

# Journal of the House

Wednesday, March 16, 2022

At one o'clock in the afternoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Rev. Elissa Johnk, First Congregational Church of Burlington.

## Message from the Governor

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 15th day of March, 2022, he signed a bill originating in the House of the following title:

**H. 717 An act relating to providing humanitarian assistance to the people of Ukraine**

## Committee Bill Introduced; Referred to Committee on Ways and Means

### H. 736

By the Committee on Transportation,

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Was read the first time and, 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.

## Senate Bills Referred

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

### S. 139

Senate bill, entitled

An act relating to nondiscriminatory school branding

To the Committee on Education.

**S. 173**

Senate bill, entitled

An act relating to the State House art collection

To the Committee on Corrections and Institutions.

**S. 206**

Senate bill, entitled

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

To the Committee on Human Services.

**S. 283**

Senate bill, entitled

An act relating to miscellaneous changes to education laws

To the Committee on Education.

**Ceremonial Reading**

**H.C.R. 113**

House concurrent resolution honoring the USS VERMONT (SSN 792)

Offered by: Reps. Hango of Berkshire, Austin of Colchester, Birong of Vergennes, Dolan of Essex, Fagan of Rutland City, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Houghton of Essex, Howard of Rutland City, Lefebvre of Orange, Martel of Waterford, Morgan, M. of Milton, Morrissey of Bennington, Murphy of Fairfax, Norris of Sheldon, Norris of Shoreham, Ode of Burlington, Page of Newport City Palasik of Milton, Scheuermann of Stowe, Sibia of Dover, and Wood of Waterbury; and Senators Brock, Kitchel, and Ram Hinsdale

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

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

**H. 266**

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

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

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

Sec. 1. PURPOSE

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

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

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

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

On or before November 1, 2022, the Department of Vermont Health Access shall provide an update to the Health Reform Oversight Committee regarding the status of the Department's application to the Centers for Medicare and Medicaid Services to modify the essential health benefits in Vermont's benchmark plan to include coverage of hearing aids and related services beginning in plan year 2024.

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

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

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

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

§ 4088l. COVERAGE FOR HEARING AIDS

(a) As used in this section:

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

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

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

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

(2) "Hearing aid" means any small, wearable electronic instrument or device designed and intended for the ear for the purpose of aiding or compensating for impaired human hearing and any related parts, attachments, or accessories, including earmolds and associated remote microphones that pair with hearing aids to improve word comprehension in difficult listening

situations in live or telecommunication settings. The term does not include cords, large-audience assisted listening devices, such as those designed for auditoriums, or stand-alone assisted listening devices that can function without a hearing aid.

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

(A) evaluation for a hearing aid;

(B) fitting of a hearing aid;

(C) programming of a hearing aid;

(D) hearing aid repairs;

(E) follow-up adjustments, servicing, and maintenance of a hearing aid;

(F) ear mold impressions; and

(G) auditory rehabilitation and training.

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

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

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

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

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

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

#### Sec. 5. EFFECTIVE DATES

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

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

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

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 Health Care?, **Rep. Goldman of Rockingham** moved to amend the report of the Committee on Health Care as follows:

In Sec. 5, effective dates, following “issued on and” by inserting the word “after”

Which was agreed to. Thereupon, the 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 17, 2022.

#### **Third Reading; Bills Passed**

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

##### **H. 244**

House bill, entitled

An act relating to authorizing the natural organic reduction of human

remains

### H. 500

House bill, entitled

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

**Bill Amended; Read Third Time; Bill Passed**

### H. 523

House bill, entitled

An act relating to reducing hydrofluorocarbon emissions

Was taken up and, pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

By striking out Sec. 2, 10 V.S.A. § 573, in its entirety and inserting in lieu thereof the following:

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

§ 573. MOTOR VEHICLE AIR CONDITIONING

(a) ~~After January 1, 1991, no~~ No person, ~~for compensation,~~ may perform service on motor vehicle air conditioners, unless that person uses equipment that is certified by the Underwriters Laboratories, or an institution determined by the Secretary to be comparable, as meeting the Society of Automotive Engineers standard applicable to equipment for the extraction and reclamation of refrigerant or a substitute prohibited under section 586 of this title from motor vehicle air conditioners.

\* \* \*

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Bill Amended; Read Third Time; Bill Passed**

### H. 606

House bill, entitled

An act relating to community resilience and biodiversity protection

Was taken up and, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

First: In Sec. 3, 10 V.S.A. chapter 89, in section 2801, by adding a subsection (5) to read:

(5) “Conserved” means protected and meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section.

Second: In Sec. 3, 10 V.S.A. chapter 89, in section 2802, in subsection (b), by striking out the words “biodiversity reserve areas” and inserting in lieu thereof the words “biodiversity conservation areas”

Which was agreed to. Thereupon, the bill was read the third time and passed.

### **Third Reading; Bill Passed**

#### **H. 655**

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

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

### **Committee Bill; Second Reading; Third Reading Ordered**

#### **H. 722**

**Rep. Copeland Hanzas of Bradford** spoke for the Committee on Government Operations.

House bill, entitled

An act relating to final reapportionment of the House of Representatives

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and read the second time.

**Rep. Long of Newfane** presiding.

**Rep. Krowinski of Burlington** presiding.

Pending the question, Shall the bill be read a third time?, **Rep. Copeland Hanzas of Bradford** 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 read a third time?, was decided in the affirmative. Yeas, 129. Nays, 13.



Those who voted in the affirmative are:

Achey of Middletown	Garofano of Essex	Murphy of Fairfax
Springs *	Goldman of Rockingham	Nicoll of Ludlow
Ancel of Calais	Goslant of Northfield	Nigro of Bennington
Anthony of Barre City	Grad of Moretown	Norris of Sheldon
Arrison of Weathersfield	Gregoire of Fairfield	Norris of Shoreham
Austin of Colchester	Hango of Berkshire	Notte of Rutland City
Bartholomew of Hartland	Harrison of Chittenden	Noyes of Wolcott
Beck of St. Johnsbury	Helm of Fair Haven	O'Brien of Tunbridge
Birong of Vergennes	Higley of Lowell	Ode of Burlington
Black of Essex	Hooper of Montpelier	Page of Newport City
Bluemle of Burlington	Hooper of Randolph	Pajala of Londonderry
Bock of Chester	Hooper of Burlington	Parsons of Newbury
Bongartz of Manchester	Houghton of Essex	Partridge of Windham
Bos-Lun of Westminster	Howard of Rutland City	Patt of Worcester
Brady of Williston	James of Manchester	Pearl of Danville
Brennan of Colchester	Jerome of Brandon	Peterson of Clarendon
Briglin of Thetford	Jessup of Middlesex	Pugh of South Burlington
Brown of Richmond	Killacky of South Burlington	Rachelson of Burlington
Brumsted of Shelburne	Kimbell of Woodstock	Rogers of Waterville
Burditt of West Rutland	Kornheiser of Brattleboro	Satcowitz of Randolph
Burke of Brattleboro	LaClair of Barre Town	Scheu of Middlebury
Burrows of West Windsor	LaLonde of South	Shaw of Pittsford
Campbell of St. Johnsbury	Burlington	Sheldon of Middlebury
Canfield of Fair Haven	Lanpher of Vergennes	Sims of Craftsbury
Chase of Colchester	Laroche of Franklin	Small of Winooski
Christie of Hartford	Lefebvre of Newark	Squirrell of Underhill
Cina of Burlington	Lefebvre of Orange *	Stebbins of Burlington
Coffey of Guilford	Leffler of Enosburgh	Stevens of Waterbury
Colburn of Burlington	Lippert of Hinesburg	Taylor of Colchester
Conlon of Cornwall	Long of Newfane	Till of Jericho
Copeland Hanzas of	Marcotte of Coventry	Toleno of Brattleboro
Bradford	Martel of Waterford	Toof of St. Albans Town
Corcoran of Bennington	Masland of Thetford	Townsend of South
Cordes of Lincoln	McCarthy of St. Albans City	Burlington
Cupoli of Rutland City	*	Troiano of Stannard
Dickinson of St. Albans	McCormack of Burlington	Vyhovsky of Essex
Town	McCoy of Poultney	Walker of Swanton
Dolan of Essex	McCullough of Williston	Walz of Barre City
Dolan of Waitsfield	McFaun of Barre Town	Webb of Shelburne
Donahue of Northfield	Morgan, L. of Milton	White of Hartford
Donnally of Hyde Park	Morgan, M. of Milton	Whitman of Bennington
Durfee of Shaftsbury	Morris of Springfield	Wood of Waterbury
Elder of Starksboro	Morrissey of Bennington	Yacovone of Morristown
Emmons of Springfield	Mrowicki of Putney	Yantachka of Charlotte
Feltus of Lyndon	Mulvaney-Stanak of	
Gannon of Wilmington	Burlington	

Those who voted in the negative are:

Fagan of Rutland City	Scheuermann of Stowe	Surprenant of Barnard
Graham of Williamstown	Sibilia of Dover	Terenzini of Rutland Town
Kascenska of Burke	Smith of Derby *	Williams of Granby
Mattos of Milton	Smith of New Haven	
Rosenquist of Georgia	Strong of Albany	

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

Brownell of Pownal	Labor of Morgan	White of Bethel
Colston of Winooski	Palasik of Milton	
Kitzmiller of Montpelier	Sullivan of Dorset	

**Rep. Achey of Middletown Springs** explained her vote as follows:

“Madam Speaker:

I voted ‘yes’ reluctantly. My district did not need to be changed. We could have even added back the part of Tinmouth that had been separated for 10 years. However, the neighboring district had lost population that required a change. We looked at many other options, but in the end that chosen solution was to divide the town of Wells. They did not want to be split and I did not want to lose any part of that town. We all have to decide to accept the decision.”

**Rep. Lefebvre of Orange** explained her vote as follows:

“Madam Speaker:

My vote in support of H.722 was due to the communication, public engagement, and detail that went into redistricting the state of Vermont. I’m discouraged that the town of Williamstown was divided when there was no constitutional reason to. There were many options brought forward that were denied.”

**Rep. McCarthy of St. Albans City** explained his vote as follows:

“Madam Speaker:

I vote yes. The decennial reapportionment is a difficult task. This map meets constitutional and statutory requirements to apportion the 150 seats in the Vermont House.”

**Rep. Smith of Derby** explained his vote as follows:

“Madam Speaker:

While I will be proud to serve the town I grew up in, I feel the other towns in my district have been shortchanged by this decision.”

Thereupon, third reading was ordered.

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**Action on Bill Postponed****H. 287**

House bill, entitled

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

Was taken up, and pending the reading of the report of the Committee on Health Care, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until March 17, 2022.

**Second Reading; Bill Amended; Third Reading Ordered****H. 399**

**Rep. Donnally of Hyde Park**, for the Committee on Judiciary, to which had been referred House bill, entitled

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

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

## Sec. 1. PURPOSE

The purpose of this act is to:

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

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

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

## § 7030. SENTENCING ALTERNATIVES

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

\* \* \*

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

§ 204. SUBMISSION OF WRITTEN REPORT; PRODUCTION OF  
RECORDS

\* \* \*

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

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

**H. 475**

**Rep. LaLonde of South Burlington**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the classification system for criminal offenses

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

Sec. 1. 13 V.S.A. § 1023 is amended to read:

§ 1023. SIMPLE ASSAULT

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

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

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

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

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

~~convicted of simple assault shall be imprisoned not more than 60 days or fined not more than \$500.00, or both~~ commits a Class D misdemeanor.

Sec. 2. 13 V.S.A. § 1024 is amended to read:

§ 1024. AGGRAVATED ASSAULT

(a) A person is guilty of aggravated assault if the person:

(1) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life;

(2) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon;

(3) for a purpose other than lawful medical or therapeutic treatment, the person intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to the other person without the other person's consent a drug, substance, or preparation capable of producing the intended harm;

(4) with intent to prevent a law enforcement officer from performing a lawful duty, the person causes physical injury to any person; or

(5) is armed with a deadly weapon and threatens to use the deadly weapon on another person.

(b) A person found guilty of violating a provision of subdivision (a)(1) or (2) of this section ~~shall be imprisoned for not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

(c) A person found guilty of violating a provision of subdivision (a)(3), (4), or (5) of this section ~~shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

\* \* \*

Sec. 3. 13 V.S.A. § 1026 is amended to read:

§ 1026. DISORDERLY CONDUCT

(a) A person is guilty of disorderly conduct if ~~he or she~~ the person, with intent to cause public inconvenience or annoyance, or recklessly creates a risk thereof:

- (1) engages in fighting or in violent, tumultuous, or threatening behavior;
- (2) makes unreasonable noise;
- (3) in a public place, uses abusive or obscene language;
- (4) without lawful authority, disturbs any lawful assembly or meeting of persons; or
- (5) obstructs vehicular or pedestrian traffic.

(b) A person who is convicted of disorderly conduct ~~shall be imprisoned for not more than 60 days or fined not more than \$500.00, or both. A person who is convicted of a second or subsequent offense under this section shall be imprisoned for not more than 120 days or fined not more than \$1,000.00, or both~~ commits a Class D misdemeanor.

Sec. 4. 13 V.S.A. § 1026a is amended to read:

§ 1026a. AGGRAVATED DISORDERLY CONDUCT

(a) A person is guilty of aggravated disorderly conduct if he or she engages in a course of conduct directed at a specific person with the intent to cause the person inconvenience or annoyance, or to disturb the person's peace, quiet, or right of privacy and:

- (1) engages in fighting or in violent, tumultuous, or threatening behavior;
- (2) makes unreasonable noise;
- (3) in a public place, uses abusive or obscene language; or
- (4) threatens bodily injury or serious bodily injury, or threatens to commit a felony crime of violence as defined in section 11a of this title.

(b) A person who is convicted of aggravated disorderly conduct ~~shall be imprisoned not more than 180 days or fined not more than \$2,000.00, or both~~ commits a Class C misdemeanor.

Sec. 5. 13 V.S.A. § 1027 is amended to read:

§ 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER  
ELECTRONIC COMMUNICATIONS

(a) A person who, with intent to terrify, intimidate, threaten, harass, or annoy, makes contact by means of a telephonic or other electronic communication with another and makes any request, suggestion, or proposal that is obscene, lewd, lascivious, or indecent; threatens to inflict injury or physical harm to the person or property of any person; or disturbs, or attempts

to disturb, by repeated telephone calls or other electronic communications, whether or not conversation ensues, the peace, quiet, or right of privacy of any person at the place where the communication or communications are received ~~shall be fined not more than \$250.00 or be imprisoned not more than three months, or both. If the defendant has previously been convicted of a violation of this section or of an offense under the laws of another state or of the United States that would have been an offense under this section if committed in this State, the defendant shall be fined not more than \$500.00 or imprisoned for not more than six months, or both~~ commits a Class D misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$250.00.

\* \* \*

Sec. 6. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH  
BODILY FLUIDS

(a)(1) A person convicted of a simple or aggravated assault against a protected professional as defined in subdivision (d)(1) of this section while the protected professional is performing a lawful duty, or with the intent to prevent the protected professional from performing his or her the professional's lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, ~~shall:~~

~~(1)(A) for the first offense, be imprisoned not more than one year~~ commits a Class B misdemeanor;

~~(2)(B) for the second offense and subsequent offenses, be imprisoned not more than 10 years~~ commits a Class C felony.

(2) Notwithstanding section 53 of this title, a person who violates this subsection shall not be subject to an additional fine beyond that provided in sections 1023 and 1024 of this title.

(b)(1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a protected professional while the person is performing a lawful duty.

(2) A person who violates this subsection ~~shall be imprisoned not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

\* \* \*

Sec. 7. 13 V.S.A. § 1028a is amended to read:

§ 1028a. ASSAULT OF CORRECTIONAL OFFICER; ASSAULT WITH  
BODILY FLUIDS

(a)(1) A person convicted of a simple or aggravated assault against an employee of the Department of Corrections whose official duties or job classification includes the supervision or monitoring of a person on parole, probation, or serving any sentence of incarceration whether inside or outside a correctional facility, and who was performing a lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, shall:

~~(1)(A)~~ for the first offense, ~~be imprisoned not more than one year~~ commits a Class B misdemeanor; and

~~(2)(B)~~ for the second offense and subsequent offenses, ~~be imprisoned not more than 10 years~~ commits a Class C felony.

(2) Notwithstanding section 53 of this title, a person who violates this subsection shall not be subject to an additional fine beyond that provided in sections 1023 and 1024 of this title.

(b) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with:

(1) any person lawfully present in a correctional facility unless the person's presence within the facility requires the contact; or

(2) an employee of a correctional facility acting in the scope of employment unless the employee's scope of employment requires the contact.

(c) A person who violates subsection (b) of this section ~~shall be imprisoned not more than two years or fined not more than \$1,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

(d) A sentence imposed for a conviction of this section shall be served consecutively with and not concurrently with any other sentence.

Sec. 8. 13 V.S.A. § 1030 is amended to read:

§ 1030. VIOLATION OF AN ABUSE PREVENTION ORDER, AN ORDER  
AGAINST STALKING OR SEXUAL ASSAULT, OR A  
PROTECTIVE ORDER CONCERNING CONTACT WITH A  
CHILD

(a) A person who intentionally commits an act prohibited by a court or who fails to perform an act ordered by a court, in violation of an abuse



prevention order issued under 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69, a protective order that concerns contact with a child and is issued under 33 V.S.A. chapter 51, or an order against stalking or sexual assault issued under 12 V.S.A. chapter 178, after the person has been served notice of the contents of the order as provided in those chapters; or in violation of a foreign abuse prevention order or an order against stalking or sexual assault issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia ~~shall be imprisoned not more than one year or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor.

(b) A person who is convicted of a second or subsequent offense under this section or is convicted of an offense under this section and has previously been convicted of domestic assault under section 1042 of this title, first degree aggravated domestic assault under section 1043 of this title, or second degree aggravated domestic assault under section 1044 of this title ~~shall be imprisoned not more than three years or fined not more than \$25,000.00, or both~~ commits a Class E felony.

\* \* \*

Sec. 9. 13 V.S.A. § 1031 is amended to read:

§ 1031. INTERFERENCE WITH ACCESS TO EMERGENCY SERVICES

A person who, during or after the commission of a crime, willfully prevents or attempts to prevent a person from seeking or receiving emergency medical assistance, emergency assistance from a third party, or emergency assistance from law enforcement ~~shall be imprisoned not more than one year or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor.

Sec. 10. 13 V.S.A. § 1042 is amended to read:

§ 1042. DOMESTIC ASSAULT

Any person who attempts to cause or willfully or recklessly causes bodily injury to a family or household member or willfully causes a family or household member to fear imminent serious bodily injury ~~shall be imprisoned not more than 18 months or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor and shall, in addition to the penalty for that offense, be imprisoned not more than an additional six months.

Sec. 11. 13 V.S.A. § 1043 is amended to read:

§ 1043. FIRST DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of first degree aggravated domestic assault if the person:

(1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or

(2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or

(3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

(b) A person who commits the crime of first degree aggravated domestic assault ~~shall be imprisoned not more than 15 years or fined not more than \$25,000.00, or both~~ commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years.

(c) Conduct constituting the offense of first degree aggravated domestic assault under this section shall be considered a violent act for the purpose of determining bail.

Sec. 12. 13 V.S.A. § 1044 is amended to read:

§ 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of second degree aggravated domestic assault if the person:

(1) Commits the crime of domestic assault and such conduct violates:

(A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;

(B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;

(C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

(D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

(2) Commits the crime of domestic assault; and:

(A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or

(B) has a prior conviction for domestic assault under section 1042 of this title or a prior conviction in another jurisdiction for an offense that, if committed within the State, would constitute a violation of section 1042 of this title.

(3) As used in this subsection:

(A) "Issued in another jurisdiction" means issued by a court in any other state; in a federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(B) "Prior conviction in another jurisdiction" means a conviction issued by a court in any other state; in a federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(b) A person who commits the crime of second degree aggravated domestic assault ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

\* \* \*

Sec. 13. 13 V.S.A. § 1062 is amended to read:

§ 1062. STALKING

Any person who intentionally stalks another person ~~shall be imprisoned not more than two years or fined not more than \$5,000.00, or both~~ commits a Class A misdemeanor.

Sec. 14 13 V.S.A. § 1063 is amended to read:

§ 1063. AGGRAVATED STALKING

(a) A person commits the crime of aggravated stalking if the person intentionally stalks another person, and:

(1) such conduct violates a court order that prohibits stalking and is in effect at the time of the offense;

(2) has been previously convicted of stalking or aggravated stalking;

(3) has been previously convicted of an offense an element of which involves an act of violence against the same person;

(4) the person being stalked is under 16 years of age; or

(5) had a deadly weapon, as defined in section 1021 of this title, in ~~his or her~~ the person's possession while engaged in the act of stalking.

(b) A person who commits the crime of aggravated stalking ~~shall be imprisoned not more than five years or be fined not more than \$25,000.00, or both~~ commits a Class D felony.

\* \* \*

Sec. 15. 13 V.S.A. § 1201 is amended to read:

§ 1201. BURGLARY

(a) A person is guilty of burglary if ~~he or she~~ the person enters any building or structure knowing that ~~he or she~~ the person is not licensed or privileged to do so, with the intent to commit a felony, petit larceny, simple assault, or unlawful mischief. This provision shall not apply to a licensed or privileged entry, or to an entry that takes place while the premises are open to the public, unless the person, with the intent to commit a crime specified in this subsection, surreptitiously remains in the building or structure after the license or privilege expires or after the premises no longer are open to the public.

(b) As used in this section:

(1) “Building,” “premises,” and “structure” shall, in addition to their common meanings, include and mean any portion of a building, structure, or premises that differs from one or more other portions of such building, structure, or premises with respect to license or privilege to enter, or to being open to the public.

(2) “Occupied dwelling” means a building used as a residence, either full time or part time, regardless of whether someone is actually present in the building at the time of entry.

(c)(1) A person convicted of burglary ~~shall be imprisoned not more than 15 years or fined not more than \$1,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

(2) A person convicted of burglary and who carries a dangerous or deadly weapon, openly or concealed, shall, in addition to the penalty for the underlying crime, be imprisoned not more than ~~20~~ five years ~~or fined not more than \$10,000.00, or both.~~

(3) A person convicted of burglary into an occupied dwelling:

~~(A) shall be imprisoned not more than 25 years or fined not more than \$1,000.00, or both; or~~

~~(B) shall, in addition to the penalty for the underlying crime, be imprisoned not more than 30~~ five years ~~or fined not more than \$10,000.00, or both, if the person carried a dangerous or deadly weapon, openly or concealed, during commission of the offense.~~

(4) When imposing a sentence under this section, the court shall consider as an aggravating factor whether, during commission of the offense,

the person entered the building when someone was actually present or used or threatened to use force against the occupant.

Sec. 16. 13 V.S.A. § 1204 is amended to read:

§ 1204. MAKING OR HAVING BURGLAR'S TOOLS

A person who manufactures or knowingly has in ~~his or her~~ the person's possession any engine, machine, tool, or implement, adapted and designed for cutting through, forcing or breaking open any building, room, vault, safe, or other depository, in order to steal therefrom money or other property, knowing the same to be adapted and designed for such purpose, with intent to use or employ the same therefor, ~~shall be imprisoned not more than 20 years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 17. 13 V.S.A. § 2405 is amended to read:

§ 2405. KIDNAPPING

\* \* \*

(b) Kidnapping is ~~punishable by a maximum sentence of life imprisonment or a fine of not more than \$50,000.00, or both a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00.~~ It is, however, an affirmative defense ~~which~~ that reduces the penalty to ~~imprisonment for not more than 30 years or a fine of not more than \$50,000.00, or both,~~ a Class B felony that the defendant voluntarily caused the release of the victim alive in a safe place before arraignment without having caused serious bodily injury to the victim.

Sec. 18. 13 V.S.A. § 2406 is amended to read:

§ 2406. UNLAWFUL RESTRAINT IN THE SECOND DEGREE

(a) A person commits the crime of unlawful restraint in the second degree if the person:

(1) not being a relative of a person ~~under the age of 18 years of age,~~ knowingly takes, entices, or harbors that person, without the consent of the person's custodian, knowing that he or she has no right to do so; ~~or~~

(2) knowingly takes or entices from lawful custody or harbors any person who is mentally incompetent, or other person entrusted by authority of law to the custody of another person or an institution, without the consent of the person or institution, knowing that he or she has no right to do so; or

(3) knowingly restrains another person.

(b) It is a defense to a prosecution under this section that the defendant acted reasonably and in good faith to protect the person from imminent physical or emotional danger.

(c) Unlawful restraint in the second degree is ~~punishable by imprisonment for not more than five years or a fine of not more than \$25,000.00, or both a~~ Class D felony.

Sec. 19. 13 V.S.A. § 2407 is amended to read:

§ 2407. UNLAWFUL RESTRAINT IN THE FIRST DEGREE

(a) A person commits the crime of unlawful restraint in the first degree if that person:

(1) knowingly restrains another person under circumstances exposing that person to a risk of serious bodily injury; or

(2) holds another person in a condition of involuntary servitude.

(b) Unlawful restraint in the first degree is ~~punishable by imprisonment for not more than 15 years or a fine of not more than \$50,000.00, or both a~~ Class C felony.

Sec. 20. 13 V.S.A. § 2451 is amended to read:

§ 2451. CUSTODIAL INTERFERENCE

(a) A person commits custodial interference by taking, enticing, or keeping a child from the child's lawful custodian, knowingly, without a legal right to do so, when the person is a relative of the child and the child is less than 18 years old of age.

(b) A person who commits custodial interference ~~shall be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

\* \* \*

Sec. 21. 13 V.S.A. § 608 is amended to read:

§ 608. ASSAULT AND ROBBERY

(a) A person who assaults another and robs, steals, or takes from ~~his or her~~ the other person or in ~~his or her~~ the other person's presence money or other property that may be the subject of larceny ~~shall be imprisoned for not more than 10 years~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined.

(b) A person who, being armed with a dangerous weapon, assaults another and robs, steals, or takes from ~~his or her~~ the other person or in ~~his or her~~ the other person's presence money or other property that may be the subject of larceny shall, in addition to the penalty for the underlying crime, be imprisoned for not more than ~~15~~ five years nor less than one year.

(c) If in the attempt or commission of an offense under subsection (a) or (b) of this section, a person causes bodily injury, ~~such~~ the person shall, in addition to the penalty for the underlying crime, be imprisoned for not more than ~~20~~ five years nor less than one year. ~~Any penalty imposed under this subsection shall be in lieu of any penalty imposed under subsection (a) or (b) of this section.~~

Sec. 22. 13 V.S.A. § 2303 is amended to read:

§ 2303. PENALTIES FOR FIRST AND SECOND DEGREE MURDER

(a)(1) ~~The punishment for murder~~ Murder in the first degree shall be a Class A felony punishable by imprisonment for:

(A) a minimum term of not less than 35 years and a maximum term of life; or

(B) life without the possibility of parole.

(2) ~~The punishment for murder~~ Murder in the second degree shall be a Class A felony punishable by imprisonment for:

(A) a minimum term of not less than 20 years and a maximum term of life; or

(B) life without the possibility of parole.

(3) Notwithstanding any other provision of law, this subsection shall apply only if the murder was committed on or after ~~the effective date of this act~~ May 1, 2006.

(b) ~~The punishment for murder~~ Murder in the first degree shall be a Class A felony punishable by imprisonment for life and for a minimum term of 35 years unless a jury finds that there are aggravating or mitigating factors ~~which~~ that justify a different minimum term. If the jury finds that the aggravating factors outweigh any mitigating factors, the court may set a minimum term longer than 35 years, up to and including life without parole. If the jury finds that the mitigating factors outweigh any aggravating factors, the court may set a minimum term at less than 35 years but not less than 15 years.

(c) ~~The punishment for murder~~ Murder in the second degree shall be a Class A felony punishable by imprisonment for life and for a minimum term

of 20 years unless a jury finds that there are aggravating or mitigating factors which that justify a different minimum term. If the jury finds that the aggravating factors outweigh any mitigating factors, the court may set a minimum term longer than 20 years, up to and including life without parole. If the jury finds that the mitigating factors outweigh any aggravating factors, the court may set a minimum term at less than 20 years but not less than 10 years.

\* \* \*

(g) Subsections (b)–(f) of this section shall apply only if the murder was committed before ~~the effective date of this act~~ May 1, 2006, and:

(1) the defendant was not sentenced before ~~the effective date of this act~~ May 1, 2006; or

(2) the defendant's sentence was stricken and remanded for resentencing pursuant to the Vermont Supreme Court's decision in *State v. Provost*, 2005 VT 134 (2005).

(h) Notwithstanding section 53 of this title, a person who violates this section shall not be fined.

Sec. 23. 13 V.S.A. § 2304 is amended to read:

§ 2304. MANSLAUGHTER- PENALTIES

A person who commits manslaughter shall be fined not more than \$3,000.00 or imprisoned for not less than one year nor more than 15 years, or both commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$3,000.00.

Sec. 24. 13 V.S.A. § 1378 is amended to read:

§ 1378. NEGLECT

(a) A caregiver who intentionally or recklessly neglects a vulnerable adult ~~shall be imprisoned not more than 18 months or fined not more than \$10,000.00, or both~~ commits a Class B misdemeanor and shall, in addition to the penalty for that offense, be imprisoned not more than an additional six months.

(b) A caregiver who violates subsection (a) of this section, and as a result of such neglect, serious bodily injury occurs to the vulnerable adult, ~~shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that,



notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

Sec. 25. 13 V.S.A. § 205 is amended to read:

§ 205. INTERMARRIAGE OF OR FORNICATION BY PERSONS  
PROHIBITED TO MARRY

Persons between whom marriages are prohibited by the laws of this State ~~who shall not~~ intermarry or commit fornication with each other ~~shall be imprisoned not more than five years or fined not more than \$1,000.00, or both.~~ A person who violates this section commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

Sec. 26. 13 V.S.A. § 1379 is amended to read:

§ 1379. SEXUAL ABUSE

(a) A person who volunteers for or is paid by a caregiving facility or program shall not engage in any sexual activity with a vulnerable adult. It shall be an affirmative defense to a prosecution under this subsection that the sexual activity was consensual between the vulnerable adult and a caregiver who was hired, supervised, and directed by the vulnerable adult. A person who violates this subsection ~~shall be imprisoned for not more than two years or fined not more than \$10,000.00, or both~~ commits a Class A misdemeanor.

(b) No person, whether or not the person has actual knowledge of the victim's vulnerable status, shall engage in sexual activity with a vulnerable adult if:

(1) the vulnerable adult does not consent to the sexual activity; or

(2) the person knows or should know that the vulnerable adult is incapable of resisting, declining, or consenting to the sexual activity due to his or her specific vulnerability or due to fear of retribution or hardship.

(c) A person who violates subsection (b) of this section ~~shall be:~~

(1) ~~imprisoned for not more than five years or fined not more than \$10,000.00, or both,~~ commits a Class D felony if the sexual activity involves lewd and lascivious conduct;

(2) ~~imprisoned for not more than 20 years or fined not more than \$10,000.00, or both~~ commits a Class B felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00, if the sexual activity involves a sexual act.

(d) A caregiver who violates subsection (b) of this section ~~shall be:~~

(1) ~~imprisoned for not more than seven years or fined not more than \$10,000.00, or both~~ commits a Class D felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional two years, if the sexual activity involves lewd and lascivious conduct.

(2) ~~imprisoned for not more than 25 years or fined not more than \$10,000.00, or both~~ commits a Class B felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00, if the sexual activity involves a sexual act.

Sec. 27. 13 V.S.A. § 2601 is amended to read:

§ 2601. LEWD AND LASCIVIOUS CONDUCT

A person guilty of open and gross lewdness and lascivious behavior ~~shall be imprisoned not more than five years or fined not more than \$300.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00.

Sec. 28. 13 V.S.A. § 2601a is amended to read:

§ 2601a. PROHIBITED CONDUCT

(a) No person shall engage in open and gross lewdness.

(b) A person who violates this section shall:

(1) ~~be imprisoned not more than one year or fined not more than \$300.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00, for a first offense; and

(2) ~~be imprisoned not more than two years or fined not more than \$1,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00, for a second or subsequent offense.

Sec. 29. 13 V.S.A. § 2602 is amended to read:

§ 2602. LEWD OR LASCIVIOUS CONDUCT WITH CHILD

(a)(1) No person shall willfully and lewdly commit any lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of 16 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of such person or of such child.

(2) This section shall not apply if the person is less than 19 years old, the child is at least 15 years old, and the conduct is consensual.

(b) A person who violates subsection (a) of this section ~~shall be:~~

(1) For a first offense, imprisoned not less than two years and not more than 15 years, and, in addition, may be fined not more than \$5,000.00, or both commits a Class C felony provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00 and shall:

(A) in addition to the penalty for that offense, be imprisoned not more than an additional five years; and

(B) be imprisoned not less than two years.

(2) For a second offense, imprisoned not less than five years and a maximum term of life, and, in addition, may be fined not more than \$25,000.00, or both commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than five years.

(3) For a third or subsequent offense, imprisoned not less than 10 years and a maximum term of life, and, in addition, may be fined not more than \$25,000.00, or both commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than 10 years.

(c)(1) Except as provided in subdivision (2) of this subsection, a sentence ordered pursuant to subdivision (b)(2) of this section shall include at least a five-year term of imprisonment and a sentence ordered pursuant to subdivision (b)(3) of this section shall include at least a 10-year term of imprisonment. The five-year and 10-year terms of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year or 10-year term of imprisonment.

(2) The court may depart downwardly from the five-year and 10-year terms of imprisonment required by subdivisions (b)(2) and (3) of this section and impose a lesser term of incarceration if the court makes written findings on the record that the downward departure will serve the interests of justice and public safety.

(d) A person convicted of violating subdivision (b)(2) or (3) of this section shall be sentenced under section 3271 of this title.

\* \* \*

Sec. 30. 13 V.S.A. § 2605 is amended to read:

§ 2605. VOYEURISM

\* \* \*

(b) No person shall intentionally view, photograph, film, or record in any format:

(1) the intimate areas of another person without that person's knowledge and consent while the person being viewed, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy; or

(2) the intimate areas of another person without that person's knowledge and consent and under circumstances in which the person has a reasonable expectation of privacy.

(c) No person shall display or disclose to a third party any image recorded in violation of subsection (b), (d), or (e) of this section.

(d) No person shall intentionally conduct surveillance or intentionally photograph, film, or record in any format a person without that person's knowledge and consent while the person being surveilled, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy within a home or residence. Bona fide private investigators and bona fide security guards engaged in otherwise lawful activities within the scope of their employment are exempt from this subsection.

(e) No person shall intentionally photograph, film, or record in any format a person without that person's knowledge and consent while that person is in a place where a person has a reasonable expectation of privacy and that person is engaged in sexual conduct.

\* \* \*

(j) ~~For a first offense, a person who violates subsection (b), (d), or (e) of this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00. For a second or subsequent offense, a person who violates subsection (b), (d), or (e) of this section ~~shall be imprisoned not more than three years or fined not more than \$5,000.00, or both~~ commits a Class E felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00. A person who violates subsection (c) of this section ~~shall be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

Sec. 31. 13 V.S.A. § 2606 is amended to read:

§ 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT  
CONSENT

\* \* \*

(b)(1) A person violates this section if he or she knowingly discloses a visual image of an identifiable person who is nude or who is engaged in sexual conduct, without his or her consent, with the intent to harm, harass, intimidate, threaten, or coerce the person depicted, and the disclosure would cause a reasonable person to suffer harm. A person may be identifiable from the image itself or information offered in connection with the image. Consent to recording of the visual image does not, by itself, constitute consent for disclosure of the image. A person who violates this subdivision (1) ~~shall be imprisoned not more than two years or fined not more than \$2,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00.

(2) A person who violates subdivision (1) of this subsection with the intent of disclosing the image for financial profit ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

\* \* \*

Sec. 32. 13 V.S.A. § 2632 is amended to read:

§ 2632. PROSTITUTION

(a) A person shall not:

(1) occupy a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(2) knowingly permit a place, structure, building, or conveyance owned by the person or under the person's control to be used for the purpose of prostitution, lewdness, or assignation;

(3) receive or offer, or agree to receive, a person into a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(4) permit a person to remain in a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(5) direct, take or transport, or offer or agree to take or transport a person to a place, structure, building, or conveyance or to any other person

knowingly, or with reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

(6) procure or solicit or offer to procure or solicit a person for the purpose of prostitution, lewdness, or assignation;

(7) reside in, enter or remain in a place, structure, or building or enter or remain in a conveyance for the purpose of prostitution, lewdness, or assignation;

(8) engage in prostitution, lewdness, or assignation; or

(9) aid or abet prostitution, lewdness, or assignation, by any means whatsoever.

~~(b) A person who violates a provision of subsection (a) of this section shall be fined not more than \$100.00 or may be imprisoned not more than one year commits a Class B misdemeanor. For a second offense, such person shall be imprisoned for not more than three years commits a Class A misdemeanor. Notwithstanding section 53 of this title, a person who violates this section shall not be fined more than \$100.00.~~

Sec. 33. 13 V.S.A. § 2635 is amended to read:

§ 2635. SLAVE TRAFFIC

(a) A person shall not:

(1) induce, entice, or procure a person to come into the State or to go from the State for the purpose of prostitution or for any immoral purpose or to enter a house of prostitution in the State;

(2) willfully or knowingly aid such person in obtaining transportation to or within the State for such purposes;

(3) place a person in the charge or custody of another person for immoral purposes or in a house of prostitution;

(4) induce, entice, procure, or compel such person to reside in a house of prostitution; or

(5) induce, entice, procure, or compel such person to live a life of prostitution.

~~(b) A person violating a provision hereof shall be imprisoned not more than 10 years nor less than one year or fined not more than \$2,000.00 nor less than \$200.00, or both who violates this section commits a Class C felony and shall be imprisoned not less than one year, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.~~

Sec. 34. 13 V.S.A. § 2636 is amended to read:

§ 2636. UNLAWFUL PROCUREMENT

(a) A person shall not:

(1) induce, entice, procure, or compel a person, for the purpose of prostitution or for any other immoral purposes, to enter a house of prostitution;

(2) receive money or other valuable consideration for or on account of placing a person in a house of prostitution;

(3) pay money or other valuable consideration to procure a person for the purpose of placing such person for immoral purposes in a house of prostitution, with or without the person's consent; or

(4) knowingly receive money or other valuable thing for or on account of procuring or placing a person in a house of prostitution for immoral purposes, with or without the person's consent.

(b) A person violating a provision hereof shall be punished as provided in section 2635 of this title who violates this section commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.

Sec. 35. 13 V.S.A. § 2637 is amended to read:

§ 2637. APPROPRIATING OR LEVYING UPON EARNINGS OF  
PROSTITUTE

(a) A person shall not:

(1) hold, detain, or restrain a person in a house of prostitution for the purpose of compelling such person, directly or indirectly, by the person's voluntary or involuntary service or labor, to pay, liquidate, or cancel a debt, dues, or obligations incurred or claimed to have been incurred in such house of prostitution; or

(2) accept, receive, levy, or appropriate money or other valuable thing from the proceeds or earnings of a person engaged in prostitution.

(b) An acceptance, receipt, levy, or appropriation of such money or valuable thing shall be presumptive evidence of lack of consideration.

(c) A person who violates a provision of this section shall be punished as provided in section 2635 of this title commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.

Sec. 36. 13 V.S.A. § 2652 is amended to read:

§ 2652. HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) recruit, entice, harbor, transport, provide, or obtain by any means a person under ~~the age of 18 years of age~~ 18 years of age for the purpose of having the person engage in a commercial sex act;

(2) recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act;

(3) compel a person through force, fraud, or coercion to engage in a commercial sex act;

(4) benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture;

(5) subject a person to labor servitude;

(6) recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude; or

(7) benefit financially or by receiving anything of value from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for a term up to and including life or fined not more than \$500,000.00, or both commits a Class A felony.~~

\* \* \*

Sec. 37. 13 V.S.A. § 2653 is amended to read:

§ 2653. AGGRAVATED HUMAN TRAFFICKING

(a) A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:

(1) the offense involves a victim of human trafficking who is a child under ~~the age of 18 years of age~~ 18 years of age;

(2) the person has previously been convicted of a violation of section 2652 of this title;



(3) the victim of human trafficking suffers serious bodily injury or death; or

(4) the actor commits the crime of human trafficking under circumstances that constitute the crime of sexual assault as defined in section 3252 of this title, aggravated sexual assault as defined in section 3253 of this title, or aggravated sexual assault of a child as defined in section 3253a of this title.

(b) A person who violates this section ~~shall be imprisoned not less than 20 years and a maximum term of life or fined not more than \$100,000.00, or both~~ commits a Class A felony and shall be imprisoned not less than 20 years.

(c) The provisions of this section do not limit or restrict the prosecution for murder or manslaughter.

Sec. 38. 13 V.S.A. § 2654 is amended to read:

§ 2654. PATRONIZING OR FACILITATING HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) permit a place, structure, or building owned by the person or under the person's control to be used for the purpose of human trafficking;

(2) receive or offer or agree to receive or offer a person into a place, structure, or building for the purpose of human trafficking; or

(3) permit a person to remain in a place, structure, building, or conveyance for the purpose of human trafficking.

(b) A person who violates this section ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

Sec. 39. 13 V.S.A. § 2655 is amended to read:

§ 2655. SOLICITATION

(a) No person shall knowingly solicit a commercial sex act from a victim of human trafficking.

(b) A person who violates this section ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

Sec. 40. 13 V.S.A. § 2802b is amended to read:

§ 2802b. MINOR ELECTRONICALLY DISSEMINATING INDECENT  
MATERIAL TO ANOTHER PERSON

(a)(1) No minor shall knowingly and voluntarily and without threat or coercion use a computer or electronic communication device to transmit an indecent visual depiction of ~~himself or herself~~ themselves to another person.

(2) No person shall possess a visual depiction transmitted to the person in violation of subdivision (1) of this subsection. It shall not be a violation of this subdivision if the person took reasonable steps, whether successful or not, to destroy or eliminate the visual depiction.

(b) Penalties; minors.

(1) Except as provided in subdivision (3) of this subsection, a minor who violates subsection (a) of this section shall be adjudicated delinquent. An action brought under this subdivision (1) shall be filed in family court and treated as a juvenile proceeding pursuant to 33 V.S.A. chapter 52, and may be referred to the juvenile diversion program of the district in which the action is filed.

(2) A minor who violates subsection (a) of this section and who has not previously been adjudicated in violation of that section shall not be prosecuted under chapter 64 of this title (sexual exploitation of children), and shall not be subject to the requirements of chapter 167, subchapter 3 of this title (sex offender registration).

(3) A minor who violates subsection (a) of this section who has previously been adjudicated in violation of that section may be adjudicated in ~~family court as~~ the Family Division under subdivision (b)(1) of this section or prosecuted ~~for a Class C misdemeanor in district court~~ the Criminal Division under chapter 64 of this title (sexual exploitation of children), but shall not be subject to the requirements of chapter 167, subchapter 3 of this title (sex offender registration), provided that, notwithstanding section 53 of this title, the minor shall not be fined.

(4) Notwithstanding any other provision of law, the records of a minor who is adjudicated delinquent under this section shall be expunged when the minor reaches 18 years of age.

(c) Penalties; adults. A person 18 years of age or older who violates subdivision (a)(2) of this section ~~shall be fined not more than \$300.00 or imprisoned for not more than six months, or both~~ commits a Class C misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00.

\* \* \*

Sec. 41. 13 V.S.A. § 2807 is amended to read:

§ 2807. PENALTY

A person who violates any provision of section 2802, 2802a, 2803, 2804, 2804a, or 2804b of this title ~~shall be imprisoned not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

Sec. 42. 13 V.S.A. § 2825 is amended to read:

§ 2825. PENALTIES

(a) A person who violates section 2822, 2823, or 2824 of this title ~~shall be imprisoned not more than 10 years or fined not more than \$20,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$20,000.00.

(b) Upon conviction for a violation of section 2822, 2823, or 2824 of this title of a person who has earlier been convicted under any of those sections, the person shall be ~~imprisoned not less than one year nor more than 15 years or fined not more than \$50,000.00, or both~~ punished for a Class C felony and shall:

(1) in addition to the penalty for that offense, be imprisoned not more than an additional five years; and

(2) be imprisoned not less than one year.

(c) A person who violates section 2827 this title by possessing or accessing with intent to view a photograph, film, or visual depiction, including a depiction stored electronically, ~~which~~ that constitutes:

(1) a clearly lewd exhibition of a child's genitals or anus, other than a depiction of sexual conduct by a child, shall be imprisoned not more than two years or fined not more than \$5,000.00, or both commits a Class A misdemeanor;

(2) sexual conduct by, with, or on a child, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both commits a Class D felony.

(d) A person who violates section 2827 of this title after being convicted of a previous violation of the same section ~~shall be imprisoned not more than 10 years or fined not more than \$50,000.00, or both~~ commits a Class C felony.

(e) A person who violates section 2828 of this title ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 43. 13 V.S.A. § 3252 is amended to read:

§ 3252. SEXUAL ASSAULT

\* \* \*

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section ~~shall be imprisoned not less than three years and for a maximum term of life and, in addition, may be fined not more than \$25,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than three years.

(2) A person who violates subsection (c) of this section ~~shall be imprisoned for not more than 20 years, and, in addition, may be fined not more than \$10,000.00~~ commits a Class B felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

\* \* \*

Sec. 44. 13 V.S.A. § 3253 is amended to read:

§ 3253. AGGRAVATED SEXUAL ASSAULT

(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances ~~which~~ that constitute the crime of kidnapping.

(4) The actor has previously been convicted in this State of sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense ~~which~~ that would constitute sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault if committed in this State.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is under ~~the age of~~ 13 years of age and the actor is at least 18 years of age.

(9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence, or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) A person who commits the crime of aggravated sexual assault ~~shall be imprisoned not less than ten years and a maximum term of life, and, in addition, may be fined not more than \$50,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00, and shall be imprisoned not less than 10 years.

(c)(1) Except as provided in subdivision (2) of this subsection, a sentence ordered pursuant to subsection (b) of this section shall include at least a ten-year term of imprisonment. The ten-year term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year or ten-year term of imprisonment.

(2) The court may depart downwardly from the ten-year term of imprisonment required by subsection (b) of this section and impose a lesser term of incarceration if the court makes written findings on the record that the downward departure will serve the interests of justice and public safety, provided that in no event may the court impose a term of incarceration of less than five years.

\* \* \*

Sec. 45. 13 V.S.A. § 3253a is amended to read:

§ 3253a. AGGRAVATED SEXUAL ASSAULT OF A CHILD

(a) A person commits the crime of aggravated sexual assault of a child if the actor is at least 18 years of age and commits sexual assault against a child under ~~the age of~~ 16 years of age in violation of section 3252 of this title and at least one of the following circumstances exists:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances ~~which~~ that constitute the crime of kidnapping.

(4) The actor has previously been convicted in this State of sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this title, or aggravated sexual assault of a child under this section, or has been convicted in any jurisdiction in the United States or territories of an offense ~~which~~ that would constitute sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this title, or aggravated sexual assault of a child under this section if committed in this State.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another, and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence, or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) ~~A person who commits the crime of aggravated sexual assault of a child shall be imprisoned for not less than 25 years with a maximum term of life, and, in addition, may be fined not more than \$50,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00. A sentence ordered pursuant to subsection (b) of this section shall include at least a 25-year term of imprisonment. The 25-year term of imprisonment required by this subsection shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the 25-year term of imprisonment.

Sec. 46. 13 V.S.A. § 3257 is amended to read:

§ 3257. SEXUAL EXPLOITATION OF A PERSON UNDER THE  
SUPERVISION OF THE DEPARTMENT OF CORRECTIONS

(a) A correctional employee, contractor, or other person providing services to offenders on behalf of the Department of Corrections or pursuant to a court order or in accordance with a condition of parole, probation, supervised community sentence, or furlough shall not engage in a sexual act with:

(1) a person who the employee, contractor, or other person providing services knows is confined to a correctional facility; or

(2) any offender being supervised by the Department of Corrections while on parole, probation, supervised community sentence, or furlough, where the employee, contractor, or other service provider knows or reasonably should have known that the offender is being supervised by the Department, unless the offender and the employee, contractor, or person providing services were married, parties to a civil union, or engaged in a consensual sexual relationship at the time of sentencing for the offense for which the offender is being supervised by the Department.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 47. 13 V.S.A. § 3258 is amended to read:

§ 3258. SEXUAL EXPLOITATION OF A MINOR

(a) No person shall engage in a sexual act with a minor if:

(1) the actor is at least 48 months older than the minor; and

(2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00.

(c) A person who violates subsection (a) of this section and who abuses his or her the person's position of power, authority, or supervision over the minor in order to engage in a sexual act ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 48. 13 V.S.A. § 3259 is amended to read:

§ 3259. SEXUAL EXPLOITATION OF A PERSON IN THE CUSTODY OF  
A LAW ENFORCEMENT OFFICER

(a) No law enforcement officer shall engage in a sexual act with a person whom the officer is detaining, arresting, or otherwise holding in custody or who the officer knows is being detained, arrested, or otherwise held in custody by another law enforcement officer.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both commits a Class D felony.~~

Sec. 49. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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

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

**H. 548**

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

An act relating to miscellaneous cannabis establishment procedures

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

Sec. 1. 7 V.S.A. § 862a is added to read:

§ 862a. SYNTHETIC AND HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

Sec. 2. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

\* \* \*



(I) regulation of additives to cannabis and cannabis products, including ~~those cannabidiol derived from hemp and substances~~ that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

\* \* \*

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; ~~and~~

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

\* \* \*

(5) Rules concerning retailers shall include:

\* \* \*

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such ~~and displayed separately from cannabis and cannabis products;~~

(D) requirements for opaque, child-resistant packaging of ~~cannabis~~ and cannabis products at point of sale to customer; and

\* \* \*

Sec. 3. 7 V.S.A. § 884 is amended to read:

#### § 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board. A person may apply for an identification card prior to obtaining employment with a licensee. An employee identification card shall authorize the person to work for any licensee.

(b)(1) Prior to issuing the identification card, the Board shall obtain from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card

because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or, in the case of owners and principals, upon the expiration of the cannabis establishment's license, whichever occurs first.

Sec. 4. 7 V.S.A. § 901(d)(3) is amended to read:

(3)(A) Except as provided in ~~subdivision~~ subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

\* \* \*

(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

Sec. 5. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises.

\* \* \*

Sec. 6. 7 V.S.A. § 909(c) is added to read:

(c) An integrated licensee shall comply with the provisions of subsection 908(f) of this title and have its cannabis or cannabis products tested by an independent licensed testing laboratory.

Sec. 7. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE  
PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

\* \* \*

Sec. 8. 2019 Acts and Resolves No. 164, Sec. 8(a)(1) is amended to read:

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86 shall no longer apply on and after February 1, 2022. A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 until October 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

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

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

**H. 551**

**Rep. Grad of Moretown**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to prohibiting racially and religiously restrictive covenants in deeds

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

Sec. 1. LEGISLATIVE INTENT

While racially and religiously restrictive covenants have been held unenforceable by courts since the U.S. Supreme Court's 1948 decision in *Shelley v. Kramer*, 344 U.S. 1 (1948), no State law currently exists to remove or render these covenants void and to put an end to what was an invidious,

historical practice of discrimination in the United States. This practice was responsible, in part, for preventing Americans of BIPOC and religious minority backgrounds from fully participating in one of the greatest expansions of wealth and prosperity in this country's history through federally backed mortgages and freely available homeownership. It is the intent of the General Assembly that this act prohibit racially and religiously restrictive covenants from ever being used in Vermont again, regardless of their enforceability, and that it establish a process for their removal from existing real estate transaction records.

Sec. 2. 27 V.S.A. § 546 is added to read:

§ 546. RACIALLY AND RELIGIOUSLY RESTRICTIVE COVENANTS IN DEEDS PROHIBITED; PROCESS FOR REMOVAL

(a)(1) A deed, mortgage, plat, or other recorded device recorded on or after July 1, 2022 shall not contain a covenant, easement, or any other restrictive or reversionary interest purporting to restrict the ownership or use of real property on the basis of race or religion.

(2) A covenant, easement, or any other restrictive or reversionary interest in a deed, mortgage, plat, or other recorded device purporting to restrict the ownership or use of real property on the basis of race or religion is declared contrary to the public policy of the State of Vermont and shall be void and unenforceable. This subdivision shall apply to a restrictive covenant executed at any time.

(b) A restrictive covenant, easement, or similar restrictive or reversionary interest prohibited by subsection (a) of this section may be released by the owner of the real property interest subject to the covenant by recording a Certificate of Release of Certain Prohibited Covenants. The real property owner may record the certificate prior to recording a deed conveying the property or at any other time the owner discovers that the prohibited covenant exists. The certificate may be prepared without assistance of an attorney but shall conform substantially to the following Certificate of Certain Prohibited Covenants form:

“CERTIFICATE OF RELEASE OF CERTAIN PROHIBITED COVENANTS

Town of Record: \_\_\_\_\_

Date of Instrument containing prohibited covenant(s): \_\_\_\_\_

Instrument Type: \_\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_ or Plat Book \_\_\_\_\_ Page \_\_\_\_\_

Name(s) of Current Owner(s): \_\_\_\_\_

Real Property Description: \_\_\_\_\_

The covenant contained in the above-mentioned instrument is released from the above-described real property to the extent that it contains terms purporting to restrict the ownership or use of the property as prohibited by 27 V.S.A. § 546(a).

The undersigned is/are the legal owner(s) of the property described herein.

Given under my/our hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_

(Current Owners)

(1) For an acknowledgment in an individual capacity:

State of Vermont [County] of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_

Date \_\_\_\_\_ Name(s) of individual(s) \_\_\_\_\_

Signature of notary public \_\_\_\_\_

Stamp [ \_\_\_\_\_ ]

Title of office \_\_\_\_\_ [My commission expires: \_\_\_\_\_]

(2) For an acknowledgment in a representative capacity:

State of Vermont [County] of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_

Date \_\_\_\_\_ Name(s) of individual(s) \_\_\_\_\_ as \_\_\_\_\_

(type of authority, such as officer or trustee) of \_\_\_\_\_ (name of party on behalf of whom record was executed).

Signature of notary public \_\_\_\_\_

Stamp [ \_\_\_\_\_ ]

Title of office \_\_\_\_\_ [My commission expires: \_\_\_\_\_]

The clerk has satisfied the requirements of 32 V.S.A. § 1671.”

Sec. 3. 32 V.S.A. § 1671 is amended to read:

§ 1671. TOWN CLERK

(a) For the purposes of this section, a “page” is defined as a single side of a leaf of paper on which is printed, written, or otherwise placed information to be recorded or filed. The maximum covered area on a page shall be 7 1/2

inches by 14 inches. All letters shall be at least one-sixteenth inch in height or in at least eight-point type. Unless otherwise provided by law, the fees to the town clerks shall be as follows:

(1) For recording a trust mortgage deed as provided in 24 V.S.A. § 1155, \$15.00 per page;

\* \* \*

(g) When a fee applies under this section, no fee shall be required for the recordation of:

(1) a Certificate of Release of Certain Prohibited Covenants pursuant to 27 V.S.A. § 546(b); or

(2) a deed correction subject to 27 V.S.A. § 546(a).

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

**Rep. Mattos of Milton**, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Judiciary.

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

#### **Action on Bill Postponed**

##### **H. 635**

House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

Was taken up, and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. McCarthy of St. Albans City**, action on the bill was postponed until March 22, 2022.

#### **Second Reading; Favorable Reports; Third Reading Ordered**

##### **H. 482**

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

An act relating to the Petroleum Cleanup Fund

Reported in favor of its passage.

**Rep. Feltus of Lyndon**, for the Committee on Appropriations recommended in favor of its passage.

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

**Committee Bill; Second Reading; Amendment Offered;  
Third Reading Ordered**

**H. 715**

**Rep. Briglin of Thetford** spoke for the Committee on Energy and Technology.

House bill, entitled

An act relating to the Clean Heat Standard

**Rep. Scheu of Middlebury**, for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Reps. Harrison of Chittenden, Fagan of Rutland City, and Murphy of Fairfax** moved to amend the bill as follows:

First: In Sec. 2, 30 V.S.A. chapter 94, in section 8121, by inserting a subsection (e) to read as follows:

(e) The Commission's order implementing the Clean Heat Standard shall not take effect until after an act affirming the March 15, 2023 report on projected costs and benefits of the Clean Heat Standard is passed by the General Assembly and is enacted into law in accordance with Chapter II, § 11 of the Vermont Constitution. In the absence of such an act, the Public Utility Commission shall take no further action in developing and implementing the Clean Heat Standard.

Second: In Sec. 3, Public Utility Commission implementation, by striking out subsection (i) in its entirety and inserting in lieu thereof a new subsection (i) to read as follows:

(i) Reports. On or before March 15, 2023 and January 15, 2024, the Commission shall submit a written report to and hold hearings with the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard pursuant to this act.

(1) The 2023 report shall include modeled impacts of the Clean Heat Standard on customers, including impacts to customer rates and fuel bills for participating and nonparticipating customers, fossil fuel reductions, and greenhouse gas reductions. The modeled impacts shall estimate high, medium, and low price and GHG reduction impacts.

(2) The 2024 report shall update the estimates provided in the 2023 report.

Pending the question, Shall the bill be amended as offered by Rep. Harrison of Chittenden and others?, **Rep. Murphy of Fairfax** 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 offered by Rep. Harrison of Chittenden and others?, was decided in the negative. Yeas, 44. Nays, 96.

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Ancel of Calais	Garofano of Essex	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Arrison of Weathersfield	Grad of Moretown	Partridge of Windham
Austin of Colchester	Hooper of Montpelier	Patt of Worcester
Bartholomew of Hartland	Hooper of Randolph	Pearl of Danville
Birong of Vergennes	Hooper of Burlington	Pugh of South Burlington
Black of Essex	Houghton of Essex	Rachelson of Burlington
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sheldon of Middlebury
Brady of Williston	Killacky of South Burlington	Sibilia of Dover
Briglin of Thetford	Kimbell of Woodstock	Sims of Craftsbury



Brown of Richmond	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South	Squirrell of Underhill
Burke of Brattleboro	Burlington	Stebbins of Burlington
Burrows of West Windsor	Lanpher of Vergennes	Stevens of Waterbury
Campbell of St. Johnsbury	Lefebvre of Newark	Surprenant of Barnard
Chase of Colchester	Lippert of Hinesburg	Taylor of Colchester
Christie of Hartford	Long of Newfane	Till of Jericho
Cina of Burlington	Masland of Thetford	Toleno of Brattleboro
Coffey of Guilford	McCarthy of St. Albans City	Townsend of South
Colburn of Burlington	McCormack of Burlington	Burlington
Conlon of Cornwall	McCullough of Williston	Troiano of Stannard
Copeland Hanzas of	McFaun of Barre Town	Vyhovsky of Essex
Bradford	Morris of Springfield	Walz of Barre City
Cordes of Lincoln	Mrowicki of Putney	Webb of Shelburne
Dolan of Essex	Mulvaney-Stanak of	White of Hartford
Dolan of Waitsfield	Burlington	Whitman of Bennington
Donnally of Hyde Park	Nicoll of Ludlow	Wood of Waterbury
Durfee of Shaftsbury	Nigro of Bennington	Yacovone of Morristown
Elder of Starksboro	Notte of Rutland City	Yantachka of Charlotte
Emmons of Springfield	Noyes of Wolcott	
Gannon of Wilmington	O'Brien of Tunbridge	

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

Brownell of Pownal	Higley of Lowell	Palasik of Milton
Colston of Winooski	Kitzmiller of Montpelier	Sullivan of Dorset
Graham of Williamstown	Labor of Morgan	White of Bethel

Pending the question, Shall the bill be read a third time?, **Rep. Briglin of Thetford** 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 read a third time?, was decided in the affirmative. Yeas, 96. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Garofano of Essex	Pajala of Londonderry
Arrison of Weathersfield	Goldman of Rockingham	Partridge of Windham
Austin of Colchester	Grad of Moretown	Patt of Worcester
Bartholomew of Hartland	Hooper of Montpelier	Pearl of Danville
Birong of Vergennes	Hooper of Randolph	Pugh of South Burlington
Black of Essex	Hooper of Burlington	Rachelson of Burlington
Bluemle of Burlington	Houghton of Essex	Rogers of Waterville *
Bock of Chester	Howard of Rutland City	Satcowitz of Randolph
Bongartz of Manchester	James of Manchester	Scheu of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sheldon of Middlebury
Brady of Williston	Jessup of Middlesex	Sibilia of Dover
Briglin of Thetford	Killacky of South Burlington	Sims of Craftsbury

Brown of Richmond	Kimbell of Woodstock	Small of Winooski
Brumsted of Shelburne	Kornheiser of Brattleboro	Squirrel of Underhill
Burke of Brattleboro	LaLonde of South	Stebbins of Burlington *
Burrows of West Windsor	Burlington	Stevens of Waterbury
Campbell of St. Johnsbury	Lanpher of Vergennes	Surprenant of Barnard
Chase of Colchester	Lefebvre of Newark	Taylor of Colchester
Christie of Hartford	Lippert of Hinesburg	Till of Jericho
Cina of Burlington	Long of Newfane *	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Townsend of South
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Conlon of Cornwall	McCormack of Burlington	Troiano of Stannard
Copeland Hanzas of	McCullough of Williston	Vyhovsky of Essex
Bradford	Morris of Springfield	Walz of Barre City
Corcoran of Bennington	Mrowicki of Putney	Webb of Shelburne
Cordes of Lincoln *	Mulvaney-Stanak of	White of Hartford
Dolan of Essex	Burlington	Whitman of Bennington
Dolan of Waitsfield	Nicoll of Ludlow	Wood of Waterbury
Donnally of Hyde Park	Nigro of Bennington	Yacovone of Morristown
Durfee of Shaftsbury	Notte of Rutland City	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

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

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

Brownell of Pownal	Higley of Lowell	Palasik of Milton
Colston of Winooski	Kitzmiller of Montpelier	Sullivan of Dorset
Graham of Williamstown	Labor of Morgan	White of Bethel

**Rep. Cordes of Lincoln** explained her vote as follows:

“Madam Speaker:

I voted yes for H. 715 for my grandchildren.”

**Rep. Long of Newfane** explained her vote as follows:

“Madam Speaker:

Establishing a Clean Heat Standard was a key recommendation of the Climate Council established by the Global Warming Solutions Act. This is a critical step in our on-going work to reduce Vermonters’ dependence on fossil fuels. This legislation incentivizes the energy industry to work with Vermonters to make the transition to cleaner, more affordable heating methods. I vote yes.”

**Rep. Rogers of Waterville** explained her vote as follows:

“Madam Speaker:

I voted yes to move us toward stable and affordable options in our heating sector and to prepare for the changes and challenges we will face throughout my lifetime and for generations to come due to climate change. ”

**Rep. Stebbins of Burlington** explained her vote as follows:

“Madam Speaker:

I am proud to vote yes on this bill.

The excuses for why we shouldn't reduce our reliance on fossil fuels are typically:

1. We don't know what this bill will do.
2. This might cost too much.
3. This might hurt our most vulnerable.
4. This won't do anything. Vermont is too small.

My answers are:

1. We know climate change is hurting Vermonters now.
2. Not acting now will only cost us more.
3. Our most vulnerable will be more hurt by our inaction.
4. How will you explain to your children why you didn't act.”

### **Senate Proposal of Amendment Concurred in**

#### **H. 701**

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

An act relating to cannabis license fees

The Senate proposed to the House to amend the bill as follows:

First: By striking out Sec. 7, 7 V.S.A. § 910, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 7 V.S.A. §§ 910 and 911 are added to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

The following fees shall apply to each person or product licensed by the Board:

(1) Cultivators.

(A) Outdoor cultivators.

(i) Outdoor cultivator tier 1. Outdoor cultivators with up to 1,000 square feet of plant canopy or fewer than 125 cannabis plants in an outdoor cultivation space shall be assessed an annual licensing fee of \$750.00.

(ii) Outdoor cultivator tier 2. Outdoor cultivators with up to 2,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$1,875.00.

(iii) Outdoor cultivator tier 3. Outdoor cultivators with up to 5,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$4,000.00.

(iv) Outdoor cultivator tier 4. Outdoor cultivators with up to 10,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(v) Outdoor cultivator tier 5. Outdoor cultivators with up to 20,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$18,000.00.

(vi) Outdoor cultivator tier 6. Outdoor cultivators with up to 37,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$34,000.00.

(B) Indoor cultivators.

(i) Indoor cultivator tier 1. Indoor cultivators with up to 1,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$1,500.00.

(ii) Indoor cultivator tier 2. Indoor cultivators with up to 2,500 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$3,750.00.

(iii) Indoor cultivator tier 3. Indoor cultivators with up to 5,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(iv) Indoor cultivator tier 4. Indoor cultivators with up to 10,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$16,000.00.

(v) Indoor cultivator tier 5. Indoor cultivators with up to 15,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$36,000.00.

(vi) Indoor cultivator tier 6. Indoor cultivators with up to 25,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$75,000.00.

(C) Mixed cultivator tiers.

(i) Mixed cultivator tier 1. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$2,250.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 125 cannabis plants in an outdoor cultivation space.

(ii) Mixed cultivator tier 2. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,625.00: up to 2,500 square feet of plant canopy in an indoor cultivation space and up to 312 cannabis plants in an outdoor cultivation space.

(iii) Mixed cultivator tier 3. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 625 cannabis plants in an outdoor cultivation space.

(iv) Mixed cultivator tier 4. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$9,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 1,250 cannabis plants in an outdoor cultivation space.

(v) Mixed cultivator tier 5. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$19,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 2,500 cannabis plants in an outdoor cultivation space.

(2) Wholesalers. Wholesalers shall be assessed an annual licensing fee of \$4,000.00.

(3) Manufacturers.

(A) Manufacturer tier 1. Manufacturers that process and

manufacture cannabis in order to produce cannabis products without using solvent-based extraction and not more than \$10,000.00 per year in cannabis products based on the manufacturer's total annual sales in cannabis products shall be assessed an annual licensing fee of \$750.00.

(B) Manufacturer tier 2. Manufacturers that process and manufacture cannabis in order to produce cannabis products without using solvent-based extraction shall be assessed an annual licensing fee of \$2,500.00.

(C) Manufacturer tier 3. Manufacturers that process and manufacture cannabis in order to produce cannabis products using all allowable methods of extraction, including solvent-based extraction, shall be assessed an annual licensing fee of \$15,000.00.

(4) Retailers. Retailers that sell cannabis and cannabis products to consumers shall be assessed an annual licensing fee of \$10,000.00.

(5) Testing laboratories. Testing laboratories shall be assessed an annual licensing fee of \$1,500.00.

(6) Integrated licensees. Integrated licensees shall be assessed an annual licensing fee of \$100,000.00.

(7) Employees. Cannabis establishments licensed by the Board shall be assessed an annual licensing fee of \$50.00 for each employee.

(8) Products. Retailers and integrated licensees shall be assessed an annual product licensing fee of \$50.00 for every type of cannabis and cannabis product that is sold in accordance with this chapter.

(9) Local licensing fees. Cannabis establishments licensed by the Board shall be assessed an annual local licensing fee of \$100.00 in addition to each fee assessed under subdivisions (1)–(6) of this section. Local licensing fees shall be distributed to the municipality in which the cannabis establishment is located pursuant to section 846(c) of this title.

(10) One-time fees.

(A) All applicants for a cannabis establishment license shall be assessed an initial one-time application fee of \$1,000.00.

(B) An applicant may choose to be assessed an initial one-time intent-to-apply fee of \$500.00. If the applicant subsequently seeks a license within one year after paying the intent-to-apply fee, the initial one-time application fee of \$1,000.00 shall be reduced by \$500.00.

§ 911. FEE WAIVER AND REDUCTION; SOCIAL EQUITY APPLICANTS

The Cannabis Control Board may, in its discretion and pursuant to adopted rule or readily accessible policy, or both, reduce or waive cannabis establishment application and licensing fees for social equity applicants as defined by the Board, including individuals from communities that historically have been disproportionately impacted by cannabis prohibition and individuals directly and personally impacted by cannabis prohibition.

Second: By striking out Sec. 10, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

\* \* \* Regulation of the Medical Cannabis Registry \* \* \*

Sec. 10. REPEAL

(a) Due to the failure of the House bill entitled “An act relating to fiscal year 2022 budget adjustments” (H.679), for which the report of the committee of conference was considered and adopted on the part of the Senate on February 24, 2022 and on the part of the House on March 8, 2022, to become law prior to March 1, 2022, 18 V.S.A. chapter 86 (therapeutic use of cannabis) was repealed on March 1, 2022 pursuant to 2020 Acts and Resolves No. 164, Sec. 11. Accordingly, Secs. 59a (amendments to implementation of medical cannabis registry) and 59b (amendments to the effective dates of 2020 Acts and Resolves No. 164) of H.679 are now obsolete.

(b) If H.679 becomes law, then Secs. 59a and 59b of that act are repealed.

Sec. 11. REGULATION OF THE MEDICAL CANNABIS REGISTRY

Emergency rules identical to the proposed final rules entitled “Rule 3: Medical Cannabis” and “Rule 4: Compliance and Enforcement” that were filed with the Legislative Committee on Administrative Rules on March 9, 2022 shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a) if adopted as emergency rules prior to the permanent rules entitled “Rule 3: Medical Cannabis” and “Rule 4: Compliance and Enforcement” becoming effective.

\* \* \* Effective Date \* \* \*

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to cannabis license fees and the regulation of the medical cannabis registry.

Proposal of amendment was considered and concurred in.

### **Bills Referred to Committee on Appropriations**

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

#### **H. 703**

House bill, entitled

An act relating to promoting workforce development

#### **H. 736**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

### **Message from the Governor**

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 16th day of March, 2022, he signed a bill originating in the House of the following title:

**H. 679 An act relating to fiscal year 2022 budget adjustments**

### **Adjournment**

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