

Journal of the House

Tuesday, May 4, 2021

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Wood of Waterbury.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Senate Bill Referred

S. 100

Senate bill, entitled

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

Was read the first time and referred to the Committee on Education.

Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Calendar, carrying appropriations, under Rule 35(a), were referred to the Committee on Appropriations:

S. 3

Senate bill, entitled

An act relating to competency to stand trial and insanity as a defense

S. 15

Senate bill, entitled

An act relating to correcting defective ballots

House Resolution Placed on Calendar

H.R. 10

House resolution, entitled

House resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting enhanced United States–Taiwan bilateral relations and Taiwan’s role in the international community

Offered by: Representatives Partridge of Windham, Ancel of Calais, and Webb of Shelburne

Whereas, the United States and the Republic of China (Taiwan) share a vibrant bilateral relationship marked by a mutually beneficial partnership, supported by our common values of freedom, democracy, the rule of law, and a free market economy, and

Whereas, the United States is Taiwan’s second-largest trading partner; Taiwan is the tenth-largest goods trading partner of the United States; and bilateral trade in goods and services between the United States and Taiwan totaled approximately \$103.9 billion in 2019, and

Whereas, President Tsai Ing-wen has expressed Taiwan’s desire to reach a Bilateral Trade Agreement with the United States that will benefit the Vermont–Taiwan trade relationship, and

Whereas, Vermont and Taiwan have enjoyed vibrant bilateral relations that include: Taiwan being Vermont’s second-largest export market and in 2019 its largest Asian export market; the establishment of a driver’s license reciprocity agreement between Vermont and Taiwan; and Taiwan’s donation of 44,000 surgical masks to Vermont to help combat COVID-19, and

Whereas, Taiwan can be a vital partner on issues related to public health, criminal justice, aviation safety, and climate change, now therefore be it

Resolved by the House of Representatives:

That this legislative body reaffirms the friendship between Vermont and the Republic of China (Taiwan) and supports enhanced United States–Taiwan bilateral relations and Taiwan’s role in the international community, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Joseph R. Biden, Governor Philip B. Scott, the Vermont Congressional Delegation, President Tsai Ing-wen of the Republic of China (Taiwan), and Jonathan Sun, Director-General of the Taipei Economic and Cultural Office in Boston.

Was read by title only and, in the Speaker’s discretion, placed on the Calendar for Action tomorrow under Rule 52.

Third Reading; Bill Passed in Concurrence**S. 39**

Senate bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

Was taken up, read the third time, and passed in concurrence.

Second Reading; Bill Amended; Third Reading Ordered**H. 443**

Rep. Gannon of Wilmington, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of the merger of the Wilmington Water District with the Town of Wilmington

Reported in favor of its passage when amended as follows:

In Sec. 2, plan of merger, in subsection (h), (finances), immediately following the words "general fund of the District shall be" by striking out the words "added to the general fund of the Town on the effective date of this act and shall be"

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Government Operations.

The bill, having appeared on the Calendar one day for Notice, was taken up, read the second time, the report of the Committee on Government Operations agreed to, and third reading was ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 16**

Rep. Brady of Williston, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to the creation of the Task Force on School Exclusionary Discipline Reform

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Nationally, millions of students are removed from the classroom each year for disciplinary reasons.

(2) U.S. Department of Education data reveals that in the 2013–2014 school year, of the 50 million students nationally enrolled in schools:

(A) 2.7 million received in-school suspensions;

(B) 1.6 million received one out-of-school suspension;

(C) 1.1 million received more than one out-of-school suspension; and

(D) 111,215 were expelled.

(3) Exclusionary discipline is used mostly in middle and high schools, and mostly for minor misconduct, according to the Council on State Governments' Justice Center.

(4) Students who are suspended are at significantly higher risk of academic failure, of dropping out of school, and of entering the juvenile justice system according to the Council on State Governments' Justice Center.

(5) Nationally, students of certain racial and ethnic groups and students with disabilities are disciplined at higher rates than their peers, beginning in preschool, as evidenced by 2013–2014 data from the U.S. Department of Education's Office for Civil Rights.

(A) Black students, representing approximately 15 percent of the U.S. student population, are suspended and expelled at a rate two times greater than White students, representing approximately 50 percent of the U.S. student population.

(B) Students with disabilities who have individualized education plans (IEPs) are more likely to be suspended than students without disabilities.

(6) According to the 2016 study "Educational Exclusion" published by the Gay, Lesbian, and Straight Education Network, which is a national education organization focused on ensuring safe and affirming schools for all students, students who are lesbian, gay, bisexual, transgender, or queer face disproportionately high rates of school discipline, including detention, suspension, and expulsion from school.

(7)(A) According to the Agency of Education's Report on Exclusionary Discipline Response, January 2017, for the 2015–2016 school year, 3,616 Vermont public school students were excluded, representing 4.7 percent of total enrollment.

(B) The Agency of Education found that students who are non-Caucasian, participate in the free and reduced lunch program, have Section 504 or IEP plans, male, or are English Learners are over-represented in terms of the number who experience exclusion and the number of incidents resulting in exclusion.

(C) Use of school discipline strategies, such as exclusionary discipline, restraint, seclusion, referral to law enforcement, and school-related arrest, varies widely throughout the State.

(8) The Agency of Education publishes data on school discipline in Vermont annually, however:

(A) some data can be challenging to find or understand;

(B) consistent with federal student privacy laws and regulations, certain data may not be publicly reportable due to Vermont's extremely small size conditions, such as data with very few reported cases, data on specific incidents or actions, and data disaggregated by student demographics or grade level characteristics;

(C) even when available and reportable, care must be taken when using data to inform practice in order to ensure they are applied in a coherent and methodologically defensible manner; and

(D) while the Agency of Education and Vermont supervisory unions are currently working to improve data collection, stewardship, reporting processes, and infrastructure, this work is in the context of enhancing data quality, data literacy, and the technical infrastructure to support these enhancements.

(9) More data on school discipline practices in Vermont is necessary to understand what strategies are effective and to encourage the adoption of these strategies at the local level.

Sec. 2. TASK FORCE ON EQUITABLE AND INCLUSIVE SCHOOL ENVIRONMENTS; REPORT

(a) Creation. There is created the Task Force on Equitable and Inclusive School Environments. The Task Force shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and compile data regarding school discipline in Vermont public and approved independent schools in order to inform strategic planning, guide statewide and local decision making and resource allocation, and measure the effectiveness of statewide and local policies and practices.

(b) Membership.

(1) The Task Force shall be composed of the following 16 members:

(A) the Secretary of Education or designee;

(B) the Commissioner of Mental Health or designee;

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

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

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

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

(G) the Executive Director of the Vermont Superintendents Association;

(H) one member, appointed by the Legal Aid Disability Law Project;

(I) one member, appointed by the Vermont Family Network;

(J) one member, appointed by the Building Effective Strategies for Teaching Students Project at the University of Vermont;

(K) one member, appointed by the Vermont Restorative Collaborative;

(L) one teacher, appointed by the Vermont-National Education Association;

(M) one member of a therapeutic school, appointed by the Vermont Independent Schools Association;

(N) one school counselor, appointed by the Vermont School Counselor Association; and

(O) two high school students, appointed by the Vermont Principals' Association in consultation with UP for Learning.

(2) The appointing authorities shall seek racial diversity in membership in making appointments to the Task Force.

(c) Powers and duties.

(1) The Task Force shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and, taking into account the Vermont Youth Risk Behavior Survey issued by the Department of

Health and relevant data reported by the Agency of Education, shall perform the following tasks:

(A) review current behavioral supports and in-school services and availability of these services in various supervisory unions, approved independent schools, and regions of the State that are available to support students who would otherwise face exclusionary discipline;

(B) recommend additional or more uniform in-school services that should be available to:

(i) students who are under eight years of age where expulsion is not permitted under 16 V.S.A. § 1162 as amended by this act; and

(ii) other students who would otherwise face exclusionary discipline;

(C) define the most serious behaviors that, after considering all other alternatives and supports, should remain eligible for suspension or expulsion;

(D) review school professional development programs and make recommendations on how educator practices, such as positive behavioral interventions and support, trauma informed practices, and restorative practices, and related training for these practices can increase educators' awareness of students' needs in a manner to reduce behaviors that lead to possible out-of-school disciplinary measures;

(E) identify best practice procedures for students facing in-school or exclusionary discipline that:

(i) minimize law enforcement contacts;

(ii) are trauma-responsive; and

(iii) maximize relational and restorative actions that support the social, emotional, and mental health needs of these students;

(F) subject to federal and State privacy laws, review, on a school-district and approved independent schools basis, the readily available data and the data collection processes regarding suspensions and expulsions and review additional data necessary to inform the work of the Task Force, including:

(i) the total number of instances of expulsions and suspensions in each grade operated by the district or approved independent school;

(ii) the total number of students in each grade operated by the district or approved independent school who were expelled or suspended and the number of instances of expulsion or suspension, or both, for each student;

(iii) the duration of each instance of expulsion and suspension;

(iv) the infraction for which each expulsion and suspension was imposed;

(v) each instance of referral to local law enforcement authorities, the juvenile justice system, community justice center, State's Attorneys Offices, Department for Children and Families, or other juvenile justice-related authority;

(vi) each instance in which a civil, criminal, or juvenile citation was the consequence for a school-related infraction; and

(vii) each instance in which an excluded student received reeducational services, as well as the duration of reeducational services per day, per week, and per month;

(G) recommend how to ensure that school staff who collect, process, or communicate data understand the importance of data quality, the context of their role, and the rules that govern data collection, processing, communication, and public disclosure; and

(H) review how other states address exclusionary discipline.

(2) All data specified in subdivision (1)(F) of this subsection shall be in disaggregated format by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available:

(A) White;

(B) Black;

(C) Hispanic;

(D) American Indian/Alaskan Native;

(E) Asian, Pacific Islander/Hawaiian Native;

(F) low-income/free or reduced lunch;

(G) Limited English Proficient or English Language Learner;

(H) migrant status;

(I) students receiving special education services;

(J) students on educational plans under Section 504 of the Rehabilitation Act of 1973;

(K) gender;

(L) sexual orientation;

(M) foster care status;

(N) homeless status; and

(O) grade level.

(3) All data specified in subdivision (1)(F) of this subsection shall be cross-tabulated by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available:

(A) school;

(B) school district;

(C) race;

(D) low-income/free or reduced lunch;

(E) Limited English Proficient or English Language Learner;

(F) migrant status;

(G) students receiving special education services;

(H) students on educational plans under Section 504 of the Rehabilitation Act of 1973;

(I) gender;

(J) sexual orientation;

(K) foster care status;

(L) homeless status;

(M) grade level;

(N) behavior infraction code;

(O) intervention applied, including restraint and seclusion; and

(P) educational services provided.

(d) Report. On or before January 15, 2022, the Task Force shall submit an initial written report, and on or before March 15, 2022, the Task Force shall submit a final written report, to the House and Senate Committees on Education with its findings, addressing each of its duties under subsection (c) of this section, and any recommendations for legislative action. The Agency of Education shall share the report and any related insights and best practices with Vermont educators, school administrators, policymakers, agencies, and education and advocacy organizations, and shall post the report on its website.

(e) Meetings.

(1) The Secretary of Education shall call the first meeting of the Task Force to occur on or before August 1, 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 six times.

(5) The Task Force shall cease to exist on April 15, 2022.

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

(g) Compensation and reimbursement. Members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings of the Task Force.

Sec. 3. APPROPRIATION

The sum of \$6,750.00 is appropriated from the General Fund in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Task Force on Equitable and Inclusive School Environments created under Sec. 2 of this act and for expenses incurred by the Task Force in carrying out its duties.

Sec. 4. DATA COLLECTION; TRAINING; SECRETARY OF EDUCATION

(a) On or before the first meeting of the Task Force on Equitable and Inclusive School Environments established in Sec. 2 of this act, the Secretary of Education shall collect and distribute to the members of the Task Force all readily available data on suspensions and expulsions from each Vermont public school and approved independent school in academic years 2013–2014 through 2018–2019, including the data specified in subdivision (e)(1)(F) of Sec. 2.

(b) At the first meeting of the Task Force, the Secretary of Education or designee shall provide an overview and training to the Task Force on how to navigate the Agency website and the readily available data collections that provide data on out-of-school suspensions and expulsions from each Vermont public school.

Sec. 5. OUTCOME ANALYSIS

On or before January 15 of each year from 2025 to 2030, the Secretary of Education shall submit a written report to the House and Senate Committees on Education on suspensions and expulsions from each Vermont public school

and approved independent school in the prior school year, including the data specified in subdivision (c)(1)(F) of Sec. 2.

Sec. 6. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

* * *

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

Sec. 7. REFERRALS OF TRUANCY TO THE STATE'S ATTORNEYS

(a) On or before September 1, 2021, each school district shall report to the Agency of Education the number of cases referred by the district or its staff to a State's Attorney for truancy under 16 V.S.A. § 1127 or 33 V.S.A. § 5309, what mitigation techniques were used by the district to engage with families prior to each referral, and the result of each referral.

(b) On or before December 15, 2021, the Agency of Education shall collate the reports from school districts and report the results to the General Assembly.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of this bill be amended to read: "An act relating to the Task Force on Equitable and Inclusive School Environments"

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the Committee on Education.

The bill, having appeared on the Calendar one day for Notice, was taken up, read the second time, the report of the Committee on Education agreed to, and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 20

Rep. Whitman of Bennington, for the Committee on Human Services, to which had been referred Senate bill, entitled

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * PFAS in Class B Firefighting Foam * * *

Sec. 1. 18 V.S.A. chapter 33 is added to read:

CHAPTER 33. PFAS IN FIREFIGHTING AGENTS AND EQUIPMENT

§ 1661. DEFINITIONS

As used in this chapter:

(1) “Class B firefighting foam” means chemical foams designed for flammable liquid fires.

(2) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(3) “Manufacturer” means any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or equipment. As used in this subsection, “importer” means the owner of the product.

(4) “Municipality” means any city, town, incorporated village, town fire district, or other political subdivision that provides firefighting services pursuant to general law or municipal charter.

(5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(6) “Personal protective equipment” means clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, and includes jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(7) “Terminal” means an establishment primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid storage facilities.

§ 1662. PROHIBITION OF CERTAIN CLASS B FIREFIGHTING FOAM

A person, municipality, or State agency shall not discharge or otherwise use for training or testing purposes class B firefighting foam that contains intentionally added PFAS.

§ 1663. RESTRICTION ON MANUFACTURE, SALE, ANDDISTRIBUTION; EXCEPTIONS

(a)(1) Unless otherwise required under federal law, but not later than October 1, 2023, a manufacturer of class B firefighting foam shall not manufacture, sell, offer for sale, or distribute for sale or use in this State class B firefighting foam to which PFAS have been intentionally added.

(2) Notwithstanding subdivision (1) of this subsection, the restriction on the manufacture, sale, offer for sale, or distribution of class B firefighting foam containing intentionally added PFAS for use at a terminal shall not apply until January 1, 2024.

(b) A person operating a terminal after January 1, 2024, and who seeks to purchase class B firefighting foam containing intentionally added PFAS for the purpose of fighting emergency class B fires, may apply to the Department of Environmental Conservation for a temporary exemption from the restrictions on the manufacture, sale, offer for sale, or distribution of class B firefighting foam for use at a terminal. An exemption shall not exceed one year. The Department of Environmental Conservation, in consultation with the Department of Health, may grant an exemption under this subsection if the applicant provides:

(1) clear and convincing evidence that there is not a commercially available alternative that:

(A) does not contain intentionally added PFAS; and

(B) is capable of suppressing a large atmospheric tank fire or emergency class B fire at the terminal;

(2) information on the amount of class B firefighting foam containing intentionally added PFAS that is annually stored, used, or released at the terminal;

(3) a report on the progress being made by the applicant to transition at the terminal to class B firefighting foam that does not contain intentionally added PFAS; and

(4) an explanation of how:

(A) all releases of class B firefighting foam containing intentionally added PFAS shall be fully contained at the terminal; and

(B) existing containment measures prevent firewater, wastewater, runoff, and other wastes from being released into the environment, including into soil, groundwater, waterways, and stormwater.

(c) Nothing in this section shall prohibit a terminal from providing class B firefighting foam in the form of aid to another terminal in the event of a class B fire.

§ 1664. SALE OF PERSONAL PROTECTIVE EQUIPMENT

CONTAINING PFAS

(a) A manufacturer or other person that sells firefighting equipment to any person, municipality, or State agency shall provide written notice to the purchaser at the time of sale, citing to this chapter, if the personal protective equipment contains PFAS. The written notice shall include a statement that the personal protective equipment contains PFAS and the reason PFAS are added to the equipment.

(b) The manufacturer or person selling personal protective equipment and the purchaser of the personal protective equipment shall retain the notice for at least three years from the date of the transaction.

§ 1665. NOTIFICATION; RECALL OF PROHIBITED PRODUCTS

(a) A manufacturer of class B firefighting foam containing intentionally added PFAS shall provide written notice to persons that sell the manufacturer's products in this State about the restrictions imposed by this chapter not less than one year prior to the effective date of the restrictions.

(b) Unless a class B firefighting foam containing intentionally added PFAS is intended for use at a terminal, and if after January 1, 2024, the person operating a terminal holds a temporary exemption pursuant to subsection (b) of section 1663 of this title, a manufacturer that produces, sells, or distributes a class B firefighting foam containing intentionally added PFAS shall:

(1) recall the product and reimburse the retailer or any other purchaser for the product; and

(2) issue either a press release or notice on the manufacturer's website describing the product recall and reimbursement requirement established in this subsection.

§ 1666. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1667. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * PFAS, Phthalates, and Bisphenols in Food Packaging * * *

Sec. 2. 18 V.S.A. chapter 33A is added to read:

CHAPTER 33A. CHEMICALS OF CONCERN IN FOOD PACKAGING

§ 1671. DEFINITIONS

As used in this chapter:

(1) "Bisphenols" means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.

(2) "Department" means the Department of Health.

(3) "Food package" or "food packaging" means a package or packaging component that is intended for direct food contact.

(4) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(5) "Ortho-phthalates" means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.

(6) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. "Package" also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(7) "Packaging component" means an individual assembled part of a package, such as any interior or exterior blocking, bracing, cushioning,

weatherproofing, exterior strapping, coatings, closures, inks, and labels, and disposable gloves used in commercial or institutional food service.

(8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.

§ 1672. FOOD PACKAGING

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added and are present in any amount.

(b)(1) Pursuant to 3 V.S.A. chapter 25, the Department may adopt rules prohibiting a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package to which bisphenols have been intentionally added and are present in any amount. The Department may exempt specific chemicals within the bisphenol class when clear and convincing evidence suggests they are not endocrine-active or otherwise toxic.

(2) The Department may only prohibit a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection if the Department or at least one other state has determined that a safer alternative is readily available in sufficient quantity and at a comparable cost and that the safer alternative performs as well as or better than bisphenols in a specific application of bisphenols to a food package or the packaging component of a food package.

(3) If the Department prohibits a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection, the prohibition shall not take effect until two years after the Department adopts the rules.

(c) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers, or any other additives to which ortho-phthalates have been intentionally added and are present in any amount.

(d) This section shall not apply to the sale or resale of used products.

§ 1673. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of food packaging. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1674. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner of Health shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1675. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * Rugs, Carpets, and Aftermarket Stain and Water Resistant
Treatments * * *

Sec. 3. 18 V.S.A. chapter 33B is added to read:

CHAPTER 33B. PFAS IN RUGS, CARPETS, AND AFTERMARKET
STAIN AND WATER RESISTANT TREATMENTS

§ 1681. DEFINITIONS

As used in this chapter:

(1) "Aftermarket stain and water resistant treatments" means treatments for textile and leather consumer products used in residential settings that have been treated during the manufacturing process for stain, oil, and water resistance but excludes products marketed or sold exclusively for use at industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.

(2) “Department” means the Department of Health.

(3) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(4) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.

(5) “Rug or carpet” means a thick fabric used to cover floors.

§ 1682. RUGS AND CARPETS

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a residential rug or carpet to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 1683. AFTERMARKET STAIN AND WATER RESISTANT TREATMENTS

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State aftermarket stain and water resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 1684. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of rugs, carpets, or aftermarket stain and water resistant treatments. Within 30 days after receipt of the Attorney General’s request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer’s product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer’s in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1685. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1686. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * Ski Wax * * *

Sec. 4. 18 V.S.A. chapter 33C is added to read:

CHAPTER 33C. PFAS IN SKI WAX

§ 1691. DEFINITIONS

As used in this chapter:

(1) “Department” means the Department of Health.

(2) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(3) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.

(4) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

§ 1692. SKI WAX

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 1693. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of ski wax. Within 30 days after receipt of the Attorney General’s request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer’s product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer’s in this State that the sale is prohibited because the product does not comply with

this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1694. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1695. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

* * * Chemicals of High Concern to Children * * *

Sec. 5. 18 V.S.A. § 1773 is amended to read:

§ 1773. CHEMICALS OF HIGH CONCERN TO CHILDREN

(a) List of chemicals of high concern to children. The following chemicals are designated as chemicals of high concern to children for the purposes of the requirements of this chapter:

* * *

(67) PFHxS (perfluorohexane sulfonic acid).

(68) PFHpA (perfluoroheptanoic acid).

(69) PFNA (perfluorononanoic acid).

(70) Any other chemical designated by the Commissioner as a chemical of high concern to children by rule under section 1776 of this title.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Secs. 1 (class B firefighting foam) and 5 (chemicals of high concern to children) shall take effect on July 1, 2022 and Secs. 2 (food packaging), 3 (rugs and carpets), and 4 (ski wax) shall take effect on July 1, 2023.

The bill, having appeared on the Calendar one day for Notice, was taken up, and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services?, **Rep. Pugh of South Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services?, was decided in the affirmative. Yeas, 145. Nays, 0.

Those who voted in the affirmative are:

Achey of Middletown Springs	Grad of Moretown	Ode of Burlington
Ancel of Calais	Graham of Williamstown	Page of Newport City
Anthony of Barre City	Gregoire of Fairfield	Pajala of Londonderry
Arrison of Weathersfield	Hango of Berkshire	Palasik of Milton
Austin of Colchester	Harrison of Chittenden	Parsons of Newbury
Bartholomew of Hartland	Helm of Fair Haven	Partridge of Windham
Batchelor of Derby	Higley of Lowell	Patt of Worcester
Beck of St. Johnsbury	Hooper of Montpelier	Pearl of Danville
Birong of Vergennes	Hooper of Randolph	Peterson of Clarendon
Black of Essex	Hooper of Burlington	Pugh of South Burlington
Bluemle of Burlington	Houghton of Essex	Rachelson of Burlington
Bock of Chester	Howard of Rutland City	Redmond of Essex *
Bongartz of Manchester	James of Manchester	Rogers of Waterville
Bos-Lun of Westminster	Jerome of Brandon	Rosenquist of Georgia
Brady of Williston	Jessup of Middlesex	Satcowitz of Randolph
Brennan of Colchester	Killacky of South Burlington	Savage of Swanton
Briglin of Thetford	Kimbell of Woodstock	Scheu of Middlebury
Brown of Richmond	Kitzmiller of Montpelier	Scheuermann of Stowe
Brownell of Pownal	Kornheiser of Brattleboro	Seymour of Sutton
Brumsted of Shelburne	LaClair of Barre Town	Shaw of Pittsford
Burditt of West Rutland	LaLonde of South Burlington	Sheldon of Middlebury
Burke of Brattleboro	Lanpher of Vergennes	Sibilia of Dover
Burrows of West Windsor	Lefebvre of Newark	Sims of Craftsbury *
Campbell of St. Johnsbury	Lefebvre of Orange	Small of Winooski
Canfield of Fair Haven	Leffler of Enosburgh	Smith of Derby
Chase of Colchester	Lippert of Hinesburg	Smith of New Haven
Christie of Hartford	Long of Newfane	Squirrell of Underhill
Cina of Burlington	Marcotte of Coventry	Stebbins of Burlington
Colburn of Burlington	Martin of Franklin	Stevens of Waterbury
Colston of Winooski	Masland of Thetford	Strong of Albany
Conlon of Cornwall	Mattos of Milton	Sullivan of Dorset
Copeland Hanzas of Bradford	McCarthy of St. Albans City	Surprenant of Barnard
Corcoran of Bennington	McCormack of Burlington	Taylor of Colchester
Cordes of Lincoln	McCoy of Poultney	Till of Jericho
Cupoli of Rutland City	McCullough of Williston	Toleno of Brattleboro
Dickinson of St. Albans Town	McFaun of Barre Town	Toof of St. Albans Town
Dolan of Essex	Morgan, L. of Milton	Townsend of South Burlington
	Morgan, M. of Milton	Troiano of Stannard
	Morris of Springfield	Vyhovsky of Essex

Dolan of Waitsfield *	Morrissey of Bennington	Walz of Barre City
Donahue of Northfield	Mrowicki of Putney	Webb of Shelburne
Donnally of Hyde Park	Mulvaney-Stanak of	White of Bethel
Durfee of Shaftsbury	Burlington	White of Hartford
Elder of Starksboro	Murphy of Fairfax	Whitman of Bennington
Emmons of Springfield	Nigro of Bennington	Williams of Granby
Fagan of Rutland City	Norris of Sheldon	Wood of Waterbury
Feltus of Lyndon	Norris of Shoreham	Yacovone of Morristown
Gannon of Wilmington	Notte of Rutland City	Yantachka of Charlotte
Goldman of Rockingham	Noyes of Wolcott	
Goslant of Northfield	O'Brien of Tunbridge	

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Coffey of Guilford	Nicoll of Ludlow
Martel of Waterford	Terenzini of Rutland Town

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I voted for S.20 because it targets four of the largest sources of PFAS contamination in Vermont. This bill protects public health particularly the most vulnerable members of our communities – our infants and children. There are available cost-effective PFAS-free alternatives today. This bill also makes sound economic sense. The bill reduces or avoids the healthcare costs associated with exposure. The bill reduces or avoids the high costs of detection, clean up, treatment and disposal of PFAS-contaminated soils and water and the management of contaminated landfill leachate. The bill supports our dairy industry and local foods movement, and the VT brand.”

Rep. Redmond of Essex explained her vote as follows:

“Madam Speaker:

Banning forever chemicals like PFAS is a critical step in prioritizing the cleanliness and health of our pristine outdoors. S.20 centers our lakes, rivers, streams, groundwater, soil, and food and drinking water systems in creating a toxics-free environment that ensures the protection of our beloved Green Mountain State. The step we have taken today is a game-changing investment in our rural and suburban landscapes and will help rebuild the economy in all 14 counties.”

Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

I vote yes to protect consumers from the harmful effects of PFAS and other dangerous chemicals.

These 'forever chemicals' do not break down easily and they persist in our bodies and the environment. And these chemicals are everywhere: in our food packaging, clothing, cookware, and many common households items.

This bill will protect Vermonters by reducing their exposure to these toxic chemicals.”

Thereupon, third reading was ordered.

Action on Bill Postponed

S. 115

Senate bill, entitled

An act relating to making miscellaneous changes in education laws

Was taken up, and pending the reading of the reports of the Committees on Education and on Appropriations, on motion of **Rep. Conlon of Cornwall**, action on the bill was postponed until May 5, 2021.

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 124

Rep. Yantachka of Charlotte, for the Committee on Energy and Technology, to which had been referred Senate bill, entitled

An act relating to miscellaneous utility subjects

Reported in favor of its passage in concurrence with proposal of amendment as follows::

First: In Sec. 5, 30 V.S.A. § 218, in subsection (e), by striking out “, and the Commission shall only set or change the eligibility level for any program created pursuant to this section after investigation, evidence, and hearing from the distribution utility sponsor of the program and other interested stakeholders.” and inserting in lieu thereof “.”

Second: By striking out Sec. 9, effective date, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Sec. 5 (30 V.S.A. § 218) shall take effect upon passage, except for an existing program under 30 V.S.A. § 218(e), for which it shall take effect upon a Commission decision

following an investigation regarding tariff changes for the distribution utility sponsor of the program.

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the Committee on Energy and Technology.

The bill having appeared on the Calendar one day for Notice, was taken up, read the second time, the report of the Committee on Energy and Technology agreed to, and third reading ordered.

Joint Senate Resolution Committed

J.R.S. 24

Senate resolution, entitled

Joint resolution relating to amending temporary Joint Rule 22A

Appearing on the calendar for Action, was taken up and pending the question, Shall the resolution be adopted?, on motion of **Rep. Long of Newfane**, the resolution was committed to the Committee on Rules.

Senate Proposal of Amendment Concurred in

H. 46

The Senate proposed to the House to amend House bill, entitled

An act relating to miscellaneous provisions of mental health law

The Senate proposes to the House to amend the bill by striking out Sec. 1, 18 V.S.A. § 7503, in its entirety and inserting a new Sec. 1 in lieu thereof to read as follows:

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

* * *

(b) Before the person may be admitted as a voluntary patient, ~~he or she~~ the person shall give ~~his or her~~ consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that ~~his or her~~ treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital; ~~and;~~

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; and

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

* * *

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 104

The Senate proposed to the House to amend House bill, entitled

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

The Senate proposes to the House to amend the bill in Sec. 1, Facilitation of Interstate Practice Using Telehealth Working Group; report, in subsection (b), by inserting a new subdivision to be subdivision (5) to read as follows:

(5) the Commissioner of Mental Health or designee;

And by renumbering the remaining subdivisions to be numerically correct.

Proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 108

House bill, entitled

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

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Sheldon of Middlebury**, action on the bill was postponed until May 5, 2021.

Action on Bill Postponed

H. 171

House bill, entitled

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

Was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Pugh of South Burlington**, action on the bill was postponed until May 6, 2021.

Action on Bill Postponed**H. 439**

House bill, entitled

An act relating to making appropriations for the support of government

Was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until May 5, 2021.

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the fourth day of May, 2021, he signed a bill originating in the House of the following title:

H. 195 An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children

Message from the Senate No. 54

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 210. An act relating to addressing disparities and promoting equity in the health care system.

H. 438. An act relating to capital construction and State bonding.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 27. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At twelve o'clock and thirteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.