

No. 77. An act relating to professions and occupations regulated by the Office of Professional Regulation.

(H.305)

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Office of Professional Regulation * * *

Sec. 1. 3 V.S.A. § 129 is amended to read:

§ 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR
PROFESSIONS; DISCIPLINE PROCESS

* * *

(e)(1) When a board or the Director, in the case of professions that have advisor appointees, intends to deny an application for a license based on the applicant's past or current unprofessional conduct or based on an ongoing investigation of the applicant, in Vermont or elsewhere, for unprofessional conduct, the board or Director shall send the applicant written notice of the decision by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may file a petition within 30 days ~~of~~ after the date on which the notice is mailed with the board or the Director for review of ~~its or his or her~~ the board's or Director's preliminary decision.

~~(2)~~(A) At the review hearing, the applicant shall bear the burden of proving that the preliminary denial should be reversed and that the license should be granted.

~~(3)~~(B) After the hearing, the board or Director shall affirm or reverse the preliminary denial, explaining the reasons therefor in writing.

(2) The decision of a board or the Director, in the case of professions that have advisor appointees, to deny an application for a license based on a finding by the board or the Director that the applicant has not fulfilled the qualifications or met the standards required for licensure shall be a final decision of the board or Director.

(A) Upon such a final decision by the board or the Director, the board or Director shall send the applicant written notice of the decision by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may appeal the decision of the board or Director to deny the application by filing a notice of appeal with the Director, who shall assign the case to an appellate officer.

(B) Appeals of decisions by the board or Director to deny an application for licensure based on the qualifications of an applicant shall be conducted in accordance with 3 V.S.A. § 130a. The record in the appeal shall include the applicant's application for the professional license, the written notice of the decision to deny the application, and any other materials established in rules adopted in accordance with 3 V.S.A. chapter 25.

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(n)(1) A board may designate a hearing panel consisting of less than a quorum of the board to conduct hearings that would otherwise be heard by the

full board. A hearing panel shall consist of at least three members, including at least one professional member of the board and at least one public member of the board. No member of the hearing panel shall have been a board member who was assigned, in accordance with subdivision (c)(3) of this section, to assist the Office investigators and prosecutor in relation to the investigation and prosecution of the matter being heard. The Director shall establish by rule the process for designating a hearing panel.

(2) If there is an insufficient number of board members to serve on a hearing panel by reason of disqualification, resignation, vacancy, or necessary absence, the Director may appoint ad hoc members to serve on the hearing panel for that matter only.

(3) If a board is unable to convene in a timely manner to hear a disciplinary matter or to appoint a hearing panel, the Director may designate a hearing panel to hear a matter that would otherwise be heard by the full board. If the Director appoints a hearing panel, the Director shall follow the requirements of subdivisions (1) and (2) of this subsection.

(4) A hearing panel shall be designated solely upon the request and decision of the board or the Director and in accordance with this subsection and rules adopted by the Director in accordance with 3 V.S.A. chapter 25.

Sec. 2. 3 V.S.A. § 136 is amended to read:

§ 136. UNIFORM CONTINUING EDUCATION EVALUATION;~~SUNSET~~
REVIEW AND FORUM

(a)(1) If continuing education is required by law or rule, the Office shall apply uniform standards and processes that apply to all professions regulated by the Office for the assessment and approval or rejection of continuing education offerings, informed by profession-specific policies developed in consultation with relevant boards and advisor appointees.

~~(b)(1)(2)(A)~~ Not less than once every five years, each profession attached to the Office shall review its continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

~~(A)(i)~~ the renewal requirements of the profession;

~~(B)(ii)~~ the renewal requirements in other jurisdictions, particularly in the Northeast region;

~~(C)(iii)~~ the cost of the renewal requirements for the profession's licensees;

~~(D)(iv)~~ an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

~~(E)(v)~~ recommendations to the Director on whether the continuing education or other continuing competency requirements should be modified.

~~(2)~~(B) The Director shall respond to the profession within 45 days of ~~of~~ after its submitted review results. The Director may require a profession to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

(b) When completion of continuing education is required for renewal of a license regulated under this title, synchronous virtual continuing education courses shall qualify as live, in-person training and be accepted for renewal of the professional license.

* * * Barbers and Cosmetologists * * *

Sec. 3. 26 V.S.A. § 281 is amended to read:

§ 281. POSTSECONDARY SCHOOL OF BARBERING AND
COSMETOLOGY; CERTIFICATE OF APPROVAL

* * *

(b) Regional vocational centers may offer courses of instruction in barbering or cosmetology without a certificate of approval from the Director, and State correctional facilities may offer courses of instruction in barbering and cosmetology without a certificate of approval from the Director; however, hours for licensing shall only be given for courses that meet the Director's standards for courses offered in postsecondary schools of barbering or cosmetology certified by the Director.

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* * * Dental Hygienist * * *

Sec. 4. 26 V.S.A. § 624 is amended to read:

§ 624. PRACTICE

* * *

(b) A public-health hygienist, who shall be a dental hygienist with no fewer than three years of experience, may perform tasks in out-of-office settings, including residences, schools, nursing home and long-term care facilities, clinics, hospitals, medical facilities, community health centers licensed or approved by the Department of Health, Head Start programs, and any other facilities or programs deemed appropriate by the Department of Health in a manner consistent with ~~guidelines~~ rules adopted by the Board ~~by rule~~.

* * *

(d) A public health hygienist, who has completed training approved by the Vermont Department of Health in the silver modified atraumatic restorative technique (SMART), may use SMART to treat patients in a manner consistent with rules adopted by the Board.

Sec. 5. IMPLEMENTATION OF 26 V.S.A. § 624(d)

Public health hygienists shall not be permitted to use silver modified atraumatic restorative technique (SMART) to treat patients in accordance with 26 V.S.A. § 624(d) until the Board of Dental Examiners adopts rules governing the procedure.

* * * Osteopathy * * *

Sec. 6. 26 V.S.A. § 1836 is amended to read:

§ 1836. BIENNIAL RENEWAL OF LICENSE; CONTINUING
EDUCATION

(a)(1) ~~Licenses shall be renewed every two years.~~ A license issued under this chapter shall be renewed every two years upon application, payment of the required fee, and proof of completion of required continuing education. Failure to comply with the provisions of this section shall result in the suspension of all privileges granted to the licensee, beginning on the expiration date of the license.

(2) A license that has lapsed shall be renewed upon payment of the biennial renewal fee and the late renewal penalty.

(b) ~~Biennially, the Board shall forward a renewal form to each licensee. Upon receipt of the completed form, evidence of compliance with the provisions of subsection (c) of this section, and the renewal fee, the Board shall issue a new license.~~ The Director may adopt rules necessary for the protection of the public to assure that an applicant whose license has lapsed or who has not worked for more than three years as an osteopathic physician is professionally qualified for license renewal. Conditions imposed under this subsection shall be in addition to the requirements of subsection (a) of this section.

(c) As a condition of renewal, a licensee shall complete a minimum of 30 hours of continuing medical education, ~~approved by the Board by rule,~~ during the preceding two-year period. ~~At least 40 percent of these hours must be osteopathic medical education.~~ The 30 hours of continuing medical education shall meet the requirements established by the Board by rule.

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* * * Pharmacy * * *

Sec. 7. 26 V.S.A. § 2022 is amended to read:

§ 2022. DEFINITIONS

As used in this chapter:

* * *

(14) “Pharmacy technician” means an individual who, only while assisting and under the supervision of a licensed pharmacist, performs tasks relative to dispensing ~~only while assisting and under the supervision and control of a licensed pharmacist~~ prescription drugs, administering immunizations, and performing tests for COVID-19. Pharmacy technicians shall administer immunizations and perform tests for COVID-19 in compliance and accordance with section 2042a of this title.

* * *

(21) “Self-administered hormonal contraceptive” means a contraceptive medication or device approved by the U.S. Food and Drug Administration that

prevents pregnancy by using hormones to regulate or prevent ovulation and that uses an oral, transdermal, subcutaneous, or vaginal route of administration.

Sec. 8. 26 V.S.A. § 2023 is amended to read:

§ 2023. CLINICAL PHARMACY; PRESCRIBING

* * *

(b) A pharmacist may prescribe in the following contexts:

* * *

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment:

* * *

(v) self-administered hormonal contraceptives, including subcutaneous depot medroxyprogesterone acetate;

* * *

(vii) influenza vaccines for patients 18 years of age or older, vaccinations recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP) and administered consistently with the ACIP-approved immunization schedules, as may be amended from time to time;

(viii) for patients five years of age or older, influenza vaccine, COVID-19 vaccine, and subsequent formulations or combination products thereof;

(ix) in the event of a significant public health risk, an appropriate vaccine to mitigate the effects on public health after finding that existing channels for vaccine administration are insufficient to meet the public health need;

~~(ix)~~(x) emergency prescribing of albuterol or glucagon while contemporaneously contacting emergency services; and

(xi) tests for COVID-19 for individuals by entities holding a Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988 (42 U.S.C. § 263a). If a test for COVID-19, prescribed, ordered, or administered by a pharmacist in accordance with this section and the resulting State protocol incidentally detects influenza or human respiratory syncytial virus, a pharmacist shall advise the individual tested that the results indicate influenza or human respiratory syncytial virus infection and recommend to the individual to seek further care from an appropriate health care provider.

* * *

Sec. 9. 26 V.S.A. § 2042a is amended to read:

§ 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR
REGISTRATION

(a) No person shall perform the duties of a pharmacy technician unless

registered with the Board. To obtain a registration as a pharmacy technician, an applicant shall:

* * *

(b) Pharmacy technicians administering immunizations shall meet the following requirements:

(1) hold a registration as a pharmacy technician in accordance with subsection (a) of this section;

(2) hold a current CPR certification;

(3) have successfully completed an Accreditation Council of Pharmacy Education–accredited training program approved by the Board; and

(4) successfully complete two hours of immunization-related continuing education approved by the Accreditation Council for Pharmacy Education every two-year licensing period.

(c) Pharmacy technicians shall only administer immunizations:

(1) to patients 18 years of age or older, as established in subdivision 2023(b)(2)(A)(vii) and the resulting State protocol;

(2) to patients five years of age or older, influenza vaccine, COVID-19 vaccine, and subsequent formulations or combination products thereof, in accordance with subdivision 2023(b)(2)(A)(viii) and the resulting State protocol;

(3) pursuant to the schedules and recommendations of the Advisory Committee on Immunization Practices’ recommendations for the

administration of immunizations, as those recommendations may be updated from time to time; and

(4) when a licensed pharmacist who is trained to immunize is present and able to assist with the immunization, as needed.

(d) Pharmacy technicians shall administer only those immunizations that:

(1) are recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP); and

(2) licensed pharmacists are permitted to administer under the State clinical pharmacy protocol, as established in subdivision 2023(b)(2) of this title.

(e) Pharmacy technicians performing COVID-19 tests shall do so only:

(1) when a licensed pharmacist who is trained to perform COVID-19 tests is present and able to assist with the test, as needed;

(2) in accordance with a State protocol adopted under subdivision 2023(b)(2)(A)(x) of this title; and

(3) in accordance with rules adopted by the Board.

(f) The Board may adopt rules regarding the administration of immunizations and the performance of COVID-19 tests by pharmacy technicians.

* * * Audiologists and Hearing Aid Dispensers * * *

Sec. 10. 26 V.S.A. § 3286 is amended to read:

§ 3286. EXEMPTIONS

(a) The provisions of section 3285 of this chapter shall not apply to a person enrolled in a course of study leading to a degree or certificate in audiology at a school accredited by the American Speech-Language Hearing Association, provided:

* * *

(b) In accordance with 21 C.F.R. § 800.30, persons dispensing over-the-counter hearing aids, as defined in 21 C.F.R. § 800.30(b) and meeting the standards established in 21 C.F.R. § 800.30(c)–(f), including self-fitting air-conduction hearing aids, as defined in 21 C.F.R. § 874.3325, shall be exempt from this chapter.

* * * Notaries * * *

Sec. 11. 26 V.S.A. § 5361 is amended to read:

§ 5361. NOTARIAL ACTS IN THIS STATE; AUTHORITY TO PERFORM

(a) A notarial act, as defined in subdivision ~~5304(7)(A)~~ 5304(10) of this chapter, may only be performed in this State by a notary public commissioned under this chapter.

* * *

Sec. 12. 2022 Acts and Resolves No. 117, Sec. 8, mental health professional licensure; study, is amended to read:

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

* * *

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

* * *

(7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions, and individuals representing the interests of art and music therapists.

(c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations. The findings and recommendations shall include a process for the certification of music therapists and art therapists.

Sec. 13. 26 V.S.A. § 2061 is amended to read:

§ 2061. REGISTRATION AND LICENSURE

* * *

(e) Retail and institutional drug outlets shall be managed by licensed

pharmacists who have held an unrestricted license in this or another state for at least one year. The Board may grant a pharmacy permission to appoint a licensed pharmacist to manage the pharmacy who has been licensed for less than a year, subject to rules adopted by the Board. A pharmacist who holds a restricted license may petition the Board for permission to be a pharmacist manager, which may be granted by the Board for good cause shown.

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* * * Secretary of State Fees * * *

* * * Advisor Professions * * *

Sec. 14. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

(1) Verification of license, \$20.00.

(2) An examination fee established by the Secretary, which shall be ~~no~~ not greater than the costs associated with examinations.

(3) Reinstatement fees for expired licenses pursuant to section 127 (unauthorized practice) of this title.

(4) Continuing, qualifying, or prelicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(5) A preapplication criminal background determination, \$25.00.

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

(1) Application for registration, ~~\$75.00~~ \$100.00, except application for:

(A) Private investigator and security services employees, unarmed registrants, ~~\$60.00~~ \$70.00.

(B) Private investigator and security service employees, transitory permits, ~~\$60.00~~ \$70.00.

(C) Private investigator and security service employees, armed registrants, ~~\$120.00~~ \$140.00.

(2) Application for licensure or certification, ~~\$100.00~~ \$115.00, except application for:

(A) Barbering or cosmetology schools and shops, ~~\$300.00~~ \$355.00.

(B) Funeral directors, embalmers, disposition facility personnel, removal personnel, funeral establishments, disposition facilities, and limited services establishments, ~~\$70.00~~ \$85.00.

(C) Application for real estate appraisers, ~~\$275.00~~ \$315.00.

(D) Temporary real estate appraiser license, ~~\$150.00~~ \$175.00.

(E) Appraisal management company registration, ~~\$600.00~~ \$685.00.

(F) Private investigator or security services agency, ~~\$340.00~~ \$390.00.

(G) Private investigator and security services agency, ~~\$400.00~~ \$460.00.

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

(I) Private investigator or security services unarmed licensee,

~~\$150.00~~ \$175.00.

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

\$230.00.

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

\$140.00.

(L) Barbers, cosmetologists, nail technicians, and estheticians,

\$120.00.

(M) Massage therapist, bodyworker, or touch professional, \$90.00.

(N) Optician, \$145.00.

(O) Physical therapists and assistants, \$120.00.

(P) Independent clinical social workers and master's social workers,

\$120.00.

(3) Optician trainee registration, ~~\$50.00~~ \$75.00.

(4) Biennial renewal, ~~\$240.00~~ \$275.00, except biennial renewal for:

(A) Independent clinical social workers and master's social workers,

~~\$150.00~~ \$180.00.

(B) Occupational therapists and assistants, ~~\$150.00~~ \$180.00.

(C) Physical therapists and assistants, ~~\$150.00~~ \$180.00.

(D) Optician trainees, ~~\$100.00~~ \$135.00.

(E) Barbers, cosmetologists, nail technicians, and estheticians,

~~\$130.00~~ \$155.00.

(F) Schools of barbering or cosmetology, ~~\$300.00~~ \$355.00.

(G) Funeral directors and embalmers, ~~\$280.00~~ \$415.00.

(H) Disposition facility personnel and removal personnel, ~~\$100.00~~
\$150.00.

(I) Funeral establishments, disposition facilities, and limited services
establishments, ~~\$640.00~~ \$945.00.

(J) [Repealed.]

(K) Radiologic therapist, radiologic technologist, nuclear medicine
technologist, ~~\$150.00~~ \$175.00.

(L) Certified alcohol and drug abuse counselor, certified apprentice
addiction professional, and licensed alcohol and drug abuse counselor, ~~\$225.00~~
\$260.00.

(M) Private investigator or security services agency, or both, ~~\$300.00~~
\$345.00.

(N) Private investigator or security services unarmed licensee,
~~\$120.00~~ \$140.00.

(O) Private investigator or security services armed licensee, ~~\$180.00~~
\$205.00.

(P) Private investigator or security services unarmed registrant,
~~\$80.00~~ \$95.00.

(Q) Private investigator or security services armed registrant, ~~\$130.00~~

\$150.00.

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

(S) Private investigator or security services instructor, ~~\$180.00~~

\$205.00.

(T) Barbering or cosmetology shop, \$285.00.

(5) Limited temporary license or work permit, ~~\$50.00~~ \$60.00.

(6) Radiologic evaluation, \$125.00.

(7) Annual renewal for appraisal management company registration,

~~\$300.00~~ \$345.00.

(8) Real estate appraiser trainee, \$115.00.

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* * * Boxing * * *

Sec. 15. 26 V.S.A. § 6009 is amended to read:

§ 6009. FEES

(a) Applicants and persons regulated by this subchapter shall be subject to the following fees:

(1) Promoter registration ~~\$500.00~~ \$825.00

(2) Boxer registration ~~\$25.00~~ \$30.00

(3) Manager registration ~~\$25.00~~ \$30.00

(4) Second registration ~~\$25.00~~ \$30.00

(5) Referee registration ~~\$25.00~~ \$30.00

(6) Judge registration ~~\$25.00~~ \$30.00

(7) Biennial renewal for ~~professional boxers~~, managers, seconds, referees, and judges ~~\$25.00~~ \$30.00

(8) Biennial renewal for professional boxer \$35.00

(9) Biennial renewal for professional promotor \$45.00

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* * * Mixed Martial Arts * * *

Sec. 16. 26 V.S.A. § 6033 is amended to read:

§ 6033. FEES

Applicants and persons regulated by this subchapter shall be subject to the following fees:

(1) Application:

(A) Promoter license ~~\$500.00~~ \$545.00

(B) Event license ~~\$250.00~~ \$275.00

(C) Contestant license ~~\$25.00~~ \$30.00

(D) Participant license ~~\$25.00~~ \$30.00

(2) Biennial renewal for managers, seconds, referees, and judges ~~\$25.00~~ \$30.00

(3) Biennial renewal for promoters ~~\$500.00~~ \$545.00

(4) Annual renewal for contestants ~~\$25.00~~ \$30.00

(5) Late fees set pursuant to 3 V.S.A. § 127(d)(1).

* * * Nursing Home Administrators * * *

Sec. 17. 18 V.S.A. § 2058 is amended to read:

§ 2058. LICENSE FEES

Applicants and persons regulated under this chapter shall be subject to the following fees:

(1) Application ~~\$100.00~~ \$115.00

(2) Biennial renewal ~~\$200.00~~ \$275.00

* * * Board Professions * * *

* * * Accounting * * *

Sec. 18. 26 V.S.A. § 56 is amended to read:

§ 56. FEES

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

(1) Application for license ~~\$100.00~~ \$115.00

(2) Biennial renewal of license ~~\$220.00~~ \$255.00

(3) Firm registration ~~\$200.00~~ \$230.00

(4) [Repealed.]

(5) Firm biennial renewal of registration ~~\$400.00~~ \$460.00

(6) Sole proprietor firm biennial renewal of registration ~~\$200.00~~

\$230.00

* * * Allied Mental Health * * *

Sec. 19. 26 V.S.A. § 4089a is amended to read:

§ 4089a. FEES

A person who seeks entry on the roster shall pay the following fees:

- (1) Initial roster entry ~~\$80.00~~ \$95.00
- (2) Biennial roster reentry ~~\$150.00~~ \$175.00

Sec. 20. 26 V.S.A. § 4041a is amended to read:

§ 4041a. FEES

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

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$250.00~~ \$285.00

Sec. 21. 26 V.S.A. § 3270a is amended to read:

§ 3270a. FEES

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

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$200.00~~ \$230.00

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Sec. 22. 26 V.S.A. § 209 is amended to read:

§ 209. FEES

Applicants and persons regulated under this chapter shall pay the following

fees:

- (1) Application for initial license ~~\$60.00~~ \$120.00
- (2) ~~Initial license issuance~~ \$20.00
- (3) Biennial renewal ~~\$155.00~~ \$225.00

* * * Chiropractor * * *

Sec. 23. 26 V.S.A. § 535 is amended to read:

§ 535. FEES

Applicants and persons regulated under this chapter shall pay the following

fees:

- (1) Chiropractors
 - (A) Application ~~\$200.00~~ \$225.00
 - (B) Biennial renewal ~~\$265.00~~ \$295.00
 - (C) Initial competency endorsement under section 525 of this title

\$70.00

(D) Biennial renewal of competency endorsement under section 525 of this title \$70.00

(E) Evaluation \$125.00

- (2) Registration of intern ~~\$50.00~~ \$80.00

* * * Dental * * *

Sec. 24. 26 V.S.A. § 662 is amended to read:

§ 662. FEES

- (a) Applicants and persons regulated under this chapter shall pay the

following fees:

(1) Application

(A) Dentist ~~\$250.00~~ \$285.00

(B) Dental therapist ~~\$185.00~~ \$215.00

(C) Dental hygienist ~~\$175.00~~ \$200.00

(D) Dental assistant ~~\$70.00~~ \$80.00

(2) Biennial renewal

(A) Dentist ~~\$575.00~~ \$655.00

(B) Dental therapist ~~\$270.00~~ \$310.00

(C) Dental hygienist ~~\$215.00~~ \$245.00

(D) Dental assistant ~~\$90.00~~ \$105.00

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* * * Engineer * * *

Sec. 25. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

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

(1) Application for engineering license or application to add additional specialty discipline ~~\$100.00~~ \$115.00

(2) Application for engineer intern certificate ~~\$50.00~~ \$60.00

(3) Biennial license renewal ~~\$150.00~~ \$175.00

(4) [Repealed.]

* * * Land Surveyor * * *

Sec. 26. 26 V.S.A. § 2597 is amended to read:

§ 2597. FEES

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

- (1) Application ~~\$200.00~~ \$290.00
- (2) Biennial renewal of license ~~\$300.00~~ \$365.00

* * * Nursing * * *

Sec. 27. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

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

- (1) Nursing Assistants
 - (A) Application ~~\$20.00~~ \$25.00
 - (B) Biennial renewal ~~\$55.00~~ \$65.00
- (2) Practical Nurses and Registered Nurses
 - (A) Application by exam \$75.00
 - (B) Application by endorsement ~~\$150.00~~ \$175.00
 - (C) Biennial renewal for Practical Nurses ~~\$175.00~~ \$200.00
 - (D) Biennial renewal for Registered Nurses ~~\$190.00~~ \$220.00
- (3) Advanced Practice Registered Nurses
 - (A) Initial endorsement of advanced practice registered nurses ~~\$100.00~~

\$115.00

(B) Biennial renewal of advanced practice registered nurses ~~\$125.00~~

\$145.00

* * * Optometry * * *

Sec. 28. 26 V.S.A. § 1718 is amended to read:

§ 1718. FEES

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

(1) Application ~~\$225.00~~ \$325.00

(2) Biennial renewal ~~\$350.00~~ \$395.00

* * * Osteo * * *

Sec. 29. 26 V.S.A. § 1794 is amended to read:

§ 1794. FEES

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

(1) Application

(A) Licensure ~~\$500.00~~ \$450.00

(B) Limited temporary license ~~\$50.00~~ \$75.00

(2) Biennial license renewal ~~\$300.00~~ \$350.00

(3) Annual limited temporary license renewal ~~\$100.00~~ \$145.00

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* * * Pharmacy * * *

Sec. 30. 26 V.S.A. § 2046 is amended to read:

§ 2046. FEES

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

(1) Initial application:

- (A) Pharmacists ~~\$110.00~~ \$155.00
- (B) Retail drug outlets ~~\$300.00~~ \$410.00
- (C) Institutional drug outlets ~~\$400.00~~ \$460.00
- (D) Manufacturing drug outlet ~~\$400.00~~ \$550.00
- (E) Wholesale drug outlet ~~\$700.00~~ \$800.00
- (F) Investigative and research projects ~~\$300.00~~ \$410.00
- (G) Pharmacy technicians ~~\$50.00~~ \$70.00
- (H) Outsourcing drug outlet ~~\$700.00~~ \$800.00
- (I) Nuclear drug outlet ~~\$700.00~~ \$800.00
- (J) Compounding drug outlet ~~\$700.00~~ \$800.00
- (K) Home infusion drug outlet ~~\$700.00~~ \$800.00
- (L) Third-party logistics ~~\$700.00~~ \$800.00
- (M) Pharmacy interns ~~\$20.00~~ \$25.00
- (N) Nonresident manufacturers \$800.00
- (O) Community-based long-term care pharmacy \$550.00
- (P) Institutional long-term care pharmacy \$550.00

(2) Biennial renewal:

- (A) Pharmacists ~~\$125.00~~ \$145.00
- (B) Retail drug outlets ~~\$400.00~~ \$460.00
- (C) Institutional drug outlets ~~\$500.00~~ \$570.00
- (D) Manufacturing drug outlet ~~\$500.00~~ \$570.00
- (E) Wholesale drug outlet ~~\$500.00~~ \$570.00
- (F) Investigative and research projects ~~\$300.00~~ \$345.00
- (G) Pharmacy technicians ~~\$60.00~~ \$85.00
- (H) Outsourcing drug outlet ~~\$500.00~~ \$570.00
- (I) Nuclear drug outlet ~~\$500.00~~ \$570.00
- (J) Compounding drug outlet ~~\$500.00~~ \$570.00
- (K) Home infusion drug outlet ~~\$500.00~~ \$570.00
- (L) Third-party logistics ~~\$500.00~~ \$570.00
- (M) Pharmacy interns ~~\$45.00~~ \$55.00
- (N) Nonresident manufacturers \$570.00
- (O) Community-based long-term care pharmacy \$570.00
- (P) Institutional long-term care pharmacy \$570.00

(3) Pharmacy reinspection \$100.00

* * * Psychology * * *

Sec. 31. 26 V.S.A. § 3010 is amended to read:

§ 3010. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following

fees:

- (1) Application for license ~~\$175.00~~ \$240.00
- (2) Biennial renewal of license ~~\$150.00~~ \$195.00
- (3) [Repealed.]
- (4) [Repealed.]

* * * Real Estate * * *

Sec. 32. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

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

* * *

- (2) Biennial renewal of broker or salesperson license ~~\$240.00~~ \$220.00

* * *

* * * Veterinary * * *

Sec. 33. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

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

- (1) Application ~~\$100.00~~ \$145.00
- (2) Biennial Renewal ~~\$175.00~~ \$200.00

* * * Corporations Division * * *

* * * Assumed Business Name * * *

Sec. 34. 11 V.S.A. § 1625 is amended to read:

§ 1625. FEES

(a) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a return, shall, at the time of filing as provided, pay a registration fee of ~~\$50.00~~ \$70.00 to the Secretary of State.

(b) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a certificate of cessation or change of business status or an application to reserve a business name shall, at the time of filing, pay a fee of ~~\$20.00~~ \$35.00 to the Secretary of State.

* * *

Sec. 35. 11 V.S.A. § 1635 is amended to read:

§ 1635. REREGISTRATION

(a) One or more persons doing business under a registered business name shall reregister the name every five years by filing a reregistration return with the Secretary of State with a fee of ~~\$40.00~~ \$65.00 within 60 days following the date five years after the date of the original registration or of the last reregistration. The Secretary of State shall prepare and supply the necessary forms.

* * *

* * * Corporation * * *

Sec. 36. 11A V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

(a) The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State for filing:

(1) Articles of incorporation	\$125.00
	<u>\$155.00</u>
(2) Application for reserved name	\$20.00
	<u>\$40.00</u>
(3) Notice of transfer of reserved name	No fee
	<u>\$20.00</u>
(4) Application for registered name of a foreign corporation	\$25.00
	<u>\$50.00</u>
(5) Application for renewal of registered name of a foreign corporation	\$25.00
	<u>\$50.00</u>
(6) Statement of change of registered agents or registered office, or both	\$25.00

and not to

exceed

	\$1,000.00
	per filer
	per calen-
	dar year.
(7) Agent's statement of resignation	No fee
(8) Amendment of articles of incorporation	\$25.00
	<u>\$50.00</u>
(9) Restatement of articles of incorporation	\$25.00
	<u>\$50.00</u>
(10) Articles of merger or share exchange	\$50.00
	<u>\$95.00</u>
(11) Articles of dissolution	\$20.00
	<u>\$35.00</u>
(12) Articles of revocation of dissolution	\$20.00
	<u>\$35.00</u>
(13) Application for certificate of authority	\$125.00
	<u>\$155.00</u>
(14) Application for amended certificate of authority	\$25.00
	<u>\$50.00</u>
(15) Application for certificate of withdrawal	\$20.00
	<u>\$25.00</u>
(16) Annual report of a foreign corporation	\$200.00

	<u>\$250.00</u>
(17) Annual report of a domestic corporation	\$45.00
	<u>\$60.00</u>
(18) Application for certificate of good standing	\$25.00
(19) Any other document required or permitted to be filed by this title	\$20.00
	<u>\$35.00</u>
(20) <u>Articles of correction</u>	<u>\$20.00</u>
(21) <u>Articles of domestication</u>	<u>\$20.00</u>
(22) <u>Statement of conversion</u>	<u>\$20.00</u>

* * *

(d) When a corporation has been involuntarily terminated for failure to file its annual report, the Secretary of State shall collect, for each year the corporation failed to file its annual report, the annual report filing fee and a reinstatement fee of ~~\$25.00~~ \$50.00.

* * * Limited Liability Company * * *

Sec. 37. 11 V.S.A. § 4012 is amended to read:

§ 4012. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Articles of organization ~~\$125.00~~ \$155.00

- (2) Application for certificate of authority ~~\$125.00~~ \$155.00
- (3) Amendment of articles or certificate of authority ~~\$25.00~~ \$35.00
- (4) Cancellation of certificate of authority ~~\$20.00~~ \$25.00
- (5) Application for reserved name ~~\$20.00~~ \$25.00
- (6) Notice of transfer of reserved name ~~No fee~~ \$20.00
- (7) Application for registered name \$25.00
- (8) Application for renewal of registered name \$25.00
- (9) Statement of change of designated agent or designated office, or both ~~\$25.00~~ \$35.00 and not to exceed \$1,000.00 per filer per calendar year
- (10) Agent's statement of resignation no fee
- (11) Restatement of articles of organization \$25.00
- (12) Articles of correction ~~\$25.00~~ \$35.00
- (13) Application for certificate of existence or authorization ~~\$25.00~~
\$35.00
- (14) Articles of merger ~~\$50.00~~ \$55.00
- (15) Annual report of a domestic limited liability company ~~\$35.00~~
\$45.00
- (16) Annual report of a foreign limited liability company ~~\$140.00~~
\$170.00
- (17) Reinstatement ~~\$25.00~~ \$35.00
- (18) Any other document required or permitted to be filed by this chapter \$20.00

(19) Articles of domestication \$20.00

(20) Articles of termination \$20.00

(21) Notice of withdrawal of reserved name \$20.00

(22) Statement of conversion \$20.00

(b) The Secretary of State shall collect the following fees:

(1) ~~\$25.00~~ \$35.00 each time process is served on the Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if ~~he or she~~ the party prevails in the proceeding.

(2) \$25.00 for the certificate certifying the copy of any filed document relating to a limited liability company or a foreign limited liability company.

* * * Limited Liability Partnership * * *

Sec. 38. 11 V.S.A. § 3310 is amended to read:

§ 3310. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

- | | |
|-------------------------------|---------------------|
| (1) Statement of authority | \$125.00 |
| | <u>\$155.00</u> |
| (2) Statement of denial | No fee |
| | <u>\$25.00</u> |
| (3) Statement of dissociation | No fee |
| | <u>\$20.00</u> |

(4) Statement of dissolution	No fee <u>\$25.00</u>
(5) Statement of merger	\$50.00 <u>\$85.00</u>
(6) Statement of qualification	\$75.00 <u>\$130.00</u>
(7) Statement of foreign qualification	\$100.00 <u>\$170.00</u>
(8) Amendment	\$25.00 <u>\$45.00</u>
(9) Cancellation	\$5.00 <u>\$10.00</u>
(10) Annual report of domestic limited liability partnership	\$15.00 <u>\$30.00</u>
(11) Annual report of foreign limited liability partnership	\$100.00 <u>\$170.00</u>
(12) Reinstatement	\$25.00 <u>\$45.00</u>
(13) Statement of change of designated agent or designated office, or both	\$25.00 <u>\$25.00</u>

	<u>\$35.00,</u> not to exceed \$1,000.00 per filer per calendar year
(14) Application for certificate of good standing	\$25.00 <u>\$45.00</u>
(15) Any other document permitted or required to be filed by this chapter	\$20.00
(16) <u>Amendment – Foreign</u>	<u>\$35.00</u>

* * *

* * * Limited Partnership * * *

Sec. 39. 11 V.S.A. § 3420 is amended to read:

§ 3420. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Certificate of Limited Partnership	\$125.00 <u>\$130.00</u>
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(2) Registration of Foreign Limited Partnership	\$125.00 <u>\$155.00</u>
(3) Amendment - <u>Domestic</u>	\$25.00 <u>\$35.00</u>
(4) Cancellation	No fee <u>\$25.00</u>
(5) Merger	\$50.00 <u>\$65.00</u>
(6) Statement of change of designated agent or designated office, or both	\$25.00 <u>\$35.00,</u> not to exceed \$1,000.00 per filer per calen- dar year
(7) Application for certificate of good standing	\$25.00 <u>\$35.00</u>
(8) Any other document permitted or required to be filed by this chapter	\$20.00
(9) <u>Amendment – Foreign</u>	<u>\$35.00</u>

<u>(10) Name reservation, application</u>	<u>\$20.00</u>
<u>(11) Name reservation, transfer</u>	<u>\$20.00</u>
<u>(12) Restated certificate of limited partnership</u>	<u>\$20.00</u>

* * *

* * * Nonprofit Corporations * * *

Sec. 40. 11B V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State for filing:

(1) Articles of incorporation	\$125.00 <u>\$155.00</u>
(2) Application for reserved name	\$20.00 <u>\$35.00</u>
(3) Transfer of reserved name	No fee <u>\$35.00</u>
(4) Application for registered name	\$25.00 <u>\$45.00</u>
(5) Renewal of registered name	\$25.00 <u>\$45.00</u>
(6) Statement of change of registered agents or registered office, or both	\$25.00 <u>\$25.00</u>

	<u>\$35.00</u>
	and
	not to
	exceed
	\$1,000.00
	per filer
	per calen-
	dar
	year.
(7) Agent's statement of registration	No fee
(8) Amendment of articles of association	\$25.00
	<u>\$45.00</u>
(9) Restatement of articles of association	\$25.00
	<u>\$45.00</u>
(10) Articles of merger	\$50.00
	<u>\$90.00</u>
(11) Articles of dissolution	No fee
(12) Articles of revocation of dissolution	\$5.00
	<u>\$10.00</u>
(13) Application for reinstatement following administrative dissolution	
	\$25.00
	<u>\$45.00</u>

(14) Application for certificate of authority for a foreign corporation	\$100.00
	<u>\$175.00</u>
(15) Application for amended certificate of authority	\$25.00
	<u>\$45.00</u>
(16) Application for certificate of withdrawal	\$5.00
	<u>\$10.00</u>
(17) Biennial report	\$20.00
	<u>\$35.00</u>

except that a corporation ~~which~~ that certifies to the Secretary of State, on a form approved by the Secretary, that it did not compensate its officers, directors, or employees during the prior calendar year shall be exempt from the fee required by this subdivision.

(18) Articles of correction	\$15.00
	<u>\$30.00</u>
(19) Application for certificate of good standing	\$25.00
	<u>\$35.00</u>
(20) Certified copy of any filed document	\$25.00
<u>(21) Restatement of articles of organization</u>	<u>\$30.00</u>

Sec. 41. 12 V.S.A. § 852 is amended to read:

§ 852. FEES; MAILING OF COPY TO CORPORATION

When process is served on the Secretary of State under the provisions of

section 851 of this title, there shall be paid to ~~him or her~~ the Secretary by the officer at the time of such service the sum of ~~\$5.00~~ \$35.00. The Secretary shall forthwith forward by mail prepaid one of the duplicate copies to the corporation at its home office or to a person whom it designates.

* * * Trademark * * *

Sec. 42. 9 V.S.A. § 2523 is amended to read:

§ 2523. CERTIFICATE OF REGISTRATION; FILING FEE

There shall be paid to the Secretary of State for the filing of such statement a fee of ~~\$20.00~~ \$35.00. The Secretary of State shall deliver to the person filing such statement or causing the same to be filed, a certificate of registration under ~~his or her~~ the Secretary's signature and State Seal, showing the name and address of the person claiming ownership of the trademark registered, the date of such filing, a general description of the trademark to be registered, and a receipt showing the payment of the filing fee therefore. The fee for renewal of any registration shall be ~~\$20.00~~ \$35.00.

Sec. 43. 9 V.S.A. § 2525 is amended to read:

§ 2525. ASSIGNMENTS

Title to any trademark and its registration hereunder may be transferred and assigned to any person together with the goodwill of the business to which such trademark pertains or with that part of the goodwill of the business connected with the use of and symbolized by the mark. Written assignments shall be recorded by the Secretary of State upon payment of the fee of ~~\$20.00~~

\$35.00. When such assignment is recorded, a new certificate of registration shall be issued in the name of the assignee.

* * * Uniform Commercial Code * * *

Sec. 44. 9A V.S.A. § 9-525 is amended to read:

§ 9—525. FEES

- (a) The fee for filing and indexing a record under this article is ~~\$35.00~~ \$45.00.
- (b) ~~The fee for filing and indexing an initial financing statement of the kind described in subsection 9—502(c) of this title is \$6.00 per page. In addition to the fee provided in subsection (a) of this section:~~
- (1) the fee for filing and indexing an initial financing statement of the kind described in subsection 9-502(c) of this title is \$25.00;
- (2) the fee for filing and indexing a record under this article for a manufactured home, transmitting utility, or public finance transaction is \$25.00.
- (c) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor is ~~\$25.00~~ \$35.00.
- (d) ~~This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as extracted collateral or timber to be cut under subsection 9—502(c) of this title. However, the recording and~~

~~satisfaction fees that otherwise would be applicable to the record of the
mortgage apply. [Repealed.]~~

* * * Effective Date * * *

Sec. 45. EFFECTIVE DATE

This act shall take effect on passage.

Became law by the June 20, 2023, legislative override of Governor's veto.

Revision note: *In the section designation for Sec. 4, the Office of Legislative Counsel substituted "26 V.S.A. § 624" for "26 V.S.A. § 642" to correct an error in the reference.*