

**LEGISLATIVE VACCINATION-OR-TEST POLICY**

**DRAFT: FOR JOINT RULES COMMITTEE DISCUSSION**

(a) **Generally.** All legislators, legislative staff, and members of the public entering legislative spaces in the Capitol Complex, including the State House, 1 Baldwin St., 2 Aiken Ave., 4 Aiken Ave., 133 State St., 109 State St., and other locations being used for legislative purposes shall, as a condition of entry into the legislative space, comply with the following requirements:

(1) *All individuals.* All legislators, legislative staff, and members of the public shall comply with the requirements of [the Legislative Face Mask Policy](#).

(2) *Legislators and legislative staff.* All legislators and legislative staff:

(A) are strongly recommended to perform at the beginning of each week, on the day prior to and on the morning of their return to the Capitol Complex, an at-home rapid COVID-19 test provided by the General Assembly and obtain a negative result on that test as set forth in subsection (b) of this policy, prior to entering any legislative space that week; and

(B) shall either, as set forth in subsection (c) of this policy:

(i) demonstrate fully protected vaccination against COVID-19; or

(ii) on a weekly basis provide proof of a negative NAAT<sup>1</sup> COVID-19 test.

(3) *Members of the public.* As set forth in subsection (d) of this policy, all members of the public are strongly recommended to:

(A) provide proof of fully protected vaccination against COVID-19; or

(B) perform a rapid COVID-19 test provided by the General Assembly and obtain a negative result on that test as set forth in subsection (d) of this policy, prior to entering any legislative space on any day of the week.

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<sup>1</sup> NAATs include PCR and LAMP testing. See [this CDC summary](#).

**(b) Legislators and staff; strongly recommended weekly rapid testing.**

(1) The Office of Sergeant at Arms shall make available to legislators and legislative staff, on a schedule to be determined by the Office, rapid COVID-19 tests, in order for those individuals to perform the tests described in this subsection.

(2) Each legislator and legislative staff member is strongly recommended to perform a rapid test at home at the beginning of each week, on the day prior to and on the morning of their return to the Capitol Complex and test negative, prior to returning to any legislative space that week, and to not enter any legislative space if they test positive and to notify the Office of Sergeant at Arms of any positive test.

**(c) Legislators and staff; required vaccination or weekly NAAT test.**

(1) *Fully protected vaccination.*

(A) Each legislator and legislative staff member who has obtained fully protected vaccination shall provide to the Office of Legislative Human Resources proof of that vaccination or, if unable to provide that proof, shall attest that they have obtained that vaccination on a form provided by the Office.

(B) The Office of Legislative Human Resources shall maintain copies of the proof of fully protected vaccination and the attestations provided to it in the manner set forth in subdivision (4) of this subsection.

(C)(i) As used in this policy, “fully protected vaccination” is as defined by the Vermont Department of Health.<sup>2</sup>

(ii) If the Department defines “fully protected vaccination” to include COVID-19 boosters, the implementing entities described in subdivision (e)(2) of this policy shall provide notice of that change and a reasonable time for legislators and legislative staff to complying with subdivision (1)(A) of this subsection.

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<sup>2</sup> As of December 15, 2021, “fully protected vaccination” means that it has been at least two weeks since an individual has received their 1) second dose of COVID-19 vaccination for a two-dose series vaccine; or 2) one dose of COVID-19 vaccination for a single-dose vaccine.

(2) *Weekly NAAT surveillance testing; exemptions.*

(A)(i) Unless exempted under subdivision (B) or (C) of this subdivision (2), a legislator or legislative staff member who is not in compliance with the fully protected vaccination requirements of subdivision (1) of this subsection shall provide on a weekly basis, on a schedule determined by the Office of Sergeant at Arms, proof of a negative NAAT COVID-19 test provided by the Office.

(ii) Individuals may self-administer their tests but shall have their results read by or in the presence of the Office of Sergeant at Arms.

(iii) Individuals may obtain NAAT COVID-19 tests from outside entities at their own expense in order to comply with this policy, so long as those tests otherwise conform to the provisions of this policy.

(iv) The Office of Sergeant at Arms shall send to each individual by legislative email notice of each individual's test results, in addition to any in-person notification, and shall submit all test results to the Office of Legislative Human Resources as soon as practicable on the day a result is received.

(v) A legislator or legislative staff member who tests positive for COVID-19 shall not enter any legislative meeting spaces until it can be demonstrated that the individual is safe to return to those spaces in accordance with Centers for Disease Control and Prevention or Vermont Department of Health guidelines, or other policies that may apply to the individual.

(B)(i) A legislator or legislative staff member may be granted a medical exemption from COVID-19 testing and, if appropriate, a reasonable accommodation, if the individual provides to the Office of Legislative Human Resources a signed statement from a licensed health care provider certifying that the testing is or may be detrimental to the individual's health.

(ii) A legislator or legislative staff member may be granted a religious exemption from COVID-19 testing and, if appropriate, a reasonable accommodation, if the individual provides to the Office of Legislative Human Resources an attestation that

the individual is prevented from undergoing such testing based on a sincerely held religious belief, practice, or observance.

(iii) The Office of Legislative Human Resources shall prepare forms for requesting exemptions and, if appropriate, reasonable accommodations and may consult with the Office of Legislative Counsel and the individual's supervisor prior to granting an exemption and, if appropriate, a reasonable accommodation under this subdivision (B).

(C) A legislator or legislative staff member who has received a positive COVID-19 test, or who has been diagnosed with COVID-19 by a licensed healthcare provider, shall not be required to undergo COVID-19 testing for 90 days following the date of the individual's positive test or diagnosis.

(3) *Optional testing encouraged.* Legislators and legislative staff who have demonstrated that they have obtained fully protected vaccination against COVID-19 are encouraged to be tested for COVID-19 regardless of their vaccination status, and those individuals shall be afforded the same opportunity to be tested for COVID-19 as are the legislators and legislative staff who are required to be tested under this subsection (c).

(4) *Maintenance of records and information.*

(A) The Office of Legislative Human Resources shall maintain in a secure location all records submitted to it under this policy.

(B) The Office of Legislative Human Resources shall maintain a roster of the legislators and legislative staff who have demonstrated that they have obtained fully protected vaccination (“fully vaccinated roster”) and of those who are required to be tested weekly under this policy (“test roster”), and shall provide a weekly list demonstrating whether the individuals on test roster have been tested that week, along with notice of any positive COVID-19 tests to:

(i) the chair of the chamber's committee on rules in the case of a member of that chamber or that chamber's staff, or to the vice chair of that committee in the case of the committee chair;

(ii) the chair of the appropriate oversight committee in the case of a department head; or

(iii) the head of the appropriate legislative department, in the case of any other legislative staff member.

(C) The entity receiving the individuals' information under subdivision (B) of this subdivision (5) shall ensure those individuals' compliance with this policy.

**(d) Members of the public; strongly recommended proof of fully protected vaccination or daily rapid testing.**

**(1) *Strongly recommended.***

(A) As a condition of entry into a legislative meeting space, each member of the public is strongly recommended to:

(i) provide proof of fully protected vaccination against COVID-19 in a manner determined by the Office of Sergeant at Arms; or

(ii) perform on each day the individual desires to enter a legislative meeting space a rapid test provided by the Office of Sergeant at Arms at a location determined by the Office, with the result read by or in the presence of the Office or designee. The result shall be negative as a condition of entry to the legislative meeting space.

(B) The Office of Sergeant at Arms or designee shall not maintain any records of test results provided under this subdivision (1).

**(2) *Public health screening questionnaire.*** The Office of Sergeant at Arms shall ensure that members of the public are asked whether they are exhibiting symptoms of COVID-19 and to refrain from entering a legislative space if they answer affirmatively.

**(e) Recommendation; implementation; confidentiality; effective date.**

(1) *Recommendation.* The Committee on Joint Rules recommends this policy as a matter of common concern to both chambers.

**(2) *Implementation.***

(A) Each chamber shall be responsible for implementing this policy for the members of its chamber and its chamber staff.

(B) The Joint Legislative Management Committee shall be responsible for implementing this policy for all other legislative staff.

(C) The Committee on Joint Rules shall be responsible for implementing this policy for members of the public.

(3) *Confidentiality.* Any individual receiving information under this policy shall keep confidential any personally identifying information, except to the extent necessary to implement this policy, and all records produced or acquired in accordance with this policy shall not be subject to the Public Records Act.

(4) *Effective date.* This policy shall take effect on Monday, January 3, 2022 and shall remain in effect until the date determined by the implementing entity described in subdivision (2) of this subsection.

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