

Testimony on S.113
House Judiciary Committee
Chris Carrigan, Vice President
March 16, 2022

Chair Grad and Committee Members,

Regarding S.113, a bill that proposes a cause of action for the remedy of medical monitoring, the Vermont Chamber supports the recommendations provided in prior testimony on S.113 in the Senate Judiciary Committee that have been included in this new bill. Specifically, S.113 now includes an appropriate legal test for the remedy of awarding medical monitoring based on a Vermont federal court decision.

The Vermont Chamber, however, still has concerns regarding the insurance market and encourages the Committee to hear from the Vermont Department of Financial Regulation on whether medical monitoring insurance can be written for Vermont companies, especially for small and medium-sized enterprises (SMEs) and manufacturers.

If not, three scenarios could disrupt the insurance markets, further impact our supply chains and economy, and subject manufacturers to significant risks and costs under S.113 as currently written. Manufacturers, for example, may:

1. Not be covered under their existing insurance policies for medical monitoring claims brought under S.113;
2. Not be able to obtain insurance for medical monitoring claims because insurance companies will exclude it from their policies; and
3. Need to secure special insurance from secondary markets not regulated by Vermont at extremely high costs.

And, added costs, along with the severe worker shortages and inflation pressures, will place our manufacturers at a competitive disadvantage.

In closing, the statewide Vermont Chamber of Commerce encourages the Committee to hear from the Vermont Department of Financial Regulation about their assessment of the insurance markets if S.113 becomes law and the impact on our manufacturers.