Notice or evidence of licensure in a foreign country that is satisfactory to the Board.

(2) The invoiced volumes of malt or vinous beverages may be transported to the site and sold by the glass to the public by the permit holder or its employees and volunteers only during the event.

(e)(f) A festival permit holder shall be subject to the provisions of this title, including section 214 of this title, and the rules of the Board regarding the sale of the alcoholic beverages and shall pay the tax on the malt or vinous beverages pursuant to section 421 of this title.

(e)(g) A person shall be granted ~~no~~ not more than four festival permits per year, and each permit shall be valid for ~~no~~ not more than four consecutive days.

Sec. 4. 7 V.S.A. § 256 is amended to read:

§ 256. PROMOTIONAL TASTINGS FOR LICENSEES

(a)(1) At the request of a first- or second-class licensee, a holder of a manufacturer's, rectifier's, or wholesale dealer's license may distribute without charge to the first- or second-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, two ounces per person of vinous or malt beverages for the purpose of promoting the beverage.

(2) At the request of a holder of a third-class license, a manufacturer or rectifier of spirits or fortified wines may distribute without charge to the third-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, one-quarter ounce of each beverage and ~~no~~ not more than a total of one ounce to each individual for the purpose of promoting the beverage.

(3) No permit is required for a tasting pursuant to this subsection, ~~but written notice of the event shall be provided to the Division of Liquor Control at least two days prior to the date of the tasting.~~

* * *

Sec. 5. FEE REDUCTION FOR RENEWAL OF FIRST- AND THIRD-CLASS LICENSES BY CLUBS; TEMPORARY PROVISION

Notwithstanding 7 V.S.A. § 204(a)(4) and (6), in the year 2021, the first- and third-class license renewal fees shall be waived for any club as defined in 7 V.S.A. § 2.

Sec. 6. REPORTS; SPORTS BETTING STUDY; IMPACTS OF SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

(a) On or before October 15, 2021, the Office of Legislative Counsel and the Joint Fiscal Office shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs concerning the current state of the regulated sports betting market in the United States. In particular, the report shall examine and analyze:

(1) the sports betting laws in each state that has an active or proposed sports betting market;

(2) studies carried out by other states concerning the legalization, taxation, and regulation of sports betting;

(3) the models for regulation of sports betting that are currently operating in other states, including a summary of the tax or revenue sharing structures used in each state;

(4) for each state with an active sports betting market, the state revenue resulting from sports betting; and

(5) any reports or information concerning impacts on problem gaming in the states with regulated sports betting markets.

(b) In the preparation of the report, the Office of Legislative Counsel and the Joint Fiscal Office shall solicit input from the Department of Liquor and Lottery, the Department of Taxes, the Office of the Attorney General, and other stakeholders.

(c) On or before January 15, 2023, the Department of Liquor and Lottery shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on General, Housing, and Military Affairs concerning the sale of alcoholic beverages for delivery and curbside pickup by first-, second-, third-, and fourth-class licensees. The report shall include an analysis of:

(1) the economic impact on the licensees that were approved to sell alcoholic beverages pursuant to 7 V.S.A. § 230; and

(2) the impact on public safety and compliance with the State's alcoholic beverage laws.

(d) The Department shall collect data from licensees that is sufficient to demonstrate the economic impact of the authority granted to the licensees pursuant to 7 V.S.A. § 230.

Sec. 7. REPEAL

7 V.S.A. § 230 is repealed on July 1, 2023.

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that this section and Sec. 5 (fee reduction for first- and third-class licenses) shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 19, 2021, pages 397-401.)

H. 428.

An act relating to hate-motivated crimes and misconduct.

Reported favorably with recommendation of proposal of amendment by Senator Baruth for the Committee on Judiciary.

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

Sec. 1. 13 V.S.A. § 1455 is amended to read:

§ 1455. HATE-MOTIVATED CRIMES

(a) A person who commits, causes to be committed, or attempts to commit any crime and whose conduct is ~~maliciously~~ motivated, in whole or in part, by the victim's actual or perceived ~~race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, or gender identity~~ protected category shall be subject to the following penalties:

* * *

(b) The victim's actual or perceived protected category or categories need not be the predominant reason or the sole reason for the defendant's conduct.

(c) As used in this section, "protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity, and perceived membership in any such group.

Sec. 2. 13 V.S.A. § 1456 is amended to read:

§ 1456. BURNING OF CROSS OR OTHER RELIGIOUS SYMBOL

Any person who intentionally ~~and maliciously~~ sets fire to, or burns, causes to be burned, or aids or procures the burning of a cross or a religious symbol, with the intention of terrorizing or harassing a particular person or persons, shall be subject to a term of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

Sec. 3. 13 V.S.A. § 1458(6) is amended to read:

(6) "Protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity, and perceived membership in any such group.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(No House amendments.)

CONCURRENT RESOLUTIONS FOR NOTICE

Concurrent Resolutions For Notice Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

S.C.R. 5 (For text of Resolution, see Addendum to Senate Calendar for April 29, 2021)

H.C.R. 52 - 57 (For text of Resolutions, see Addendum to House Calendar for April 29, 2021)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Cory G. Gustafson of Montpelier – Commissioner, Department of Vermont Health Access – By Sen. Cummings for the Committee on Health and Welfare. (4/6/21)

Dr. Jessica Holmes of Cornwall – Member, Green Mountain Care Board – By Sen. Hardy for the Committee on Health and Welfare. (4/7/21)

Mark A. Levine, MD of Shelburne – Commissioner, Department of Health – By Sen. Hardy for the Committee on Health and Welfare. (4/7/21)

John J. Quinn III of Berlin – Secretary, Agency of Digital Services – By Sen. Ram for the Committee on Government Operations. (4/14/21)

June Tierney of Randolph – Commissioner, Department of Public Service – By Sen. Cummings for the Committee on Finance. (4/14/21)

Michael Pieciak of Winooski – Commissioner, Department of Financial Regulation – By Sen. Sirotkin for the Committee on Finance. (4/15/21)

Craig Bolio of Essex Junction – Commissioner, Department of Taxes – By Sen. MacDonald for the Committee on Finance. (4/20/21)

Julia S. Moore of Middlesex – Secretary, Agency of Natural Resources – By Sen. Bray for the Committee on Natural Resources and Energy. (4/21/21)

Julie Hulburd of Colchester – Member, Cannabis Control Board – By Sen. Ram for the Committee on Government Operations. (4/22/21)

James Pepper of Montpelier – Chair, Cannabis Control Board – By Sen. White for the Committee on Government Operations. (4/22/21)

Kyle Harris of Montpelier – Member, Cannabis Control Board – By Sen. Collamore for the Committee on Government Operations. (4/27/21)

Louis Porter of Adamant – Commissioner, Department of Fish and Wildlife – By Sen. Westman for the Committee on Natural Resources and Energy. (4/27/21)

Diane Snelling of Hinesburg – Chair, Natural Resources Board – By Sen. McCormack for the Committee on Natural Resources and Energy. (4/27/21)

Michael C. Snyder of Stowe – Commissioner, Department of Forests, Parks and Recreation – By Sen. Westman for the Committee on natural Resources and Energy. (4/27/21)

David Coen of Shelburne – Chair, Transportation Board – By Sen. Ingalls for the Committee on Transportation. (4/27/21)

Tim Hayward of Middlesex – Member, Transportation Board – By Sen. Mazza for the Committee on Transportation. (4/27/21)

PUBLIC HEARINGS

Joint public hearing to hear Vermont's unemployment insurance issues for employees and employers during the COVID pandemic

On Tuesday, May 4, 2021 from 5:00 p.m. to 7:00 p.m. the House Committee on Commerce and Economic Development and the House Committee on Government Operations will hold a joint public hearing to listen to employees and employers in Vermont about the issues faced with unemployment insurance during the COVID pandemic. The public is invited to register to speak at the hearing or submit written testimony.

To register as a speaker at the hearing, please sign up here:
<https://legislature.vermont.gov/links/public-hearing-unemployment>

Registrations will be accepted on a first-come, first-served basis, and testimony time will be limited to two minutes per person.

To submit written testimony, please email an MS Word or PDF file to testimony@leg.state.vt.us

The hearing will be live streamed on the Legislature's Joint Committees YouTube channel here:

<https://legislature.vermont.gov/committee/streaming/shared-joint-committees>

JFO NOTICE

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

JFO #3043 - \$4,284,369 from the US Dept of Education to the VT Agency of Education for assistance to VT's approved and recognized non-profit independent schools to address educational disruptions caused by COVID-19. Funds will be managed by the VT Agency of Education. *[NOTE: Funds will be used with the GEER EANS program: Governor's Emergency Education Relief (GEER) Emergency Assistance to Non-public Schools (EANS). This program is replacing Equitable Services in ESSER II and III. Please see this overview of how the funds will be used by the AOE to support independent schools.]*

[JFO received 4/5/2021]

JFO #3044 – One (1) limited service position to the VT Dept. of Disabilities, Aging and Independent Living to develop a Northeast Network of mental health counselors familiar with farmer related stressors. Total first year amount of \$146,766 from the U.S. Department of Agriculture. Position has been approved for 1 year and is expected to be approved for 2 additional years.

[JFO received 4/5/2021]

JFO #3045 - 48 (forty-eight) limited-service positions to carry out the ongoing work for an effective public health response to COVID-19. *[NOTE: Positions to be funded through ongoing CDC grants #2254 (Immunization) and #2478 (Epidemiology and Laboratory Capacity) previously approved in 2006 and 2010, respectively.]*

[JFO received 4/13/2021]

JFO #3046 – One (1) limited service position, Grants Program Manager, to the VT Dept. of Economic Development to provide management, oversight and technical assistance to grantees. This position is funded through the Norther Border Regional Commission Capacity Grants through previously approved JFO Grant #2971. Position is for one year with expected approval for a second year.

[JFO received 4/21/2021]

JFO #3047 – \$1,000,000 to the VT Department of Public Service from the Norther Border Regional Commission. Funds will be used to build out infrastructure and expand broadband throughout Vermont. This grant includes a \$1.75M match as follows: \$1.5M from Act 154 (2020), \$60,000K from Act 79 (2019) and the rest from an existing position – Rural Broadband Technical Assistant.

[JFO received 4/21/2021]

FOR INFORMATION ONLY

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 12, 2021**, 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 12, 2021.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 19, 2021**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

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).