

# Journal of the House

Tuesday, March 15, 2022

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

## Devotional Exercises

Devotional exercises were conducted by Reps. Patt of Worcester and Rogers of Waterville.

## Pledge of Allegiance

Page Anya Muller of Jericho led the House in the Pledge of Allegiance.

## Message from the Senate No. 34

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 on its part passed Senate bills of the following titles:

**S. 4.** An act relating to procedures involving firearms.

**S. 261.** An act relating to municipal retention of property tax collections.

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

The Senate has considered a bill originating in the House of the following title:

**H. 701.** An act relating to cannabis license fees.

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. 43.** Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

**H.C.R. 109.** House concurrent resolution congratulating the 2022 Essex High School Hornets girls' indoor track and field team on winning a second consecutive Division I championship.

**H.C.R. 110.** House concurrent resolution congratulating the 2022 Essex High School boys' indoor track and field team on winning a second consecutive Division I championship.

**H.C.R. 111.** House concurrent resolution congratulating William O'Neil of Essex on his induction into the Vermont Sports Hall of Fame.

**H.C.R. 112.** House concurrent resolution honoring the Voices of St. Joseph's Orphanage.

**H.C.R. 113.** House concurrent resolution honoring the USS VERMONT (SSN 792).

**H.C.R. 114.** House concurrent resolution congratulating the 2021 Brattleboro Union High School Colonels Division II championship boys' hockey team.

**H.C.R. 115.** House concurrent resolution congratulating the 2022 Essex High School Hornets State championship gymnastics team.

**H.C.R. 116.** House concurrent resolution commemorating the 250th anniversary of the New Yorkers' capture and Bennington posse's rescue of early Arlington leader and pre-Revolutionary War patriot Remember Baker Jr..

**H.C.R. 117.** House concurrent resolution congratulating Catamount Access Television in Bennington on its 30th anniversary.

**H.C.R. 118.** House concurrent resolution honoring Diane Dalmasse for her extraordinary half century of State public service and leadership.

**H.C.R. 119.** House concurrent resolution honoring Anthony Mariano for 44 years of exemplary athletics leadership at Norwich University.

### **Message from the Senate No. 35**

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 on its part passed Senate bills of the following titles:

**S. 139.** An act relating to nondiscriminatory school branding.

**S. 173.** An act relating to the State House art collection.

**S. 206.** An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders.

**S. 283.** An act relating to miscellaneous changes to education laws.

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

The Senate has on its part considered the Governor's veto of a Senate bill of the following title:

**S. 30.** An act relating to prohibiting possession of firearms within hospital buildings.

And has passed the same, the refusal of the Governor to approve notwithstanding.

### **House Bills Introduced**

House bills of the following titles were severally introduced, read the first time, and referred to Committee or placed on the Notice Calendar as follows:

#### **H. 723**

By Rep. Cina of Burlington,

House bill, entitled

An act relating to establishing a program to encourage the implementation of year-round agricultural practices

To the Committee on Agriculture and Forestry.

#### **H. 724**

By Rep. Cina of Burlington,

House bill, entitled

An act relating to artificial intelligence and workforce development

To the Committee on Commerce and Economic Development.

#### **H. 725**

By Reps. Chase of Colchester, Patt of Worcester, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to regulating credit reporting by landlords and others

To the Committee on Commerce and Economic Development.

**H. 726**

By Reps. Stebbins of Burlington, Bluemle of Burlington, Cina of Burlington, Colburn of Burlington, Hooper of Burlington, McCormack of Burlington, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, and Small of Winooski,

House bill, entitled

An act relating to the Agency of Natural Resources' testing of schools for the presence of PCBs

To the Committee on Natural Resources, Fish, and Wildlife.

**H. 727**

By the Committee on Education,

House bill, entitled

An act relating to the exploration, formation, and organization of union school districts and unified union school districts

Pursuant to House Rule 48, was placed on the Notice Calendar.

**H. 728**

By the Committee on Human Services,

House bill, entitled

An act relating to opioid overdose response services

Pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**H. 729**

By the Committee on Judiciary,

House bill, entitled

An act relating to miscellaneous judiciary procedures

Pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

**H. 730**

By the Committee on General, Housing, and Military Affairs,

House bill, entitled

An act relating to alcoholic beverages and the Department of Liquor and Lottery

Pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

**H. 731**

By the Committee on Government Operations,

House bill, entitled

An act relating to technical corrections for the 2022 legislative session

Pursuant to House Rule 48, was placed on the Notice Calendar.

**H. 732**

By Reps. Cina of Burlington, Austin of Colchester, Burrows of West Windsor, and Harrison of Chittenden,

House bill, entitled

An act relating to hosting the Winter Olympics in Vermont

To the Committee on Commerce and Economic Development.

**H. 733**

By Rep. Till of Jericho,

House bill, entitled

An act relating to lowering the legal blood alcohol concentration limit to operate a motor vehicle to below 0.05

To the Committee on Transportation.

**H. 734**

By Rep. Grad of Moretown,

House bill, entitled

An act relating to adopting the Council of State Governments' recommendations set forth in its November of 2021 report to the Justice Reinvestment II Working Group

To the Committee on Judiciary.

**H. 735**

By Rep. Stebbins of Burlington,

House bill, entitled

An act relating to considering using reference-based pricing for the State employees' health plan

To the Committee on Health Care.

### **Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

#### **S. 4**

Senate bill, entitled

An act relating to procedures involving firearms

To the Committee on Judiciary.

#### **S. 261**

Senate bill, entitled

An act relating to municipal retention of property tax collections

To the Committee on Ways and Means.

### **Bills Referred to the Committee on Ways and Means**

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State or materially affecting the revenue of one or more municipalities, under House Rule 35(a), were referred to the Committee on Ways and Means:

#### **H. 353**

House bill, entitled

An act relating to pharmacy benefit management

#### **H. 512**

House bill, entitled

An act relating to modernizing land records and notarial acts law

#### **H. 703**

House bill, entitled

An act relating to promoting workforce development

**H. 704**

House bill, entitled

An act relating to the regulation of accessory on-farm businesses

**Bills Referred to the Committee on Appropriations**

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

**H. 464**

House bill, entitled

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

**H. 465**

House bill, entitled

An act relating to boards and commissions

**H. 661**

House bill, entitled

An act relating to licensure of mental health professionals

**Joint Resolution Referred to Committee****J.R.S. 43**

By the Committee on Institutions,

**J.R.S. 43.** Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere.

*Whereas*, the Department of Forests, Parks and Recreation (the Department) owns and manages certain lands in the Towns of Eden and Belvidere, known as the Long Trail State Forest, that abut lands co-owned by the Vermont Land Trust (VLT) and the Nature Conservancy (TNC), and

*Whereas*, approximately 3.5 miles of the common boundary between the Long Trail State Forest and the lands that VLT and TNC co-own is uncertain as to its location on the ground and in existing deeds, and

*Whereas*, the Department and VLT and TNC have reached an agreement to confirm and locate the shared common boundaries through the exchange of quitclaim deeds and a survey of the boundary to be recorded in the land records of the Towns of Eden and Belvidere, and

*Whereas*, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation “to sell, convey, exchange or lease land, or interests in land, or to amend deeds, leases and easement interests, under his or her jurisdiction,” with the approval of the General Assembly, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the lands co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation, the Vermont Land Trust, and the Nature Conservancy.

Was read by title, treated as a bill, and referred to the Committee on Corrections and Institutions, pursuant to House Rule 52.

**Ceremonial Reading**

**H.C.R. 118**

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

Offered by: Pugh of South Burlington, Marcotte of Coventry, Wood of Waterbury and Yacovone of Morristown and Senators Lyons and Westman

Having been adopted in concurrence on Friday, March 11, 2022 in accord with Joint Rule 16b, was read.

**Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

**H. 279**

House bill, entitled

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

**H. 572**

House bill, entitled

An act relating to the retirement allowance for interim educators

**Second Reading; Bill Amended; Third Reading Ordered****H. 244**

**Rep. Walz of Barre City**, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

§ 5200. DEFINITIONS

As used in this chapter:

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

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

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

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

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

§ 5201. PERMITS; REMOVAL OF BODIES; ~~CREMATION~~;

WAITING PERIOD; INVESTIGATION INTO CIRCUMSTANCES  
OF DEATH

(a) ~~Burial-transfer permit.~~ A dead body shall not be buried, entombed, or removed, or otherwise disposed of without a burial-transit permit issued and signed by a municipal clerk, a county clerk, or a deputy clerk for the municipality or unorganized town or gore in which the dead body is located; a funeral director licensed in Vermont; an owner or designated manager of a ~~crematorium~~ licensed disposition facility in Vermont who is registered to perform removals; or a law enforcement officer.

\* \* \*

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

\* \* \*

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

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

(d)(1) For all cremations or natural organic reductions requested for the body of a person who died outside Vermont, the ~~crematory~~ operator of a disposition facility shall do the following before conducting the cremation or natural organic reduction:

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

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

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

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

§ 5207. CERTIFICATE FURNISHED FAMILY; BURIAL-TRANSIT  
PERMIT

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

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

§ 5210. FORM OF BURIAL OR REMOVAL PERMIT

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

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

§ 5213. REMOVAL; FORM AND DISPOSITION OF PERMIT

Such permit shall state specifically ~~where such body is to be buried, cremated, or entombed~~ the location of the body's permanent disposition and the time and manner of its removal. A town clerk issuing such a permit shall make it in duplicate if the body is to be removed from the town, one copy of which shall be delivered to the person having charge of the cemetery or tomb from which the body is to be taken and the other shall be delivered to the person having charge of the cemetery or tomb wherein it is desired to place the body.

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

§ 5224. DISPOSITION OF REMAINS; PERMITS

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

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

\* \* \*

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

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

\* \* \*

§ 5227. RIGHT TO DISPOSITION

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

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

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

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

(B) If the cremation of the decedent is not arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall pay the cremation

expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families.

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

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

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

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

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

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

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

#### § 5228. FORFEITURE

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

(1) the individual is identified by a law enforcement agency as a person of interest and likely to be prosecuted or is under prosecution for first or second degree murder or voluntary manslaughter in connection with the decedent's death, if the status of the investigation or the prosecution is known to the funeral director or ~~crematory~~ disposition facility operator, except that if the prosecution is not pursued or the individual is acquitted of the alleged crime before the remains are disposed of, the individual shall regain the right;

\* \* \*

## § 5229. COST OF DISPOSITION

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

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

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

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

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

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

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

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

## § 5231. CIVIL ACTION

\* \* \*

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

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

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

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

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

\* \* \*

#### § 5233. LIMITED LIABILITY

A funeral director or ~~erematory~~ disposition facility operator shall not be subject to civil liability or subject to disciplinary action for carrying out the disposition of the remains if he or she relied in good faith on a funeral service contract or authorization or for following the instructions of an individual ~~whom~~ who the funeral director or ~~erematory~~ disposition facility operator reasonably believes or believed holds the right of disposition.

\* \* \*

## \* \* \* Cemeteries \* \* \*

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

§ 5302. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### § 5313. RECORDS; BURIAL RECORDS OPEN TO PUBLIC

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

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

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

Either before or after the recording of the plat, as hereinbefore provided, whenever it is determined that such lands acquired for cemetery purposes, except those acquired by condemnation proceedings, are unsuitable for ~~burial purposes~~ the permanent disposition of human remains, such lands may be sold for purposes other than ~~interment~~ permanent disposition and conveyed in fee

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

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

§ 5319. DISPOSITION OF REMAINS OF DEAD

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

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

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

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

(D) cremation; ~~or~~

(E) natural organic reduction.

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

\* \* \*

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

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

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

§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

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

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

§ 5376. SALE OF LOTS; TAX EXEMPTION

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

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

§ 5378. BYLAWS AND REGULATIONS

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

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

§ 5434. PENALTY FOR DOING BUSINESS AS A CEMETERY

ASSOCIATION WITHOUT AUTHORITY

A person, firm, corporation, or association, or a trust, trustee, or trustees of any person, firm, corporation, or association, who, without authority of this chapter so to do, shall exercise or attempt to exercise any powers, privileges, or franchises ~~which that~~ are specified or may be granted under this chapter to incorporated cemetery associations, or who shall by any device attempt to

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

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

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

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

\* \* \*

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

§ 5436. PERPETUAL CARE FUND

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

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

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

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

\* \* \* Funeral Services \* \* \*

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

§ 1211. DEFINITIONS

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

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

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

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

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

(5) "Office" means the Office of Professional Regulation.

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

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

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

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

§ 1212. ADVISOR APPOINTEES; DIRECTOR DUTIES; RULES

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

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

(b) The Director shall:

\* \* \*

(6) adopt rules regarding:

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

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

(7) [Repealed.]

(8) [Repealed.]

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

§ 1213. INSPECTION OF PREMISES

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

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

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

§ 1251. LICENSE REQUIREMENTS

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

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

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

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

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

§ 1252. APPLICATION; QUALIFICATIONS

\* \* \*

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

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

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

licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

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

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

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

(f) Removal personnel.

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

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

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

(g) Limited services establishment.

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

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

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

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

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

§ 1254. ISSUANCE OR DENIAL OF LICENSE

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

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

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

\* \* \*

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

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

\* \* \*

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

§ 1272. RULES; PREPAID FUNERAL FUNDS

\* \* \*

(9) Establishment of a funeral services trust account.

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

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

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

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

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

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

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

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

§ 125. FEES

\* \* \*

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

(1) Application for registration, \$75.00, except application for:

(A) Private investigator and security services employees, unarmed registrants, \$60.00.

(B) Private investigator and security service employees, transitory permits, \$60.00.

(C) Private investigator and security service employees, armed registrants, \$120.00.

(2) Application for licensure or certification, \$100.00, except application for:

(A) Barbering or cosmetology schools and shops, \$300.00.

(B) Funeral directors, embalmers, ~~crematory~~ disposition facility personnel, removal personnel, funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$70.00.

(C) Application for real estate appraisers, \$275.00.

(D) Temporary real estate appraiser license, \$150.00.

(E) Appraisal management company registration, \$600.00.

(F) Private investigator or security services agency, \$340.00.

(G) Private investigator and security services agency, \$400.00.

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

(I) Private investigator or security services unarmed licensee, \$150.00.

(J) Private investigator or security services armed licensee, \$200.00.

(K) Private investigator and security services instructor, \$120.00.

(3) Optician trainee registration, \$50.00.

(4) Biennial renewal, \$240.00, except biennial renewal for:

(A) Independent clinical social workers and master's social workers, \$150.00.

(B) Occupational therapists and assistants, \$150.00.

(C) Physical therapists and assistants, \$150.00.

(D) Optician trainees, \$100.00.

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

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

- (G) Funeral directors and embalmers, \$280.00.
- (H) ~~Crematory~~ Disposition facility personnel and removal personnel, \$100.00.
- (I) Funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$640.00.
- (J) [Repealed.]
- (K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.
- (L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.
- (M) Private investigator or security services agency, or both, \$300.00.
- (N) Private investigator or security services unarmed licensee, \$120.00.
- (O) Private investigator or security services armed licensee, \$180.00.
- (P) Private investigator or security services unarmed registrant, \$80.00.
- (Q) Private investigator or security services armed registrant, \$130.00.
- (R) Private investigator or security services sole proprietor, \$250.00.
- (S) Private investigator or security services instructor, \$180.00.
- (5) Limited temporary license or work permit, \$50.00.

\* \* \*

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

#### Sec. 28. EFFECTIVE DATES

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

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

The bill, having appeared on the Notice Calendar, was taken up, read second time, the report of the Committee on General, Housing, and Military Affairs agreed to, and third reading was ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 500**

**Rep. McCullough of Williston**, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 7101 is amended to read:

§ 7101. LEGISLATIVE FINDINGS

The General Assembly finds and declares that:

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

\* \* \*

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

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

\* \* \*

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

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

\* \* \*

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

(18) Studies conducted for the State state of Maine show that mercury-free alternatives exist for a majority of the thousands of products containing mercury components. These products include thermometers, thermostats, flow meters, barometers, manometers, medical devices, and electrical switches and relays.

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

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

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

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

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

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

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

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

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

§ 7102. DEFINITIONS

As used in this chapter:

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

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

\* \* \*

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

\* \* \*

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

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

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

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

(D) four feet in length.

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

§ 7105. RESTRICTIONS ON THE SALE AND USE OF CERTAIN

MERCURY-ADDED PRODUCTS

\* \* \*

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

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

(h)(i) Exemptions.

\* \* \*

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

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

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

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

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

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

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

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

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

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

§ 7161. CONTINUED IMPLEMENTATION OF APPROVED  
COLLECTION PLAN

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

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

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 523**

**Rep. Morris of Springfield**, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to reducing hydrofluorocarbon emissions

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 586 is amended to read:

**§ 586. REGULATION OF HYDROFLUOROCARBONS**

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

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

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

\* \* \*

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

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

§ 573. MOTOR VEHICLE AIR CONDITIONING

\* \* \*

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

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

§ 2731. RULES; INSPECTIONS; VARIANCES

\* \* \*

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 606**

**Rep. Sheldon of Middlebury**, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to community resilience and biodiversity protection

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SHORT TITLE

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

Sec. 2. FINDINGS

The General Assembly finds:

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

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

(3) According to the United Nations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY  
PROTECTION

§ 2801. DEFINITIONS

As used in this section:

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

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

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

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

§ 2802. CONSERVATION GOALS

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

(b) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of ecological reserve areas, biodiversity reserve areas, and natural

resource management areas. In order to support an ecologically functional landscape with sustainable production of natural resources and recreational opportunities, the approximate percentages of each type of conservation category shall be guided by the conservation targets within Vermont Conservation Design, including the use of ecological reserve areas to protect highest priority natural communities and maintain or restore old forests.

§ 2803. CONSERVATION PLAN

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

(2) The plan shall include:

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

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

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

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

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

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

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

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

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

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources, Fish, and Wildlife?, **Rep. Peterson of Clarendon** 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 bill be amended as recommended by the Committee on Natural Resources, Fish, and Wildlife?, was decided in the affirmative. Yeas, 98. Nays, 42.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	O'Brien of Tunbridge
Anthony of Barre City	Garofano of Essex	Ode of Burlington
Arrison of Weathersfield	Goldman of Rockingham	Partridge of Windham
Austin of Colchester	Grad of Moretown	Patt of Worcester
Bartholomew of Hartland	Hooper of Montpelier	Pugh of South Burlington
Birong of Vergennes	Hooper of Randolph	Rachelson of Burlington
Black of Essex	Hooper of Burlington	Rogers of Waterville
Bluemle of Burlington	Houghton of Essex	Satcowitz of Randolph
Bock of Chester	Howard of Rutland City	Scheu of Middlebury
Bongartz of Manchester	James of Manchester	Sheldon of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sibilia of Dover
Brady of Williston	Jessup of Middlesex	Sims of Craftsbury
Briglin of Thetford	Killacky of South Burlington	Small of Winooski
Brown of Richmond	Kimbell of Woodstock	Squirrell of Underhill
Brumsted of Shelburne	Kitzmiller of Montpelier	Stebbins of Burlington

Burke of Brattleboro	Kornheiser of Brattleboro	Stevens of Waterbury
Campbell of St. Johnsbury	LaLonde of South	Surprenant of Barnard
Chase of Colchester	Burlington	Taylor of Colchester
Christie of Hartford	Lanpher of Vergennes	Till of Jericho
Cina of Burlington	Lefebvre of Newark	Toleno of Brattleboro
Coffey of Guilford	Lippert of Hinesburg	Townsend of South
Colburn of Burlington	Long of Newfane	Burlington
Colston of Winooski	Masland of Thetford	Troiano of Stannard
Conlon of Cornwall	McCarthy of St. Albans City	Vyhovsky of Essex
Copeland Hanzas of	McCormack of Burlington	Walz of Barre City
Bradford	McCullough of Williston	Webb of Shelburne
Corcoran of Bennington	Morris of Springfield	White of Bethel
Cordes of Lincoln	Morrissey of Bennington	White of Hartford
Dolan of Essex	Mrowicki of Putney	Whitman of Bennington
Dolan of Waitsfield	Mulvaney-Stanak of	Wood of Waterbury
Donahue of Northfield	Burlington	Yacovone of Morristown
Donnally of Hyde Park	Murphy of Fairfax	Yantachka of Charlotte
Durfee of Shaftsbury	Nicoll of Ludlow	
Elder of Starksboro	Nigro of Bennington	
Emmons of Springfield	Noyes of Wolcott	

Those who voted in the negative are:

Achey of Middletown	Harrison of Chittenden	Norris of Sheldon
Springs	Helm of Fair Haven	Norris of Shoreham
Beck of St. Johnsbury	Higley of Lowell	Page of Newport City
Brennan of Colchester	Kascenska of Burke	Pajala of Londonderry
Burditt of West Rutland	LaClair of Barre Town	Parsons of Newbury
Canfield of Fair Haven	Laroche of Franklin	Peterson of Clarendon
Cupoli of Rutland City	Lefebvre of Orange	Rosenquist of Georgia
Dickinson of St. Albans	Leffler of Enosburgh	Scheuermann of Stowe
Town	Marcotte of Coventry	Shaw of Pittsford
Fagan of Rutland City	Martel of Waterford	Smith of Derby
Feltus of Lyndon	Mattos of Milton	Strong of Albany
Goslant of Northfield	McCoy of Poultney	Toof of St. Albans Town
Graham of Williamstown	McFaun of Barre Town	Walker of Swanton
Gregoire of Fairfield	Morgan, L. of Milton	Williams of Granby
Hango of Berkshire	Morgan, M. of Milton	

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

Brownell of Pownal	Notte of Rutland City	Smith of New Haven
Burrows of West Windsor	Palasik of Milton	Sullivan of Dorset
Labor of Morgan	Pearl of Danville	Terenzini of Rutland Town

Thereupon, third reading was ordered.

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**Second Reading; Bill Amended; Third Reading Ordered****H. 655**

**Rep. Houghton of Essex**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Telehealth Licensure and Registration \* \* \*

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

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

§ 3051. SCOPE

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

(1) alcohol and drug abuse counseling;

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

(3) applied behavior analysis;

(4) athletic training;

(5) audiology;

(6) chiropractic;

(7) dentistry;

(8) dietetics;

(9) midwifery;

(10) naturopathy;

(11) nursing;

(12) nursing home administration;

(13) occupational therapy;

(14) optometry;

(15) osteopathy;

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

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

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

#### § 3052. DEFINITIONS

As used in this chapter:

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

(7) “Store and forward” means an asynchronous transmission of medical information, such as one or more video clips, audio clips, still images, x-rays, magnetic resonance imaging scans, electrocardiograms, electroencephalograms, or laboratory results, sent over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty. In store and forward, the health care provider at the distant site reviews the medical information without the patient present in real time and communicates a care plan or treatment recommendation back to the patient or referring provider, or both.

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

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

§ 3053. TELEHEALTH LICENSURE OR TELEHEALTH REGISTRATION  
REQUIRED

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

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

(c) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont and provides health care services in Vermont using telehealth without a telehealth registration or telehealth license, or provides services beyond the limitations of the telehealth registration or telehealth license, is engaged in unauthorized practice as defined in 3 V.S.A.

§ 127 and section 1314 of this title and is subject to the penalties set forth in those sections.

§ 3054. SCOPE OF TELEHEALTH LICENSE AND TELEHEALTH  
REGISTRATION

(a) Telehealth license.

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

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

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

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

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

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

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

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

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

(b) Telehealth registration.

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

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

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

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

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

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

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

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

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

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

§ 3055. SCOPE OF PRACTICE; STANDARD OF PRACTICE

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

in the same or a broader scope of practice as health care professionals in the same field are authorized to engage pursuant to a license, certificate, or registration issued in accordance with the relevant provisions of this title.

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

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

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

#### § 3056. RECORDS

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

#### § 3057. EFFECT OF DISCIPLINARY ACTION ON OUT-OF-STATE

##### LICENSE, CERTIFICATE, OR REGISTRATION

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

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

§ 3058. JURISDICTION; APPLICATION OF VERMONT LAWS

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

§ 3059. EXEMPTIONS FROM REGISTRATION AND LICENSUREREQUIREMENTS

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

§ 3060. VENUE

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

§ 3061. RULEMAKING

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

\* \* \* Provisional Licensure for Professions Regulated by

Office of Professional Regulation \* \* \*

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

§ 130. PROVISIONAL LICENSURE

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

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

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

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

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

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

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

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

\* \* \* Effective Dates \* \* \*

### Sec. 3. EFFECTIVE DATES

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

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

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

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

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

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

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

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

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

(d) Transition to licensure; fee credit.

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

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

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

\* \* \* Appropriation \* \* \*

Sec. 3. TELEHEALTH LICENSURE AND REGISTRATION SYSTEM;  
APPROPRIATION

The sum of \$360,000.00 is appropriated from the General Fund to the Office of Professional Regulation in fiscal year 2023 to develop and

implement the telehealth licensure and registration system established in this act.

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

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

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

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Health Care was amended as recommended by the Committee on Ways and Means. Report of the Committee on Health Care, as amended, was agreed to and third reading ordered.

#### **Action on Resolution Postponed**

##### **J.R.S. 44**

Joint Senate resolution, entitled,

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

Was taken up and, on motion of **Rep. Long of Newfane**, action on the resolution was postponed until March 16, 2022.

#### **Adjournment**

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