

House Calendar

Friday, March 24, 2023

80th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ACTION CALENDAR

Third Reading

H. 66

An act relating to paid family and medical leave insurance

H. 126

An act relating to community resilience and biodiversity protection

H. 127

An act relating to sports wagering

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An act relating to the Vermont basic needs budget

H. 165

An act relating to school food programs and universal school meals

H. 481

An act relating to public health initiatives to address death by suicide

H. 482

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training

Favorable with Amendment

H. 102

An act relating to the Art in State Buildings Program

Rep. Headrick of Burlington, for the Committee on Corrections and Institutions, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPEAL

29 V.S.A. chapter 2 (art in State buildings) is repealed.

Sec. 2. 29 V.S.A. chapter 2 is added to read:

CHAPTER 2. ART IN STATE BUILDINGS

§ 41. PURPOSE AND INTENT

(a) Purpose. The State of Vermont recognizes that public art improves the character and quality of State buildings; enhances the workplace of State employees by creating an environment of distinction, enjoyment, and pride; and adds value to the cultural, aesthetic, and economic vitality of the State.

(b) Intent. It is the intent of the General Assembly to support Vermont artists and the benefits of public art by providing ongoing funding for the commissioning of works of art for installation in State buildings and facilities.

§ 42. DEFINITIONS

As used in this chapter:

(1) “Addition” means any new construction that increases the height or floor area of an existing building or facility.

(2) “Art selection panel” means a Council-appointed group of individuals consisting of the Department of Buildings and General Services project manager, the project architect, a representative or representatives from the occupant agency or agencies, the community, and arts professionals who forward recommendations of artwork to the Advisory Committee for final approval.

(3) “Commissioner” means the Commissioner of Buildings and General Services.

(4) “Contracting agency” means the administrative unit of State government responsible for securing the preparation of plans and specifications of a State building or facility for the purpose of negotiating or advertising for bids for the construction of such building or facility.

(5) “Council” means the Vermont Council on the Arts, Inc.

(6) “Mixed media” means any combination of two or more types of materials used to create a single work of art in two or three dimensions.

(7) “Occupant agency” means that public entity that has or will have principal authority to use or occupy a public building.

(8) “Project cost” means the budgeted cost of a construction or renovation project, which may include an addition, excluding the cost of design and of land acquisition or land improvement.

(9) “Project site” means any State building or facility undergoing new construction or renovation, which may include an addition, with a total project cost of \$1,000,000.00 or more that is funded from an appropriation or appropriations in one or more capital construction act and has been recommended for consideration by the Commissioner pursuant to this chapter.

(10) “State building or facility” means any State building, facility, permanent structure, park, or appurtenant structure thereof, wholly or partially enclosed, owned or leased by State government, that is to be constructed or renovated, which may include an addition, in part or totally with funds from any appropriation from the capital construction act. The term does not include highways, airport runways, or taxi ways, hangars, railroad tracks, sidings or yards, garages, sheds, warehouses, heating plants, sewers, parking lots, bridges, highway garages, or buildings used for storage or that are of a temporary nature. The term does not include buildings or facilities owned by units of local government, including school districts.

(11) “Work of art” means an original creation of visual art in sculpture, paintings, graphic arts, mosaics, photography, crafts, calligraphy, mixed media, or any other creation that the Advisory Committee deems a visual art. Works of art may be attached to the structure of a State building or facility or may be detached within or outside the structure.

§ 43. ART IN STATE BUILDINGS PROGRAM

(a) Program established. There is established the Art in State Buildings Program to authorize the State to fund and contract for the design, purchase, commission, fabrication, installation, and integration of permanent works of art during the design of new construction or renovation, which may include an addition, of State buildings and facilities. Works of art may be donated to the Program pursuant to the guidelines established in subdivision (b)(2) of this section, provided the donation meets the purpose and intent of the Program as described in section 41 of this chapter.

(b) Administration.

(1) The Vermont Council on the Arts, in coordination with the Department of Buildings and General Services and the Art in State Buildings Advisory Committee, shall administer the Program.

(2) The Commissioner of Buildings and General Services shall establish procedures to administer this chapter, including procedures for communicating with artists interested in donating works of art to the Program and the acceptance of donated works of art to the Program, pursuant to the requirements of 32 V.S.A. § 5.

(3) The Council shall establish contract procedures for commissioning with artists for the design and creation of works of art.

(c) Project site selection process.

(1) On or before July 1 each year, the Commissioner of Buildings and General Services shall recommend to the Council project sites for

consideration under this chapter for the installation of artwork. In recommending a project site to the Council, the Commissioner shall give priority to buildings and facilities that are frequently visited by members of the public.

(2) The Commissioner and the Council shall present the recommendations to the Art in State Buildings Advisory Committee for final approval.

(d) Project design.

(1) Upon final selection for any approved project site, the contracting agency, in coordination with the Department of Buildings and General Services, shall:

(A) notify the architect of the provisions of this chapter, including the architect's participation on the art selection panel; and

(B) notify the Commissioner and the Council of the selection of the architect and the details of the project.

(2) The Commissioner of Buildings and General Services shall:

(A) ensure that early in the building design phase, the architect will discuss the potential placement and form of artwork with the art selection panel and the selected artist, and that bid specifications will inform potential contractors of the artwork to be installed in the building or facility; and

(B) assist occupant and contracting agencies in locating liability insurance for artwork when necessary.

(e) Artist selection process.

(1) Upon final approval of any project site by the Advisory Committee pursuant to subdivision (c)(2) of this section, the Council shall facilitate a process with the appointed art selection panel that will result in a recommendation of an artist or artist team for each project selected for installation of artwork. Priority in acquisitions and commissions of works of art shall be given to Vermont artists.

(2) The artist or artist team shall collaborate with the design team and the art selection panel during the initial design phase of the project.

(3) The Council shall arrange contracts with artists and order payments from the Art Acquisition Fund for the design and fabrication of such works of art.

(f) Installation of works of art. The Commissioner of Buildings and General Services and the Council shall review the final installation and placement of works of art.

(g) Ownership of works of art. The State of Vermont shall be the sole owner of all works of art acquired or commissioned through the Program. Title shall vest in the State upon completion of installation and final acceptance of the work of art.

§ 44. ADVISORY COMMITTEE

(a) Establishment. There is established the Art in State Buildings Advisory Committee to oversee the administration of the Program.

(b) Members. The Advisory Committee shall consist of the following or designee:

(1) the Commissioner of Buildings and General Services;

(2) the Director of the Arts Council;

(3) the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions;

(4) the State Curator; and

(5) the Chair of the Vermont Board of Architects.

(c) Powers and duties. The Committee shall:

(1) provide final approval of project sites and works of art; and

(2) establish guidelines for the selection, acquisition, and commission of works of art.

(d) Compensation and reimbursements. Legislative members of the Committee shall be entitled to per diem compensation and expense reimbursement for attending Committee meetings pursuant to the provisions of 2 V.S.A. § 23.

§ 45. ART ACQUISITION FUND

(a) Creation. The Art Acquisition Fund, administered by the Council, is created to finance the design, construction, integration, and purchase or commissioning of works of art for the Art in State Buildings Program.

(b) Source of funds. The Fund shall be composed of any amounts transferred or appropriated to it by the General Assembly.

(c) Use of funds. Amounts in the Fund shall be expended upon order of the Council for the acquisition or commissioning of works of art and administration of the Program.

(d) Fund balances. Any balance remaining at the end of the fiscal year shall remain in the Fund.

(e) Administration costs. In each fiscal year, the Council may use not more than 15 percent of funds transferred or appropriated to the Fund for the expenses of administering this chapter.

(f) Funding requests. The Commissioner of Buildings and General Services shall include in the Department's proposed biennial capital budget request, as described in 32 V.S.A. § 310, a separate line item of not less than \$75,000.00 in any single fiscal year for the Art Acquisition Fund.

Sec. 3. 29 V.S.A. § 154a is amended to read:

§ 154a. STATE CURATOR

(a) Creation. The position of State Curator is created within the Department of Buildings and General Services.

(b) Duties. The State Curator's responsibilities shall include:

(1) oversight of the historical integrity of the State House;

(2) interpretation of the State House to the visiting public through exhibits, publications, tours, and other means of communication;

(3) acquisition, management, and care of State collections of art, historic artifacts, and furnishings, provided that all items obtained for the State House are acquired pursuant to the collections policy adopted pursuant to subsection (c) of this section; ~~and~~

(4) oversight and management of the State's historic and contemporary art and collections in other State buildings and on State property; and

(5) maintenance and conservation of works of art acquired or commissioned by the State pursuant to chapter 2 of this title.

* * *

(e) Funding. The Curator, upon approval of the Commissioner of Buildings and General Services, is authorized to purchase artwork for the permanent State collection with funds appropriated to the Department for that or other purposes in any capital construction act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

Rep. Taylor of Colchester, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Corrections and Institutions.

(Committee Vote: 12-0-0)

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Corrections and Institutions.

(Committee Vote: 11-0-1)

H. 125

An act relating to boards and commissions

Rep. Mrowicki of Putney, for the Committee on Government Operations and Military Affairs, recommends the bill be amended as follows:

First: By inserting a new section to be Sec. 2a to read as follows:

Sec. 2a. GOVERNMENT ACCOUNTABILITY; SUMMER

GOVERNMENT ACCOUNTABILITY COMMITTEE; REPORT

(a) Creation. There is created the Summer Government Accountability Committee to reexamine the principle of government accountability in the Legislative Branch.

(b) Membership. The Summer Government Accountability Committee shall be composed of the following members:

(1) four current members of the House of Representatives, not from the same political party, who shall be appointed by the Speaker of the House; and

(2) four current members of the Senate, not from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties. The Summer Government Accountability Committee shall consider the issue of accountability in the Legislative Branch, including the following:

(1) ways to ensure that the Legislative Branch is accountable to the people of Vermont by creating new processes and metrics by which to measure accountability;

(2) ways to ensure equity in pay across commissions, boards, and joint legislative committees based on the nature of the service and required skill level; and

(3) codifying mechanisms for controlling and restraining the increasing number of commissions, boards, and joint legislative committees.

(d) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Summer Government Accountability Committee shall have the assistance of the Office of Legislative Operations and the Office of Legislative Counsel.

(e) Report. On or before January 15, 2024, the Summer Government Accountability Committee shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with any recommendations for legislative action.

(f) Meetings.

(1) A member of the House of Representatives designated by the Speaker of the House shall call the first meeting of the Summer Government Accountability Committee to occur on or before July 1, 2023.

(2) The Summer Government Accountability Committee shall select a chair from among its members at the first meeting.

(3) A majority of the members of the Summer Government Accountability Committee shall constitute a quorum.

(4) The Summer Government Accountability Committee shall cease to exist on November 1, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, the members of the Summer Government Accountability Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than four meetings. These payments shall be made from monies appropriated to the General Assembly.

Second: In Sec. 101, 18 V.S.A. § 4201, by striking out subsection (45) in its entirety and inserting in lieu thereof a new subsection (45) to read as follows:

(45) “Benchmark unlawful dosage” means the maximum recommended therapeutic dose, or maximum daily dose, as determined by the Department by rule.

Third: In Sec. 140, effective dates, by striking out “and Sec. 137 (amending 30 V.S.A. § 8015), shall take effect on June 30, 2025” and inserting in lieu thereof “and Sec. 137 (amending 30 V.S.A. § 8015) shall take effect on June 30, 2027.”

(Committee Vote: 11-0-1)

Rep. Branagan of Georgia, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

(Committee Vote: 11-0-1)

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

(Committee Vote: 11-0-1)

H. 206

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

Rep. Goldman of Rockingham, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1992 is amended to read:

§ 1992. MEDICAID COVERAGE FOR ADULT DENTAL SERVICES

(a) Vermont Medicaid shall provide coverage for medically necessary dental services provided by a dentist, dental therapist, or dental hygienist working within the scope of the provider’s license as follows:

(1) Preventive services, including prophylaxis and fluoride treatment, with no co-payment. These services shall not be counted toward the annual maximum benefit amount set forth in subdivision (2) of this subsection.

(2)(A) Diagnostic, restorative, and endodontic procedures, to a maximum of \$1,000.00 per calendar year, provided that the Department of Vermont Health Access may approve expenditures in excess of that amount when exceptional medical circumstances so require. Exceptional medical circumstances include emergency dental services, as defined by the Department by rule.

(B) The following individuals shall not be subject to the annual maximum benefit amount set forth in this subdivision (2):

(i) individuals served through the Community Rehabilitation and Treatment and Developmental Disability Services programs pursuant to Vermont's Global Commitment to Health Section 1115 demonstration; and

(ii) Medicaid beneficiaries who are pregnant or in the postpartum eligibility period, as defined by the Department by rule.

(3) Other dental services as determined by the Department by rule.

* * *

Sec. 2. 33 V.S.A. chapter 19, subchapter 1 is amended to read:

Subchapter 1. Medicaid

* * *

§ 1908. MEDICAID; PAYER OF LAST RESORT; RELEASE OF INFORMATION

* * *

(d) On and after July 1, 2016, an insurer shall:

(1) ~~accept~~ Accept the Agency's right of recovery and the assignment of rights and shall not charge the Agency or any of its authorized agents fees for the processing of claims or eligibility requests. Data files requested by or provided to the Agency shall provide the Agency with eligibility and coverage information that will enable the Agency to determine the existence of third-party coverage for Medicaid recipients, the period during which Medicaid recipients may have been covered by the insurer, and the nature of the coverage provided, including information such as the name, address, and identifying number of the plan.

(2) If the insurer requires prior authorization for an item or service, accept the Agency's authorization that the item or service is covered under the Medicaid state plan or waiver as if such authorization were the insurer's prior authorization.

* * *

§ 1909. DIRECT PAYMENTS TO AGENCY; DISCHARGE OF INSURER'S OBLIGATION

* * *

(c)(1) An insurer that receives notice that the Agency has made payments to the provider shall pay benefits or send notice of denial directly to the Agency. Receipt of an Agency claim form by an insurer constitutes notice that

payment of the claim was made by the Agency to the provider and that form supersedes any contract requirements of the insurer relating to the form of submission.

(2) An insurer shall respond to any request made by the Agency regarding a claim for payment for any health care item or service that is submitted not later than three years after the date of the provision of such health care item or service.

(3) An insurer shall not:

(A) deny a claim submitted by the Agency solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if the claim is submitted by the Agency within the three-year period beginning on the date on which the item or service was furnished and any action by the Agency to enforce its rights with respect to a claim is commenced within six years of following the Agency's submission of the claim; or

(B) deny a claim submitted by the Agency on the basis of failing to obtain a prior authorization for the item or service for which the claim is being submitted, if the Agency has transmitted authorization that the item or service is covered by the Medicaid state plan or waiver under subdivision 1908(d)(2) of this title.

* * *

Sec. 3. 18 V.S.A. § 4284 is amended to read:

§ 4284. PROTECTION AND DISCLOSURE OF INFORMATION

* * *

(b)(1) The Department shall provide only the following persons with access to query the VPMS:

(A) a health care provider, dispenser, or delegate who is registered with the VPMS and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current patient;

(B) personnel or contractors, as necessary for establishing and maintaining the VPMS;

(C) the Medical Director of the Department of Vermont Health Access and the Director's designee, for the purposes of Medicaid quality assurance, utilization, and federal monitoring requirements with respect to

Medicaid recipients for whom a Medicaid claim for a Schedule II, III, or IV controlled substance has been submitted;

(D) a medical examiner or delegate from the Office of the Chief Medical Examiner, for the purpose of conducting an investigation or inquiry into the cause, manner, and circumstances of an individual's death; and

(E) a health care provider or medical examiner licensed to practice in another state, to the extent necessary to provide appropriate medical care to a Vermont resident or to investigate the death of a Vermont resident.

* * *

Sec. 4. FEDERALLY QUALIFIED HEALTH CENTERS; ALTERNATIVE PAYMENT METHODOLOGY; REPORT

The Department of Vermont Health Access shall collaborate with representatives of Vermont's federally qualified health centers (FQHCs) to develop a mutually agreeable alternative payment methodology for Medicaid payments to the FQHCs. On or before December 15, 2023, the Department shall provide a progress report on the development of the methodology to the House Committee on Health Care and the Senate Committee on Health and Welfare.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 9-0-1)

Rep. Page of Newport City, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Health Care.

(Committee Vote: 11-0-1)

H. 213

An act relating to creating a study committee on mobile homes and mobile home parks

Rep. Krasnow of South Burlington, for the Committee on General and Housing, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. MOBILE HOME AND MOBILE HOME PARK STUDY; REPORT

(a) Creation. There is created the Mobile Home Task Force.

(b) Membership. The Task Force is composed of the following members:

(1) one current member of the House of Representatives, appointed by the Speaker of the House;

(2) one current member of the Senate, appointed by the Committee on Committees;

(3) one member, appointed by the Department of Housing and Community Development;

(4) one member, appointed by the Champlain Valley Office of Economic Opportunity;

(5) one member, appointed by The Housing Foundation Inc.;

(6) one member, appointed by the Speaker of the House, representing mobile home cooperative owners; and

(7) one member, appointed by the Vermont Housing and Conservation Board.

(c) Powers and duties. The Task Force shall study the current landscape for mobile homes and mobile home parks in this State, including the following issues:

(1) the status of mobile homes and mobile home parks within Vermont's housing portfolio;

(2) the condition and needs for mobile home park infrastructure among parks of various sizes;

(3) the current statutory treatment of mobile homes either as personal or real property;

(4) modern construction, energy efficiency, and durability of manufactured housing, and the availability, affordability, and suitability of alternative types of manufactured, modular, or other housing;

(5) the type and scope of data and information collected concerning mobile home residents, mobile homes, and mobile home parks and opportunities to make the data and information more centralized, accessible, and useful for informing policy decisions; and

(6) conversion to cooperative ownership and technical assistance available to prospective and new cooperative owners, including the availability of guidance concerning governance structures, operation, and conflict resolution.

(d) Assistance. For purposes of scheduling meetings and preparing a report and recommendations, the Task Force shall have the assistance of the

Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(e) Report. On or before January 15, 2024, the Task Force shall submit a written report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The House of Representatives' member shall call the first meeting of the Task Force to occur on or before September 1, 2023.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Task Force shall cease to exist on January 15, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings.

(2) Other members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 11-0-1)

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommends the report of the Committee on General and Housing be amended as follows:

In Sec. 1 by adding a new subdivision (g)(3) to read:

(3) Payments to members of the Task Force authorized under this subsection shall be made from monies appropriated to the General Assembly.

(Committee Vote: 11-0-1)

H. 270

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs

Rep. McCarthy of St. Albans City, for the Committee on Government Operations and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 843 is amended to read:

§ 843. CANNABIS CONTROL BOARD; DUTIES; MEMBERS

* * *

(h) ~~Advisory committee.~~

~~(1) There is an advisory committee established within the Board that shall be composed of members with expertise and knowledge relevant to the Board's mission. The Board shall collaborate with the advisory committee on recommendations to the General Assembly. The advisory committee shall be composed of the following 14 members:~~

~~(A) one member with an expertise in public health, appointed by the Governor;~~

~~(B) the Secretary of Agriculture, Food and Markets or designee;~~

~~(C) one member with an expertise in laboratory science or toxicology, appointed by the Governor;~~

~~(D) one member with an expertise in systemic social justice and equity issues, appointed by the Speaker of the House;~~

~~(E) one member with an expertise in women and minority-owned business ownership, appointed by the Speaker of the House;~~

~~(F) the Chair of the Substance Misuse Prevention Oversight and Advisory Council or designee;~~

~~(G) one member with an expertise in the cannabis industry, appointed by the Senate Committee on Committees;~~

~~(H) one member with an expertise in business management or regulatory compliance, appointed by the Treasurer;~~

~~(I) one member with an expertise in municipal issues, appointed by the Senate Committee on Committees;~~

~~(J) one member with an expertise in public safety, appointed by the Attorney General;~~

~~(K) one member with an expertise in criminal justice reform, appointed by the Attorney General;~~

~~(L) the Secretary of Natural Resources or designee;~~

~~(M) the Chair of the Cannabis for Symptom Relief Oversight Committee or designee; and~~

~~(N) one member appointed by the Vermont Cannabis Trade Association.~~

~~(2) Initial appointments to the advisory committee as provided in subdivision (1) of this subsection (h) shall be made on or before July 1, 2021.~~

~~(3) The Board may establish subcommittees within the advisory committee to accomplish its work.~~

~~(4) Members of the advisory committee who are not otherwise compensated by the member's employer for attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings annually. These payments shall be made from the Cannabis Regulation Fund. [Repealed.]~~

Sec. 2. REPEAL; SUNSET OF CANNABIS CONTROL BOARD

2020 Acts and Resolves No. 164, Sec. 6e is repealed.

Sec. 3. 7 V.S.A. § 861 is amended to read:

§ 861. DEFINITIONS

As used in this chapter:

* * *

(2) "Advertisement" means any written or verbal statement, illustration, or depiction that is ~~calculated to induce~~ would reasonably have the effect of inducing sales of cannabis or cannabis products, including any written, printed, graphic, or other material; billboard, sign, or other outdoor display; other periodical literature, publication, or in a radio or television broadcast; the Internet; or in any other media. The term does not include:

(A) any label affixed to any cannabis or cannabis product or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of these standards;

(B) any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any cannabis establishment, and that is not written by or at the direction of the licensee;

(C) any educational, instructional, or otherwise noncommercial material that is not intended to induce sales and that does not propose an

economic transaction, but that merely provides information to the public in an unbiased manner; or

(D) a sign attached to the premises of a cannabis establishment that merely identifies the location of the cannabis establishment.

* * *

(8) “Cannabis establishment” means a cannabis cultivator, propagation cultivator, wholesaler, product manufacturer, retailer, testing laboratory, or integrated licensee licensed by the Board to engage in commercial cannabis activity in accordance with this chapter.

* * *

(31) “Cannabis propagation cultivator” or “propagation cultivator” means a person licensed by the Board to cultivate cannabis clones, immature plants, and mature plants in accordance with this chapter.

Sec. 4. 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)~~(8) of this subsection.

* * *

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than ~~50~~ 100 milligrams of THC, except in the case of:

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

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

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

* * *

(5) Rules concerning retailers shall include:

* * *

(E) ~~facility inspection~~ requirements and procedures for facility inspection to occur at least annually.

* * *

(8) Rules concerning propagators shall include:

(A) requirements for proper verification of age of customers;

(B) pesticides or classes of pesticides that may be used by propagators, provided that any rules adopted under this subdivision (8) shall comply with and shall be at least as stringent as the Agency of Agriculture, Food and Markets' Vermont Pesticide Control Regulations;

(C) standards for indoor cultivation of cannabis;

(D) procedures and standards for testing cannabis for contaminants, potency, and quality assurance and control;

(E) labeling requirements for cannabis sold to retailers and integrated licensees;

(F) regulation of visits to the establishments, including the number of visitors allowed at any one time and record keeping concerning visitors; and

(G) facility inspection requirements and procedures.

* * *

Sec. 5. 7 V.S.A. § 901 is amended to read:

§ 901. GENERAL PROVISIONS

(a) Except as otherwise permitted by law, a person shall not engage in the cultivation, preparation, processing, packaging, transportation, testing, or sale of cannabis or cannabis products without obtaining a license from the Board.

* * *

~~(h)(1) The following records shall be exempt from public inspection and copying under the Public Records Act and shall be confidential:~~

~~(A) any record in an application for a license relating to security, public safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and~~

~~(B) any licensee record relating to security, public safety, transportation, trade secrets, or employees.~~

~~(2) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e). [Repealed.]~~

Sec. 6. 7 V.S.A. § 901a is added to read:

§ 901a. ACCESSIBILITY AND CONFIDENTIALITY OF LICENSING AND DISCIPLINARY MATTERS

(a) It is the purpose of this section to protect the reputation, security practices, and trade secrets of licensees from undue public disclosure while securing the public's right to know of government licensing actions relevant to the public health, safety, and welfare.

(b) All meetings and hearings of the Board shall be subject to the Open Meeting Law as provided in 1 V.S.A. § 312.

(c) The following shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential:

(1) records related to licensee security, safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and

(2) records related to investigations, except as provided in subsection (d) of this section.

(d)(1) If a complaint or investigation results in formal action to revoke, suspend, condition, reprimand, warn, fine, or otherwise to penalize a licensee based on noncompliance with law or regulation, the case record, as defined by 3 V.S.A. § 809(e), shall be public.

(2) The Board shall prepare and maintain an aggregated list of all closed investigations into misconduct or noncompliance from whatever source derived. The information contained in the list shall be a public record. The list shall contain the date, nature, and outcome of each complaint. The list shall not contain the identity of the subject licensee unless formal action resulted, as described in subdivision (1) of this subsection.

(e) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this section shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

Sec. 7. 7 V.S.A. § 904 is amended to read:

§ 904. CULTIVATOR LICENSE

(a) A cultivator licensed under this chapter may:

(1) cultivate, process, package, label, transport, test, and sell cannabis to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary and may;

(2) purchase and sell cannabis seeds and immature cannabis plants to another licensed cultivator and propagation cultivator; and

(3) possess and sell cannabis products to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary.

* * *

Sec. 8. 7 V.S.A. § 904b is added to read:

§ 904b. PROPAGATION CULTIVATOR LICENSE

(a) A propagation cultivator licensed under this section may:

(1) cultivate not more than 3,500 square feet of cannabis clones, immature cannabis plants, or mature cannabis plants;

(2) test, transport, and sell cannabis clones and immature cannabis plants to licensed cultivators; and

(3) test, transport, and sell cannabis seeds that meet the federal definition of hemp to a licensed cultivator or retailer or to the public.

(b) A licensed propagation cultivator shall not cultivate mature cannabis plants for the purpose of producing, harvesting, transferring, or selling cannabis flower for or to any person.

Sec. 9. 7 V.S.A. § 905 is amended to read:

§ 905. WHOLESALER LICENSE

A wholesaler licensed under this chapter may:

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

(2) transport, process, package, and sell cannabis and cannabis products to a licensed product manufacturer, retailer, integrated licensee, and dispensary cannabis establishment; and

(3) sell cannabis seeds or immature cannabis plants to a licensed cultivator.

Sec. 10. 7 V.S.A. § 906 is amended to read:

§ 906. PRODUCT MANUFACTURER LICENSE

A product manufacturer licensed under this chapter may:

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

(2) use cannabis and cannabis products to produce cannabis products; and

(3) transport, process, package, and sell cannabis products to a licensed ~~wholesaler, product manufacturer, retailer, integrated licensee, and dispensary cannabis establishment.~~

Sec. 11. 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 cannabis establishment;~~ and

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

* * *

Sec. 12. 7 V.S.A. § 910 is amended to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

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

* * *

(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~~ \$50,000.00 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.

* * *

(7) Propagation cultivators. Propagation cultivators shall be assessed an annual licensing fee of \$500.00.

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

~~(8)~~(9) Products. Cannabis establishments licensed by the Board 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)~~(10) 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)~~(7) 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)~~(11) 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.

Sec. 13. 7 V.S.A. chapter 35 is amended to read:

CHAPTER 35. MEDICAL CANNABIS REGISTRY

§ 951. DEFINITIONS

As used in this chapter:

* * *

(8) “Qualifying medical condition” means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn’s disease, Parkinson’s disease, post-traumatic stress disorder, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

~~(B) post-traumatic stress disorder, provided the Department confirms the applicant is undergoing psychotherapy or counseling with a licensed mental health care provider; or~~

~~(C)~~ a disease or medical condition or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

* * *

§ 952. REGISTRY

* * *

(b) A person who is a registered patient or a registered caregiver on behalf of a patient may:

(1) Cultivate not more than ~~two~~ six mature and ~~seven~~ 12 immature cannabis plants. Any cannabis harvested from the plants shall not count toward the two-ounce possession limit in subdivision (2) of this subsection,

provided it is stored in an indoor facility on the property where the cannabis was cultivated and reasonable precautions are taken to prevent unauthorized access to the cannabis.

(2) Possess not more than two ounces of cannabis.

(3) Purchase cannabis and cannabis products at a licensed medical cannabis dispensary. Pursuant to chapter 37 of this title, a dispensary may offer goods and services that are not permitted at a cannabis establishment licensed pursuant to chapter 33 of this title.

* * *

§ 954. CAREGIVERS

(a) Pursuant to rules adopted by the Board, a person may register with the Board as a caregiver of a registered patient to obtain the benefits of the Registry as provided in section 952 of this title.

~~(b)(1) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a caregiver card because of his or her criminal history record. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28 conduct a name and date of birth Vermont criminal conviction record background check and obtain information from the Child Protection Registry maintained by the Department for Children and Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry maintained by the Department of Disabilities, Aging, and Independent Living (collectively, the Registries) for any person who applies to be a caregiver. The Departments for Children and Families and of Disabilities, Aging, and Independent Living shall adopt rules governing the process for obtaining information from the Registries and for disseminating and maintaining records of that information under this subsection.~~

~~(2) The Board shall obtain from the Vermont Crime Information Center a copy of the caregiver applicant's fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.~~

~~(c) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a cannabis establishment license caregiver card because of his or her criminal history record the applicant's criminal history record or status on either Registry.~~

~~(d)(1) Except as provided in subdivision (2) of this subsection, a caregiver shall serve only one patient may serve not more than two patients at a time,~~

and a patient shall have only one registered caregiver at a time. A patient may serve as a caregiver for one other patient.

(2) A patient who is under 18 years of age may have two caregivers. Additional caregivers shall be at the discretion of the Board.

§ 955. REGISTRATION; FEES

(a) A registration card shall expire one year after the date of issuance for patients with a qualifying medical condition of chronic pain and the caregivers who serve those patients. For all other patients and the caregivers who serve those patients, a registration card shall expire five years after the date of issuance. A patient or caregiver may renew the card according to protocols adopted by the Board.

(b) The Board shall charge and collect a \$50.00 ~~annual~~ registration and renewal fee for patients and caregivers. Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

§ 956. RULEMAKING

The Board shall adopt rules for the administration of this chapter. ~~No rule shall be more restrictive than any rule adopted by the Department of Public Safety pursuant to 18 V.S.A. chapter 86.~~

Sec. 14. 7 V.S.A. § 977 is amended to read:

§ 977. FEES

(a) The Board shall charge and collect the following fees for dispensaries:

(1) a one-time \$2,500.00 application fee;

(2) a ~~\$20,000.00~~ \$10,000.00 registration fee for the first year of operation;

(3) an annual renewal fee of ~~\$25,000.00~~ \$10,000.00 for a subsequent year of operation; and

(4) an annual Registry identification or renewal card fee of \$50.00 to be paid by the dispensary for each owner, principal, financier, and employee of the dispensary.

(b) Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

Sec. 15. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a)(1) No person shall engage in the retail sale of tobacco products, tobacco substitutes, or tobacco paraphernalia in ~~his or her~~ the person's place of business without a tobacco license obtained from the Division of Liquor Control.

(2) No person shall engage in the retail sale of tobacco substitutes without also obtaining a tobacco substitute endorsement from the Division of Liquor Control.

(3) Tobacco licenses and tobacco substitute endorsements shall expire at midnight, April 30, of each year.

(4) This subsection shall not apply to the retail sale of tobacco paraphernalia by a cannabis establishment licensed in accordance with chapter 33 of this title or a medical cannabis dispensary licensed in accordance with chapter 37 of this title.

* * *

Sec. 16. CANNABIS CONTROL BOARD POSITIONS; CANNABIS
QUALITY CONTROL PROGRAM; APPROPRIATION

(a) The establishment of the following new permanent classified positions is authorized in the Cannabis Control Board in fiscal year 2024:

(1) two new chemists; and

(2) one new Cannabis Quality Assurance Program Director.

(b) In fiscal year 2024, the amount of \$850,000.00 is transferred from the General Fund to the Cannabis Regulation Fund to acquire laboratory equipment and analytical instruments for the cannabis quality control program established pursuant to 7 V.S.A. § 885. The instruments shall be sufficient to test for cannabinoid content, moisture content, and homogeneity, and conduct analysis on residual solvents, pesticides, heavy metals, and human pathogens.

Sec. 17. 2020 Acts and Resolves No. 164, Sec. 6d is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November ~~15, 2023~~ 1, 2024, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 8-4-0)

Rep. Branagan of Georgia, for the Committee on Ways and Means, recommends the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 13, 7 V.S.A. chapter 35, in section 954, in subsection (b), by striking out “conduct” and inserting in lieu thereof “Conduct”

Second: By striking out Sec. 14, 7 V.S.A. § 977, in its entirety and by renumbering the remaining sections to be numerically correct.

(Committee Vote: 12-0-0)

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommends the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 13, 7 V.S.A. § 954, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

~~(b)(1) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a caregiver card because of his or her criminal history record. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28~~ conduct a name and date of birth Vermont criminal conviction record background check and obtain information from the Child Protection Registry maintained by the Department for Children and Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry maintained by the Department of Disabilities, Aging, and Independent Living (collectively, the Registries) for any person who applies to be a caregiver. The Departments for Children and Families and of Disabilities, Aging, and Independent Living shall adopt rules governing the process for obtaining information from the Registries and for disseminating and maintaining records of that information under this subsection.

~~(2) The Board shall obtain from the Vermont Crime Information Center a copy of the caregiver applicant’s fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.~~

Second: By striking out Secs. 15, Cannabis Control Board positions; Cannabis Quality Control Program; appropriation, and 16, Auditor of Accounts; report, in their entirety

and by renumbering the remaining section to be numerically correct.

(Committee Vote: 9-2-1)

H. 291

An act relating to the creation of the Cybersecurity Advisory Council

Rep. Chase of Colchester, for the Committee on Government Operations and Military Affairs, recommends the bill be amended as follows:

First: In Sec. 1, 20 V.S.A. chapter 208, in section 4662, in subdivision (b)(11), by striking out “and”, in subdivision (12), by striking out “.” and inserting in lieu thereof “; and” and by adding a subdivision (13) to read as follows:

(13) the President of Vermont Information Technology Leaders or designee.

Second: In Sec. 1, 20 V.S.A. chapter 208, in section 4663, in subdivision (b)(2), by inserting “Care” after “Green Mountain”

Third: By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 and a Sec. 4 to read as follows:

Sec. 3. REPEAL

20 V.S.A. chapter 208 (Cybersecurity) is repealed on June 30, 2026.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 11-0-1)

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs and when further amended as follows:

In Sec. 1, 20 V.S.A. chapter 208, in section 4662, by adding a subsection (h) to read as follows:

(h) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Council serving in the member’s capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Council who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation

and reimbursement of expenses as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Agency of Digital Services.

(Committee Vote: 11-0-1)

H. 414

An act relating to establishing an unused drug repository for Vermont

Rep. Goldman of Rockingham, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 91, subchapter 5 is added to read:

Subchapter 5. Unused Drug Repository Program

§ 4671. CREATION OF PROGRAM

The Agency of Human Services may contract or enter into agreements with qualified entities as needed to create and administer an unused drug repository program for the collection and distribution of unused drugs in Vermont, to the extent that funds are appropriated or otherwise made available for this purpose.

§ 4672. AGENCY OF HUMAN SERVICES; RULEMAKING

The Agency of Human Services shall adopt rules for the administration of the program, including rules regarding:

(1) donations to the program, which may include donations from institutional settings in Vermont, such as pharmacies, long-term care facilities, Veterans' Administration facilities, correctional facilities, hospitals, and other facilities, as well as donations from individuals;

(2) what types of drugs may be donated to the program;

(3) safety criteria for donated drugs, which may include packaging requirements and inspections; and

(4) patient eligibility to receive drugs from the program, which shall be available to any patient, with priority given to patients who meet one or more of the following criteria:

(A) patients whose household income is below 400 percent of the federal poverty level;

(B) patients who are uninsured;

(C) patients who are underinsured;

(D) patients who are Medicare beneficiaries and are experiencing a coverage gap in their Medicare prescription drug coverage; and

(E) patients who are on a high-deductible health plan or on a plan with high co-payment requirements for prescription drugs, or both.

§ 4673. LIMITATIONS ON LIABILITY

Except in cases of bad faith, gross negligence, intentional misconduct, or noncompliance with the rules adopted pursuant to section 4672 of this chapter, the following persons shall not be subject to civil or criminal liability or professional disciplinary action for participating in or otherwise complying with the program established by this subchapter or rules adopted pursuant to this subchapter:

(1) a person who donates or gives drugs to an eligible recipient, including a drug manufacturer; wholesaler; reverse distributor pharmacy; third-party logistics provider; governmental entity; hospital or other health care facility, as defined in section 9432 of this title; or long-term care facility licensed under 33 V.S.A. chapter 71;

(2) an eligible recipient, as defined by the Agency by rule pursuant to subdivision 4672(4) of this chapter;

(3) a health care provider, as defined in section 9402 of this title, who prescribes or dispenses a donated drug;

(4) an intermediary that helps administer the program by facilitating the donation or transfer of drugs to eligible recipients;

(5) a manufacturer or repackager of a donated drug; and

(6) any employee, volunteer, trainee, or other staff of any person listed in subdivisions (1)–(5) of this section.

Sec. 2. UPDATE ON RULEMAKING PROCESS; REPORT

The Agency of Human Services shall provide an update on the status of rulemaking for the administration of the unused drug repository program as part of the Agency’s fiscal year 2024 budget adjustment presentation.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 9-0-1)

Rep. Dickinson of St. Albans Town, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Health Care.

(Committee Vote: 10-1-1)

Favorable

H. 472

An act relating to miscellaneous agricultural subjects

(Rep. Pearl of Danville will speak for the Committee on Agriculture, Food Resiliency, and Forestry.)

Rep. Sims of Craftsbury, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-1)

Action Postponed Until March 29, 2023

Favorable with Amendment

H. 483

An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition

(Rep. Conlon of Cornwall will speak for the Committee on Education.)

NOTICE CALENDAR

Favorable with Amendment

H. 31

An act relating to aquatic nuisance control

Rep. Bongartz of Manchester, for the Committee on Environment and Energy, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. AQUATIC NUISANCE CONTROL STUDY COMMITTEE;

REPORT

(a) Creation. The Aquatic Nuisance Control Study Committee is created to assess the environmental and public health effects of the use of pesticides, chemicals other than pesticides, biological controls, and other controls in comparison to the efficacy of their use in controlling aquatic nuisances.

(b) Membership. The Aquatic Nuisance Control Study Committee shall be composed of the following members:

(1) two current members of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, who shall be appointed by the Committee on Committees;

(3) the Commissioner of Health or designee;

(4) a scientist from the Department of Fish and Wildlife, appointed by the Commissioner of Fish and Wildlife; and

(5) a scientist from the Department of Environmental Conservation, appointed by the Commissioner of Environmental Conservation.

(c) Powers and duties. The Aquatic Nuisance Control Study Committee shall submit to the Vermont General Assembly recommendations regarding whether and when pesticides, chemicals other than pesticides, or biological controls should be used to control aquatic nuisances in Vermont. The recommendations of the Committee shall include:

(1) a summary of the use of pesticides, chemicals other than pesticides, and biological controls in the lakes and ponds of Vermont since January 1, 2000, including the types of pesticides, chemicals other than pesticides, and biological controls approved for use and why they were approved instead of nonchemical controls;

(2) an assessment of the use of pesticides, chemicals other than pesticides, or biological controls on the nontarget environment or nontarget species; and

(3) recommended legislative changes to the aquatic nuisance control requirements under 10 V.S.A. chapter 50 to:

(A) implement the use of pesticides, chemicals other than pesticides, or biological controls in a more precautionary manner that ensures the protection of State waters and is designed to protect fish, reptiles, amphibians, and all other aquatic biota;

(B) establish the appropriate standard for approval of the use of pesticides, chemicals other than pesticides, and biological controls for aquatic nuisance control;

(C) amend the process for the application of an aquatic nuisance control permit in a manner that improves the opportunity for interested parties

to participate in the permitting process and that ensures full transparency in the permitting process; and

(D) provide other changes that the Study Committee determines are necessary or appropriate for implementation of effective aquatic nuisance control in the State.

(d) Assistance. The Aquatic Nuisance Control Study Committee shall have the administrative, technical, and legal assistance of the Agency of Natural Resources.

(e) Report. On or before December 15, 2023, the Aquatic Nuisance Control Study Committee shall submit a written report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy with its findings and recommendations.

(f) Meetings.

(1) The Commissioner of Environmental Conservation or designee shall call the first meeting of the Aquatic Nuisance Control Study Committee to occur on or before July 31, 2023.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Aquatic Nuisance Control Study Committee shall cease to exist on April 1, 2024.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Aquatic Nuisance Control Study Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

(h) Definitions. As used in this section:

(1) "Aquatic nuisance" has the same meaning as in 10 V.S.A. § 1452.

(2) "Pesticide" has the same meaning as "economic poison" in 6 V.S.A. § 911.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 8-2-1)

Rep. Ode of Burlington, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Environment and Energy.

(Committee Vote: 11-1-0)

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Environment and Energy.

(Committee Vote: 12-0-0)

H. 158

An act relating to the beverage container redemption system

Rep. Morris of Springfield, for the Committee on Environment and Energy, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 53 is amended to read:

CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION SYSTEM

§ 1521. DEFINITIONS

As used in this chapter:

(1) “Beverage” means ~~beer or other malt beverages and mineral waters, mixed wine drink, soda water and carbonated soft~~ all drinks in liquid form and intended for human consumption, except for milk, dairy products, plant-based beverages, infant formula, meal replacement drinks, or nonalcoholic cider. ~~“Beverage” also means liquor and ready-to-drink spirits beverage.~~

(2) ~~“Biodegradable material” means material that is capable of being broken down by bacteria into basic elements. [Repealed.]~~

(3) “Container” means the individual, ~~and separate,~~ bottle, can, ~~or jar, or earthen~~ composed of glass, aluminum or other metal, paper, plastic, polyethylene terephthalate, high density polyethylene, or any combination of those materials, ~~and~~ containing a consumer product beverage. This definition shall does not include ~~containers made of biodegradable material~~ noncarbonated beverage containers with a volume greater than two and one-half liters and carbonated beverage containers with a volume greater than three liters.

(4) “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this State, including any

manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor ~~shall be~~ is a distributor.

(5) “Manufacturer” means every person bottling, canning, packing, or otherwise filling containers for sale to distributors or dealers.

(6) “Recycling” means the process of sorting, cleansing, treating, and reconstituting waste and other discarded materials for the purpose of reusing the materials in the same or altered form.

(7) “Redemption center” means a store or other location where any person may, during normal business hours, redeem the amount of the deposit for any empty beverage container labeled or certified pursuant to section 1524 of this title.

(8) “Secretary” means the Secretary of Natural Resources.

(9) “Mixed wine drink” means a beverage containing wine and more than 15 percent added plain, carbonated, or sparkling water and that contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring, or preservatives; that contains not more than 16 percent alcohol by volume; or other similar product marketed as a wine cooler.

(10) “Liquor” means spirits as defined in 7 V.S.A. § 2.

(11) “Cider” has the same meaning as in 7 V.S.A. § 2.

(12) “Hard kombucha” means a fermented beverage produced from a mixture of steeped tea and sugar, combined with a culture of yeast strains and bacteria, that has an alcohol content of 0.5 percent or more alcohol by volume.

(13) “Plant-based beverage” means a liquid intended for human consumption that imitates dairy milk, consists of plant material suspended in water, and the primary protein source in the beverage is from plant material or a derivative of plant materials. Plant-based beverages include beverages made from rice, soy, nuts, oats, and hemp.

(14) “Vinous beverages” means all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits or other agricultural product, containing sugar, the total alcoholic content of which is not less than one percent nor more than 16 percent by volume at 60 degrees Fahrenheit. As used in this section, “vinous beverages” does not mean cider, hard kombucha, or a mixed wine drink.

§ 1522. BEVERAGE CONTAINERS; DEPOSIT

(a) Except with respect to beverage containers that contain liquor, a deposit of not less than five cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers that contain a vinous beverage, a deposit of 15 cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers of volume greater than 50 ml. that contain liquor, a deposit of 15 cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. The difference between liquor bottle deposits collected and refunds made is hereby retained by the Liquor Control Enterprise Fund for administration of this subsection. Beginning on January 15, 2024 and annually thereafter, the Commissioner of Liquor and Lottery shall report to the Secretary of Natural Resources:

(1) the amount and tonnage of liquor bottles that the Department of Liquor and Lottery collected in the previous calendar year; and

(2) the redemption rate for liquor bottles in the previous calendar year.

(b) A retailer or a person operating a redemption center who redeems beverage containers shall be reimbursed by the manufacturer or distributor of such beverage containers in an amount that is three and one-half cents per container for containers of beverage brands that are part of a commingling program and ~~four~~ five cents per container for containers of beverage brands that are not part of a commingling program.

(c) [Repealed.]

~~(d) Containers shall be redeemed during no fewer than 40 hours per week during the regular operating hours of the establishment. [Repealed.]~~

§ 1522a. RULES

~~The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter. These rules may include the following:~~

~~(1) Provisions to ensure that beverage containers not labeled in accordance with section 1524 of this title are not redeemed.~~

~~(2) Provisions to ensure that beverage containers are commingled.~~

~~(3) Administrative penalties for the failure by a redemption center or retailer to remove beverage containers that are not labeled prior to pickup by a distributor or manufacturer. Penalties may include nonpayment of the deposit~~

~~and handling fee established under section 1522 of this title for a reasonable period of time and for the number of beverage containers that were not labeled.~~

~~(4) Any other provision that may be necessary for the implementation of this chapter. [Repealed.]~~

§ 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

(a) Except as provided in section 1522 of this title:

(1) A retailer shall not refuse to accept from any person any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the retailer, or refuse to pay to that person the refund value of a beverage container as established by section 1522 of this title, except as provided in subsection (b) of this section.

(2) A manufacturer or distributor may not refuse to pick up from a retailer that sells its product or a person operating a certified redemption center any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center the refund value of a beverage container as established by section 1522 of this title.

~~(b) A retailer, with the prior approval of the Secretary, may refuse to redeem beverage containers if a redemption center or centers are established that serve the public need stewardship plan that meets the requirements of section 1532 of this title has been implemented by the producer responsibility organization in the State and the retailer's building is less than 5,000 square feet.~~

(c) A retailer ~~or that is not exempt,~~ a person operating a redemption center, ~~or any other point of redemption~~ may only refuse to redeem beverage containers that are not clean, or are broken, and shall not redeem beverage containers that are not labeled in accordance with section 1524 of this title.

§ 1524. LABELING

(a)~~(1)~~ Every beverage container sold or offered for sale at retail in this State shall clearly indicate by embossing ~~or,~~ imprinting on the normal product label, ~~or in the case of a metal beverage container on the top of the container,~~ other approved method secured to the container the word "Vermont" or the letters "VT" ~~and the refund value of the container~~ one of the following in not less than one-eighth inch type size or such other alternate indications as may be approved by the Secretary:

(A) the refund value of the container;

(B) the words “refund value”; or

(C) the letters “RV”.

(2) The label shall be on the top lid of the beverage container, the side of the beverage container, or in a clearly visible location on the beverage container. This subsection does not prohibit including names or abbreviations of other states with deposit legislation comparable to this chapter.

(b) Each beverage container sold or offered for sale in the State that has a deposit pursuant to section 1522 of this title shall include a Universal Product Code and barcode. Each distributor shall provide the Universal Product Code and barcode as part of its beverage registration or within 60 days following March 1, 2025, whichever occurs first.

(c) The Commissioner of Liquor and Lottery may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Commissioner. The stickers shall be affixed to the bottles by the manufacturer, except that liquor that is sold in the State in quantities less than 100 cases per year may have stickers affixed by personnel employed by the Division of Liquor Control.

~~(e) This section shall not apply to permanently labeled beverage containers.~~

(d) The Secretary may allow a manufacturer, a distributor, or a retailer of vinous beverage containers to attach a conspicuous adhesive sticker to the beverage containers to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Secretary. If the Secretary allows the use of an adhesive sticker under this subsection, the sticker shall be affixed by the manufacturer, the distributor, or the retailer.

* * *

§ 1527. ~~PENALTY~~

~~A person who violates a provision of this chapter shall be fined not more than \$1,000.00 for each violation. [Repealed.]~~

* * *

§ 1529. REDEMPTION CENTER CERTIFICATION

A person operating a redemption center may obtain a certification from the Secretary. A redemption center certification shall include the following:

(1) Specification of the name and location of the facility;

(2) ~~If the certified redemption center redeems more than 250,000 containers per year, a requirement that the certified redemption center shall participate in an approved commingling agreement; and~~

(3) Additional conditions, requirements, and restrictions as the Secretary may deem necessary to implement the requirements of this chapter. This may include requirements concerning reporting, recording, and inspections of the operation of the site.

* * *

§ 1531. MANUFACTURER PARTICIPATION IN PRODUCER

RESPONSIBILITY ORGANIZATION

(a) No manufacturer or distributor may sell or distribute a beverage container in this State without participating in a Secretary-approved producer responsibility organization.

(b) On or before January 1, 2024, manufacturers of beverage containers sold or distributed within the State shall apply to the Secretary to form a producer responsibility organization to fulfill the requirement of manufacturers under this chapter.

(c) The Secretary may approve, for a period not longer than 10 years, the producer responsibility organization, provided that:

(1) the producer responsibility organization has the capacity to administer the requirements of a stewardship plan required by section 1532 of this title; and

(2) the producer responsibility organization does not create any unreasonable barriers to joining the producer responsibility organization and shall take into the consideration the needs of small manufacturers that do not generate a significant volume of containers.

(d) After approval, the producer responsibility organization shall maintain a website that identifies:

(1) the name and principal business address of each manufacturer participating in the producer responsibility organization; and

(2) the name of each beverage and the container size covered by the stewardship plan.

(e) If the producer responsibility organization fails to implement the requirements of this chapter, the rules adopted by the Secretary, or an approved stewardship plan, the Secretary may dissolve the producer responsibility organization.

(f) If no producer responsibility organization is formed, the Secretary shall either require the formation of the producer responsibility organization or adopt and administer a plan that meets the requirements of section 1532 of this title. If the Secretary administers the plan adopted under section 1532, the Secretary shall charge each manufacturer the costs of plan administration, the Agency's oversight costs, and a recycling market development assessment of 10 percent of the plan's total cost to be deposited in the Solid Waste Management Assistance Account of the Waste Management Assistance Fund, for the purpose of providing grants to develop markets to recycle materials.

(g) The producer responsibility organization shall reimburse the Agency of Natural Resources for all oversight costs in administering this chapter.

(h) Manufacturers and distributors of liquor are exempt from the requirements of this section and the requirement to implement a stewardship plan under section 1532 of this title.

§ 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

(a) Plan elements. On or before October 1, 2024, an approved producer responsibility organization shall submit a stewardship plan to the Secretary. A stewardship plan shall, at a minimum, meet all of the following requirements of this section:

(1) Convenience of collection. A plan shall ensure that consumers have convenient opportunities to redeem beverage containers. The plan shall take reasonable efforts to site points of redemption equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to redemption opportunities. A plan shall document how redemption services will be available to consumers as follows:

(A) at least three points of redemption per county that provide an immediate return of a deposit to a consumer unless a waiver is granted by the Secretary;

(B) at least one point of redemption per municipality with a population of 7,000 or more persons that provides an immediate return of a deposit to a consumer unless a waiver is granted by the Secretary; and

(C) how sites of redemption are or will be sited in areas with high population density or located in centers designated under 24 V.S.A. chapter 76A.

(2) Fair operation and compensation to redemption centers. The plan shall satisfy all of the following requirements.

(A) The plan shall describe how all locations that redeem beverage containers are fairly compensated for their participation in the collection program.

(B) There shall not be barriers to the participation in the collection program for a redemption center, except for restrictions that are authorized by the Secretary.

(C) The plan shall describe how management and sorting of containers at redemption centers is minimized. The plan shall document how brand sorting will be eliminated at points of redemption.

(D) The plan shall describe how materials will be picked up from redemption centers on a timely basis.

(E) The plan shall maximize the use of existing infrastructure when establishing points of collection under subdivision (1) of this subsection (a).

(3) Education to consumers. The plan shall describe what education efforts will be undertaken to increase the number of beverage containers redeemed in the State.

(4) Consultation with stakeholders. The producer responsibility organization shall consult with stakeholders on the development of the plan. The plan shall include processes for regular consultation, which shall not be less than annually, with stakeholders including the Agency, redemption centers, municipal and private recycling organizations, and other stakeholders.

(b) Reporting. At a frequency required by the Secretary but not less than annually, the producer responsibility organization shall report the following to the Secretary:

(1) the name, address, and business hours of each redemption center participating in the approved stewardship plan;

(2) the amount, in containers and tons, and material type of beverage containers redeemed under the plan and the redemption rate by the following categories of:

(A) vinous beverage containers; and

(B) all other beverage containers;

(3) the location and amount of beverage container material that was recycled and what products that beverage container material was recycled into;

(4) the carbon impacts associated with the administration of the stewardship plan;

(5) the costs associated with administration of the stewardship plan, including the costs of collection, management, and transportation of redeemed containers and the amount received for commodities;

(6) a description of any improvements made in the reporting year to increase ease and convenience for consumers to return beverage containers for redemption;

(7) efforts taken by or on behalf of the manufacturer or distributor to reduce environmental impacts throughout the product life cycle and to increase reusability or recyclability at the end of the life cycle by material type;

(8) efforts taken by or on behalf of the producer responsibility organization to improve the environmental outcomes of the program by improving operational efficiency, such as reduction of truck trips through improved material handling or compaction or the increased use of refillable containers in a local refilling system;

(9) a description and copies of educational materials and educational strategies the producer uses for the purposes of this program; and

(10) any additional information required by the Secretary.

(c) Secretary of Natural Resources approval. The plan shall be submitted to the Secretary, and, after concluding that the elements of the plan will maximize diversion of recyclable materials, provide convenience to users, and create a more circular economy, the Secretary's approval pursuant to this subsection shall be for a period not greater than five years.

§ 1533. PROGRAM AND FISCAL AUDIT

(a) Program audit. Beginning on March 1, 2030 and every five years thereafter, the producer responsibility organization shall conduct an independent third-party program audit of the operation of the stewardship plan. The audit shall make recommendations to improve the operation of the collection program established by this chapter.

(b) Fiscal audit. Beginning on March 1, 2026 and annually thereafter, the producer responsibility organization shall conduct an independent third-party fiscal audit of the program. The fiscal audit shall provide a transparent fiscal analysis of the producer responsibility organization, its expenditures, the number of beverage containers collected, and the amount of unclaimed deposits. The audit shall also provide the redemption rate of beverage containers redeemed in the State after approval by the Secretary.

(c) Submission to Secretary. The results of each audit required under subsections (a) and (b) of this section shall be submitted to the Secretary for

purposes of reviewing performance of the stewardship plan and for oversight of the requirements of this chapter.

§ 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;

REPORT

(a) It is a goal of the State that the following minimum beverage container redemption rates shall be satisfied by the specified dates:

- (1) Beginning on July 1, 2026: 75 percent.
- (2) Beginning on July 1, 2030: 80 percent.
- (3) Beginning on July 1, 2035: 85 percent.
- (4) Beginning on July 1, 2040: 90 percent.

(b) Beginning on July 1, 2025 and annually thereafter, the Secretary of Natural Resources shall submit to the Senate Committees on Natural Resources and Energy and on Finance and the House Committees on Environment and Energy and on Ways and Means a written report containing the current beverage container redemption rate in the State for the following three categories of beverage containers:

- (1) liquor bottles;
- (2) vinous beverage containers; and
- (3) all other beverage containers.

(c) Beginning on January 1, 2028, if the Secretary determines that the redemption rate goal established in subsection (a) of this section was not met for one or more of the beverage container categories listed under subsection (b) of this section for two consecutive years, the beverage container deposit for the category shall increase by five cents, provided that the maximum deposit for any beverage container category shall not exceed 20 cents for vinous beverage containers and liquor bottles and shall not exceed 10 cents for every other container. Within one year following the Secretary's determination under this section, manufacturers and distributors shall comply with the labeling requirements of section 1524 of this title before assessing the relevant deposit established under this subsection for the beverage container.

§ 1535. RULEMAKING

The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter.

Sec. 2. 10 V.S.A. § 1530(c)(1) is amended to read:

~~(c)(1) On or before January 1, 2020, and quarterly thereafter, Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any 50 percent of the abandoned beverage container deposits from the preceding quarter. The remaining 50 percent of the abandoned beverage container deposits shall be retained by the producer responsibility organization implementing the requirements of this chapter for the deposit initiator.~~ The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 3. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes ~~50 percent of the~~ any abandoned beverage container deposits from the preceding quarter. ~~The remaining 50 percent of the abandoned beverage container deposits shall be retained by the producer responsibility organization implementing the requirements of this chapter for the deposit initiator.~~ The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 4. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when adopting general permits, except for general permits governed by section 7712 of this chapter, and when considering other permits listed in this section.

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

(A) Each general permit issued pursuant to the Secretary's authority under this title other than a general permit subject to section 7712 of this chapter. However, this section does not apply to a notice of intent under a general permit.

(B) Issuance of a dam safety order under chapter 43 of this title, except for an unsafe dam order under section 1095 of this title.

(C) An application or request for approval of:

(i) an aquatic nuisance control permit under chapter 50 of this title;

(ii) a change in treatment for a public water supply under chapter 56 of this title;

(iii) a collection plan for mercury-containing lamps under section 7156 of this title;

(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title; ~~and~~

(v) a primary battery stewardship plan under section 7586 of this title; and

(vi) approval of a stewardship plan required under chapter 53 of this title.

(b) Notice of application. The Secretary shall provide notice of an administratively complete application through the environmental notice bulletin.

(c) Notice of draft decision; comment period. The Secretary shall provide notice of the draft decision through the environmental notice bulletin and shall post the draft decision to the bulletin. The Secretary shall provide a public comment period.

(d) Public meeting. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at ~~his or her~~ the Secretary's discretion.

(e) Notice of final decision. The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision to the bulletin. The Secretary shall provide a response to comments.

Sec. 5. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the Clean Water Fund to be administered by the Secretary of Administration. The Fund shall consist of:

(1) revenues from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a;

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) 50 percent of the unclaimed beverage container deposits (escheats) remitted to the State under chapter 53 of this title;

(4) six percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and any earnings shall remain in the Fund from year to year.

Sec. 6. 10 V.S.A. § 6618(a) is amended to read:

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have three accounts: one for Solid Waste Management Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title; and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax that is deposited to the Hazardous Waste Management Assistance Account exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13; 50 percent of the unclaimed beverage container deposits remitted to the State under chapter 53 of this title; and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate Fund account. Disbursements from the Fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

Sec. 7. SYSTEMS ANALYSIS OF BEVERAGE CONTAINER SYSTEM

On or before January 15, 2025, the Agency of Natural Resources shall submit to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy a written report on:

(1) an estimate of the total system costs and savings associated with the implementation of the expanded beverage container redemption system under 10 V.S.A. chapter 53, including climate impacts;

(2) an estimate of the impacts of an expanded beverage container redemption system on the recycling system, including how much additional beverage container material will be collected by the expansion of the bottle bill; the operational savings, if any, on material recovery facilities; the loss to material recovery facilities from the removal of bottle bill material from the recycling system; and an estimate of the impacts on tipping fees at each material recovery facility;

(3) an estimate of the costs of operating a redemption center and other alternate points of redemption under a stewardship plan and a recommendation on whether the handling fee should be altered or replaced with an alternative means of compensating points of redemption;

(4) an estimate of the impact on overall recycling in the State and the redemption rates of beverage containers under 10 V.S.A. chapter 53 if the producer responsibility organization (PRO) implementing the stewardship plan under that chapter were authorized to retain 100 percent, 50 percent, or none of the abandoned beverage container deposits, including:

(A) the estimated number of beverage container redemption sites in the State under the PRO's stewardship plan under each option for the PRO's retention of the abandoned beverage container deposits; and

(B) the geographic distribution of beverage container redemption sites across the State under the PRO's stewardship plan under each option for the PRO's retention of the abandoned beverage container deposits.

(5) an estimate of the impact on the Clean Water Fund and State implementation of the State's water quality programs and regulatory requirements if the abandoned beverage container deposits were not deposited into the Clean Water Fund under 10 V.S.A. § 1388.

Sec. 8. REPEAL

10 V.S.A. § 1528 (beverage registration with ANR) and 10 V.S.A. § 1529 (redemption center certification by ANR) are repealed on March 1, 2025.

Sec. 9. IMPLEMENTATION; TRANSITION

(a) In the implementation and enforcement of the requirements of this act, the Secretary of Natural Resources may:

(1) allow beverage containers to be sold or redeemed that do not meet the labeling requirements of 10 V.S.A. § 1524;

(2) determine whether a beverage or container is subject to the requirements of 10 V.S.A. chapter 53 due to the nature of the beverage or the composition or size of the container; and

(3) exercise discretion in the administration and enforcement of the requirements of 10 V.S.A. chapter 53 for categories or types of beverages or beverage containers.

(b) This section shall be repealed on March 1, 2028.

Sec. 10. BOTTLE BILL RECYCLING AND MATERIALS REPORTING

A manufacturer or distributor collecting beverage containers subject to 10 V.S.A chapter 53 shall report recycling information to the Secretary of Natural Resources in the same manner as recycled materials are reported to the Secretary under 10 V.S.A. chapter 159. The information shall include:

(1) the amount in containers and tons and material type of beverage container collected; and

(2) the location and amount of beverage container material and what products the beverage containers were recycled into.

Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) in Sec. 1, 10 V.S.A. § 1521(1) (expansion of the definition of beverage types) and 10 V.S.A. § 1522(a)(deposit for vinous beverages) shall take effect on January 1, 2027;

(2) in Sec. 1, 10 V.S.A. § 1524(b) (requiring a UPC label on containers) shall take effect on March 1, 2025;

(3) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting the sale or distribution without participating in the producer responsibility organization) shall take effect on March 1, 2025;

(4) Sec. 2 (remittance of abandoned beverage container deposits) shall take effect on January 1, 2026;

(5) Sec. 3. (repeal of remittance of beverage container deposit) shall take effect on July 1, 2031;

(6) Sec. 5 (changing the amount of funds deposited in the Clean Water Fund) shall take effect on July 1, 2031; and

(7) Sec. 6 (Waste Management Assistance Fund) shall take effect on July 1, 2031.

(Committee Vote: 10-1-0)

Rep. Ode of Burlington, for the Committee on Ways and Means, recommends the report of the Committee on Environment and Energy be amended as follows:

First: In Sec. 1, 10 V.S.A. chapter 53, in section 1522, in subsection (a), after “a deposit of” and before “five cents shall be paid”, by striking out the “not less than” and inserting in lieu thereof “~~not less than~~”

Second: In Sec. 1, 10 V.S.A. chapter 53, in section 1522, by inserting a new subsection (c) to read:

(c) Alcoholic beverages permitted to be shipped directly to a consumer under 7 V.S.A. § 277 shall be exempt from:

(1) the beverage container deposit requirement of subsection (a) of this section;

(2) the labeling requirements of section 1524 of this title; and

(3) the abandoned beverage container deposit requirements of section 1530 of this title.

Third: In Sec. 1, 10 V.S.A. chapter 53, in section 1523, in subdivision (a)(2), after “A manufacturer or distributor” and before “not refuse” by striking out “may” and inserting in lieu thereof “may shall”

Fourth: In Sec. 1, 10 V.S.A. chapter 53, in section 1524, in subdivision (a)(1), by striking out “by embossing ~~or~~, imprinting on the normal product label, or” and inserting in lieu thereof “by embossing ~~or~~ on the normal product label, imprinting on the normal product label, or”

Fifth: In Sec. 1, 10 V.S.A. chapter 53, in section 1529, in the first sentence of the section, after “a redemption center” and before “obtain a certification” by striking out the word “may” and inserting in lieu thereof “may shall”

and in the newly designated subdivision (2), in the second sentence, after “This” and before “include requirements” by striking out “may” and inserting in lieu thereof “may shall”

Sixth: In Sec. 1, 10 V.S.A. chapter 53, in section 1531, by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read:

(g) The producer responsibility organization shall reimburse the Secretary for the costs of overseeing the administration of the program under this chapter as follows:

(1) The Secretary shall annually provide an estimate of the costs of overseeing the administration of the program to the producer responsibility program, including staff costs, compliance, and oversight of the system.

(2) The producer responsibility organization shall provide any comments to the Secretary's budget within 30 days of receipt. The Agency of Natural Resource shall respond to all comments provided by the producer responsibility organization and may make changes to its budget in response to those comments. These comments and the responses shall be provided to the General Assembly as a part of the Secretary's budget.

(3) Reimbursement of Agency of Natural Resources costs under this subsection shall be subject to the State budgeting process, and the producer responsibility organization shall not be required to reimburse any Agency cost unless that cost is approved as a part of the Agency's budget.

Seventh: In Sec. 1, 10 V.S.A. chapter 53, in section 1532, in subdivision (b)(9), after “and educational strategies the” and before “uses for the purposes of” by striking out “producer” and inserting in lieu thereof “producer responsibility organization”

Eighth: In Sec. 1, 10 V.S.A. chapter 53, in section 1533, in subsection (b), in the last sentence, after “redeemed in the State” and before the period by striking out “after approval by the Secretary”

and in section 1533, subsection (b), by adding a new last sentence to read:

The Secretary shall approve the audit results and the redemption rate of beverage containers included in the audit.

Ninth: In Sec. 1, 10 V.S.A. chapter 53, in section 1534, by striking out subsection (c) in its entirety and inserting in lieu thereof new subsection (c) to read as follows:

(c) Beginning on July 1, 2025 and every five years thereafter, the Secretary of Natural Resources shall submit to the Senate Committees on Natural Resources and Energy and on Finance and the House Committees on Environment and Energy and on Ways and Means a written report containing:

(1) the current beverage container redemption rate in the State; and

(2) a recommendation of whether the General Assembly should enact legislation to increase the beverage container deposit in order to improve redemption of beverage containers.

Tenth: In Sec. 1, 10 V.S.A. chapter 53, by adding a section 1536 to read:

§ 1536. ANTITRUST; CONDUCT AUTHORIZED

(a) Activity authorized. A manufacturer, group of manufacturers, or producer responsibility organization implementing or participating in an approved collection plan under this chapter for the collection, transport, processing, and management of beverage container is individually or jointly immune from liability for conduct under State laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the extent that the conduct is reasonably necessary to plan, implement, and comply with the producer responsibility organization's chosen system for beverage containers.

(b) Limitations on antitrust activity. Subsection (a) of this section shall not apply to an agreement among producers, groups of manufacturers, retailers, wholesalers, or the producer responsibility organization affecting the price of beverage containers or any agreement restricting the geographic area in which or customers to whom beverage containers shall be sold.

Eleventh: By striking out Secs. 2 and 3, 10 V.S.A. § 1530(c)(1), in their entirety and inserting in lieu thereof the following new Secs. 2–3a to read as follows:

Sec. 2. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) ~~On or before January 1, 2020, and quarterly thereafter, Every~~ quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. ~~The Commissioner of Taxes shall deposit the first \$3,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund under 10 V.S.A. § 1388. The Commissioner shall return to the producer responsibility organization implementing the requirements of this chapter any abandoned beverage container deposits in excess of the amount deposited into the Clean Water Fund.~~ The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 3. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The Commissioner of Taxes shall deposit the first ~~\$3,000,000.00~~ \$4,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund under 10

V.S.A. § 1388. The Commissioner shall return to the producer responsibility organization implementing the requirements of this chapter any abandoned beverage container deposits in excess of the amount deposited into the Clean Water Fund. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 3a. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The Commissioner of Taxes shall deposit the first \$4,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund under 10 V.S.A. § 1388. The Commissioner shall ~~return to the producer responsibility organization implementing the requirements of this chapter~~ deposit into the Solid Waste Management Assistance Account of the Waste Management Assistance Fund any abandoned beverage container deposits in excess of the amount deposited into the Clean Water Fund. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Twelfth: By striking out Sec. 5, 10 V.S.A. § 1388, in its entirety and inserting in lieu thereof a new Sec. 5 to read:

Sec. 5. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the Clean Water Fund to be administered by the Secretary of Administration. The Fund shall consist of:

(1) revenues from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a;

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) the unclaimed beverage container deposits (escheats) ~~remitted to the State~~ required to be deposited to the Fund under chapter 53 of this title;

(4) six percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and any earnings shall remain in the Fund from year to year.

Thirteenth: In Sec. 6, 10 V.S.A. § 6618(a), by striking out “50 percent of the unclaimed beverage container deposits remitted to the State under chapter 53 of this title;” where it appears and inserting in lieu thereof “the unclaimed beverage container deposits allocated to the Account under chapter 53 of this title;”

Fourteenth: In Sec. 7, systems analysis, in subdivision (2), after “will be collected by the expansion of the” and before the semicolon, by striking out “bottle bill” and inserting in lieu thereof “beverage container redemption system”

and in subdivision (2) after “the loss to material recovery facilities from the removal of” and before “from the recycling system;” by striking out “bottle bill material” and inserting in lieu thereof “material collected under the beverage container redemption system”

Fifteenth: By striking out Sec. 11 (effective dates) in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) in Sec. 1, 10 V.S.A. § 1521(1) (expansion of the definition of beverage types) and 10 V.S.A. § 1522(a)(deposit for vinous beverages) shall take effect on January 1, 2027;

(2) in Sec. 1, 10 V.S.A. § 1524(b) (requiring a UPC label on containers) shall take effect on March 1, 2025;

(3) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting the sale or distribution without participating in the producer responsibility organization) shall take effect on March 1, 2025;

(4) Sec. 2 (abandoned beverage container deposits; initial Clean Water Fund amount) shall take effect on January 1, 2026;

(5) Sec. 3. (abandoned beverage container deposit; Clean Water Fund amount on expansion) shall take effect on January 1, 2027;

(6) Sec. 3a. (abandoned beverage container deposit; Solid Waste Management Assistance Account) shall take effect on July 1, 2031

(7) Sec. 5 (deposits to Clean Water Fund) shall take effect January 1, 2026.

(8) Sec. 6 (Waste Management Assistance Fund) shall take effect on July 1, 2031.

(Committee Vote: 9-3-0)

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Environment and Energy and when further amended as recommended by the Committee on Ways and Means.

(Committee Vote: 8-4-0)

Amendment to be offered by Reps. Morris of Springfield, Sheldon of Middlebury, Bongartz of Manchester, Clifford of Rutland City, Logan of Burlington, Patt of Worcester, Satcowitz of Randolph, Sibilia of Dover, Smith of Derby, Stebbins of Burlington, and Torre of Moretown to H. 158

First: In Sec. 1, 10 V.S.A. chapter 53, in section 1534, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Beginning on January 1, 2028, if the Secretary determines that the redemption rate goal established in subsection (a) of this section was not met for one or more of the beverage container categories listed under subsection (b) of this section for two consecutive years, the beverage container deposit for the category shall increase by five cents, provided that the maximum deposit for any beverage container category shall not exceed 20 cents for vinous beverage containers and liquor bottles and shall not exceed 10 cents for every other container. Within one year following the Secretary's determination under this section, manufacturers and distributors shall comply with the labeling requirements of section 1524 of this title before assessing the relevant deposit established under this subsection for the beverage container.

Second: In Sec. 3a, 10 V.S.A. § 1530(c)(1), in the second sentence, by striking out “shall deposit the first \$4,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund” and inserting in lieu thereof “annually shall deposit 50 percent or the first \$4,000,000.00, whichever is greater, of the abandoned beverage container deposits into the Clean Water Fund”

H. 205

An act relating to establishing the Small Farm Diversification and Transition Program

Rep. Surprenant of Barnard, for the Committee on Agriculture, Food Resiliency, and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. chapter 207, subchapter 4 is added to read:

Subchapter 4. Small Farmer Diversification and Transition Program

§ 4631. Small Farmer Diversification and Transition Program

(a) The Small Farmer Diversification and Transition Program is created at the Agency of Agriculture, Food and Markets to provide small farmers in Vermont with State financial assistance to diversify production on a farm or to transition from one form of farming to another. Assistance under the Program shall be in the form of grants. Small Farmer Diversification and Transition Program grants shall be used for costs of:

- (1) diversifying the farm products produced by the applicant;
- (2) transitioning the applicant from one form of farming to another;
- (3) processing of farm products on the farm owned or controlled by the applicant; and
- (4) development of an accessory on-farm business by the applicant.

(b) An applicant for a Small Farmer Diversification and Transition Program grant shall demonstrate to the Secretary of Agriculture, Food and Markets that:

- (1) the applicant is a small farmer;
- (2) the applicant houses not more than the number of animals specified under section 4857 of this title;
- (3) there is potential from the proposed diversification or transition to create additional income for the small farmer;
- (4) the applicant has a proposed plan for diversification or transition that includes possible markets for the proposed product and probable income; and
- (5) the applicant is not permitted as a medium farm or large farm at the time of application.

(c)(1) The Secretary of Agriculture, Food and Markets shall issue Small Farmer Diversification and Transition Program grants under this section when funds are available for the Program. The maximum amount of a grant under this section shall be \$15,000.00 per farmer per year, and all projects funded by the grant shall be completed within 12 months of receipt of the grant by the small farmer.

(d)(1) The Secretary shall provide public notice of available grants and shall provide applicants with technical assistance in complying with application requirements. The Secretary shall publicize the Small Farmer Diversification and Transition Program in newsletters, press releases, e-mail, and other communications from the Agency of Agriculture, Food and Markets.

(2) The Secretary shall hold the application process open beginning November 1 of each year and shall close the application period on December 31 of each year.

(3) Applications shall not be processed until the Secretary determines that the application is administratively complete and includes all required documentation required by the Secretary.

(4)(A) The Secretary shall evaluate applications based on the following criteria, which shall be weighted equally:

(i) the potential from the proposed diversification or transition to create additional income for the small farmer; and

(ii) the viability of the possible markets identified in the plan for the proposed product.

(B) The Secretary shall award grants to the applicants according to the total weighted scores beginning with the highest score until all funds are expended.

(e) As used in this subchapter:

(1) "Farm products" means:

(A) crops grown, growing, or to be grown, including:

(i) plants grown for food, feed, and fiber, but excluding trees grown for timber purposes;

(ii) Christmas trees;

(iii) maple sap;

(iv) horticultural, viticultural, or orchard crops, and

(v) pasture; and

(B) livestock, born or unborn, including goods produced in aquacultural operations; or

(C) products of crops or livestock produced by the small farmer.

(2) "Small farmer" means any person who:

(A) earns at least one-half of the person’s annual gross income from the business of farming as that term is defined in Regulation 1.175-3 issued under the Internal Revenue Code of 1986;

(B) is engaged in “farming” as that term is defined in 10 V.S.A. § 6001(22), regardless of the size of the parcel, and whose gross income from the sale of the farm products equals at least one-half of the farmer’s annual gross income; or

(C) a small farm subject to the Required Agricultural Practices.

Sec. 2. APPROPRIATION

In addition to any other funds appropriated to the Agency of Agriculture, Food and Markets in fiscal year 2024, \$500,000.00 is appropriated from the General Fund to the Agency of Agriculture, Food and Markets for purposes of the Small Farmer Diversification and Transition Program. Funds appropriated under this section that are unexpended in fiscal year 2024 shall carry forward for use by the Agency of Agriculture, Food and Markets in fiscal year 2025 for purpose of awarding grants under 6 V.S.A. § 4631 for the Small Farmer Diversification and Transition Program.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

and that after passage the title of the bill be amended to read “An act relating to establishing the Small Farmer Diversification and Transition Program”

(Committee Vote: 10-0-1)

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommends the report of the Committee on Agriculture, Food Resiliency, and Forestry be amended as follows:

First: In Sec. 1, 6 V.S.A. chapter 207, subchapter 4, in section 4631, in subsection (a), after the first sentence and before the second sentence by adding a new sentence to read:

The Agency staff that support the Working Lands Enterprise Board shall administer the Program.

Second: By striking out Sec. 2 , appropriation, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. APPROPRIATION

In addition to any other funds appropriated to the Agency of Agriculture, Food and Markets in fiscal year 2024, \$350,000.00 of one-time funds are

appropriated from the General Fund in fiscal year 2024 to the Agency of Agriculture, Food and Markets for purposes of implementing of the Small Farmer Diversification and Transition Program.

(Committee Vote: 12-0-0)

H. 222

An act relating to reducing overdoses

Rep. Whitman of Bennington, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Needle and Syringe Disposal Expansion * * *

Sec. 1. 18 V.S.A. § 4224 is amended to read:

§ 4224. UNUSED PRESCRIPTION DRUG, NEEDLE, AND SYRINGE DISPOSAL PROGRAM

(a) The Department of Health shall establish and maintain the statewide Unused Prescription Drug, Needle, and Syringe Disposal Program to provide for the safe disposal of Vermont residents' unused and unwanted prescription drugs, needles, and syringes. The Program may include establishing secure collection and disposal sites and providing medication envelopes for sending unused prescription drugs to an authorized collection facility for destruction.

* * *

Sec. 2. REGIONAL STAKEHOLDER MEETINGS; PUBLIC NEEDLE AND SYRINGE DISPOSAL PROGRAMS

(a) Between July 1 and December 31, 2023, the Department of Health and the Blueprint for Health's Accountable Communities for Health shall facilitate a series of regional stakeholder meetings regarding public needle and syringe disposal programs. The meetings shall include representatives from municipalities, hospitals, individuals with lived experience of injection drug use, and substance use disorder service providers, with the goal of determining the appropriate placement of public needle and syringe disposal programs based on local needs, best practices, and rural access.

(b) On or before January 15, 2024, the Department shall present information to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the progress of the regional stakeholder meetings required pursuant to this section and the statewide establishment of public needle and syringe disposal programs.

Sec. 3. APPROPRIATION; COMMUNITY NEEDLE AND SYRINGE

DISPOSAL PROGRAMS

In fiscal year 2024, \$150,000.00 is appropriated from the Evidence-Based Education and Advertising Fund in 33 V.S.A. 2004a to the Department of Health's Division of Substance Use Programs to provide grants and consultations for municipalities, hospitals, community health centers, and other publicly available community needle and syringe disposal programs that participated in a stakeholder meeting pursuant to Sec. 2 of this act.

Sec. 3a. 33 V.S.A. § 2004 is amended to read:

§ 2004. MANUFACTURER FEE

(a) Annually, each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee to the Agency of Human Services. The fee shall be ~~1.75~~ 2.25 percent of the previous calendar year's prescription drug spending by the Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

* * *

Sec. 3b. PRESENTATION; NEEDLE AND SYRINGE SERVICES

On or before February 15, 2024, the Department of Health, in consultation with stakeholders, including needle and syringe service providers, individuals with lived experience of injection-use drugs, other community-based service providers, and representatives from regions of the State without a fixed site for syringe service programs, shall present to the House Committee on Human Services and to the Senate Committee on Health and Welfare information addressing:

- (1) unmet needle and syringe service needs throughout the State;
- (2) required resources to ensure equitable access to needle and syringe services throughout the State; and
- (3) who is best positioned to provide needle and syringe services.

* * * Opioid Antagonists * * *

Sec. 4. 18 V.S.A. § 4240 is amended to read:

§ 4240. PREVENTION AND TREATMENT OF OPIOID-RELATED OVERDOSES

(a) As used in this section:

(1) “Health care professional” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a physician assistant licensed to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 31, an advanced practice registered nurse authorized to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 28, or a pharmacist licensed pursuant to 26 V.S.A. chapter 36.

(2) “Opioid antagonist” means a drug that, when administered, negates or neutralizes in whole or part the pharmacological effects of an opioid in the body.

(3) “Victim” means the person who has overdosed on an opioid ~~drug~~ or who is believed to have overdosed on an ~~opiate drug~~ opioid.

(b) For the purpose of addressing prescription and nonprescription opioid overdoses in Vermont, the Department shall develop and implement a prevention, intervention, and response strategy, depending on available resources, that shall:

(1) provide educational materials on opioid overdose prevention to the public free of charge, ~~including to substance abuse treatment providers, health care providers, opioid users, and family members of opioid users;~~

(2) increase community-based prevention programs aimed at reducing risk factors that lead to opioid overdoses;

(3) increase timely access to treatment services for opioid users, including ~~medication-assisted treatment~~ medication for opioid use disorder;

(4)(A) educate substance abuse use treatment providers on methods to prevent opioid overdoses;

(B) provide education, information, and training on overdose prevention, intervention, and response, including the status of legal possession of substances and harm reduction supplies, to individuals living with ~~addiction~~ opioid use disorder and participating in ~~opioid treatment programs~~, needle and syringe exchange programs, recovery programs, residential drug substance use disorder treatment programs, or correctional services;

(5) ~~facilitate overdose prevention, drug treatment, and addiction recovery services by implementing and expanding~~ implement and expand hospital referral services for individuals treated for an opioid overdose; ~~and~~

(6) develop a statewide opioid antagonist ~~pilot~~ program that emphasizes access to opioid antagonists to and for the benefit of individuals with a ~~history~~ of opioid use disorder;

(7) distribute opioid antagonists to entities in a position to assist those at risk of experiencing an opioid-related overdose; and

(8) establish opioid antagonist dispensing kiosks in locations accessible to those at risk of experiencing an opioid-related overdose.

(c)(1) A health care professional acting in good faith and within ~~his or her~~ the professional's scope of practice may directly or by standing order prescribe, dispense, and distribute an opioid antagonist to the following persons, ~~provided the person has been educated about opioid-related overdose prevention and treatment in a manner approved by the Department:~~

(A) a person at risk of experiencing an opioid-related overdose; or

(B) a family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(2) A health care professional who prescribes, dispenses, or distributes an opioid antagonist in accordance with subdivision (1) of this subsection shall be immune from civil or criminal liability with regard to the subsequent use of the opioid antagonist, unless the health professional's actions with regard to prescribing, dispensing, or distributing the opioid antagonist constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(d)(1) A person may administer an opioid antagonist to a victim if ~~he or she~~ the person believes, in good faith, that the victim is experiencing an opioid-related overdose.

~~(2) After a person has administered an opioid antagonist pursuant to subdivision (1) of this subsection (d), he or she shall immediately call for emergency medical services if medical assistance has not yet been sought or is not yet present.~~

~~(3) A person shall be immune from civil or criminal liability for administering an opioid antagonist to a victim pursuant to subdivision (1) of this subsection unless the person's actions constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.~~

(e) A person acting on behalf of a community-based overdose prevention program or a licensed pharmacist shall be immune from civil or criminal liability for providing education on opioid-related overdose prevention or for purchasing, acquiring, distributing, or possessing an opioid antagonist unless

the person's actions constituted recklessness, gross negligence, or intentional misconduct.

(f) Any health care professional who treats a victim and who has knowledge that the victim has been administered an opioid antagonist within the preceding 30 days shall refer the victim to professional substance ~~abuse~~ use disorder treatment services.

* * * Operation of Needle and Syringe Service Programs * * *

Sec. 5. 18 V.S.A. § 4475 is amended to read:

§ 4475. DEFINITIONS

(a) As used in this chapter:

(1) The term “drug paraphernalia” means all equipment, products, devices, and materials of any kind that are used, or promoted for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a regulated drug in violation of chapter 84 of this title. “Drug paraphernalia” does not include needles ~~and~~, syringes, or other harm reduction supplies distributed or possessed as part of an organized community-based needle exchange program.

* * *

* * * Prescribing Medications to Treat Opioid Use Disorder * * *

Sec. 6. 8 V.S.A. § 4089i is amended to read:

* * *

(e)(1) A health insurance or other health benefit plan offered by a health insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs and uses step-therapy protocols shall not require failure on the same medication on more than one occasion for continuously enrolled members or subscribers.

(2) Nothing in this subsection shall be construed to prohibit the use of tiered co-payments for members or subscribers not subject to a step-therapy protocol.

(3) Notwithstanding subdivision (1) of this subsection, a health insurance or other health benefit plan offered by an insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs shall not utilize a step-therapy, “fail first,” or other protocol

that requires documented trials of a medication, including a trial documented through a “MedWatch” (FDA Form 3500), before approving a prescription for the treatment of substance use disorder.

* * *

Sec. 6a. 18 V.S.A. § 4750 is amended to read:

§ 4750. DEFINITIONS

As used in this chapter:

* * *

(2) ~~“Medication-assisted treatment~~ Medication for opioid use disorder” means the use of U.S. Food and Drug Administration-approved medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.

Sec. 6b. 18 V.S.A. § 4752 is amended to read:

§ 4752. OPIOID ~~ADDICTION~~ USE DISORDER TREATMENT SYSTEM

(a) The Departments of Health and of Vermont Health Access shall establish by rule in accordance with 3 V.S.A. chapter 25 a regional system of ~~opioid addiction~~ use disorder treatment.

(b) ~~The rules shall include the following requirements:~~ may address requirements for pharmacological treatment, including initial assessments, ongoing follow-up, provider education, and diversion prevention.

~~(1) Patients shall receive appropriate, comprehensive assessment and therapy from a physician or advanced practice registered nurse and from a licensed clinical professional with clinical experience in addiction treatment, including a psychiatrist, master’s or doctorate-level psychologist, mental health counselor, clinical social worker, or drug and alcohol abuse counselor.~~

~~(2) A medical assessment shall be conducted to determine whether pharmacological treatment, which may include methadone, buprenorphine, and other federally approved medications to treat opioid addiction, is medically appropriate.~~

~~(3) A routine medical assessment of the appropriateness for the patient of continued pharmacological treatment based on protocols designed to encourage cessation of pharmacological treatment as medically appropriate for the individual treatment needs of the patient.~~

~~(4)(c)~~ Controlled substances for use ~~in federally approved pharmacological treatments for~~ treating opioid addiction use disorder shall be dispensed only by:

~~(A)(1)~~ a treatment program authorized by the Department of Health;
or

~~(B)(2)~~ a ~~physician or advanced practice registered nurse~~ health care provider who is not affiliated with an authorized treatment program but who meets federal requirements for use of controlled substances in the pharmacological treatment of opioid addiction use disorder.

~~(5)~~ ~~Comprehensive education and training requirements shall apply for health care providers, pharmacists, and the licensed clinical professionals listed in subdivision (1) of this subsection, including relevant aspects of therapy and pharmacological treatment.~~

~~(6)~~ ~~Patients shall abide by rules of conduct, violation of which may result in discharge from the treatment program, including:~~

~~(A)~~ ~~provisions requiring urinalysis at such times as the program may direct;~~

~~(B)~~ ~~restrictions on medication dispensing designed to prevent diversion of medications and to diminish the potential for patient relapse; and~~

~~(C)~~ ~~such other rules of conduct as a provider authorized to provide treatment under subdivision (4) of this subsection (b) may require.~~

(d) Controlled substances for use in treatment of opioid use disorder may be prescribed via telehealth in accordance with federal requirements.

(e) The Department of Vermont Health Access shall not require a health care provider to document a patient's adverse reaction to a medication prior to prescribing an alternative medication for opioid use disorder to the patient.

Sec. 6c. 18 V.S.A. § 4753 is amended to read:

§ 4753. CARE COORDINATION

Prescribing physicians and collaborating health care and addictions professionals may coordinate care for patients receiving ~~medication-assisted treatment for substance~~ medication for opioid use disorder, which may include monitoring adherence to treatment, coordinating access to recovery supports, and providing counseling, contingency management, and case management services.

* * * Prior Authorization of Medication for Opioid Use Disorder for Medicaid Beneficiaries * * *

Sec. 7. 33 V.S.A. § 19011 is added to read:

§ 19011. MEDICATION FOR OPIOID USE DISORDER

(a) The Agency of Human Services shall provide coverage to Medicaid beneficiaries for medically necessary medication for opioid use disorder when prescribed by a health care professional practicing within the scope of the professional's license and participating in the Medicaid program.

(b) Pending approval of the Drug Utilization Review Board, the Agency shall cover at least one medication in each therapeutic class for methadone, buprenorphine, and naltrexone as listed on Medicaid's preferred drug list without requiring prior authorization.

Sec. 8. PRIOR AUTHORIZATION; MEDICATION FOR OPIOID USE
DISORDER; COMMUNITY REENTRY

On or before November 1, 2023, the Joint Legislative Justice Oversight Committee shall provide recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding any legislative action needed to ensure continuity of treatment for individuals reentering the community after discharge from a correctional setting, including eliminating prior authorization for medication for opioid use disorder.

Sec. 8a. REPORT; PRIOR AUTHORIZATION; SUBSTANCE USE
DISORDER TREATMENT

The Department of Vermont Health Access shall research, in consultation with individuals representing diverse professional perspectives, the feasibility and costs of administering a gold card program for substance use disorder treatment in which the Agency of Human Services shall not require a health care provider to obtain prior authorization for substance use disorder treatment if, in the most recent six-month evaluation period, the Agency has approved or would have approved not less than 90 percent of the prior authorization requests submitted by the health care provider for the medication. On or before December 1, 2023, the Department's research shall be submitted

to the Drug Utilization Review Board and Clinical Utilization Review Board for review, consideration, and the provision recommendations. On or before April 1, 2024, the Drug Utilization Review Board and Clinical Utilization Review Board shall each submit their recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare.

Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENOPRHINE

The Department of Vermont Health Access shall amend its rules pursuant to 3 V.S.A. chapter 25 to enable health care providers in office-based opioid-treatment programs to prescribe 24 milligrams of buprenorphine without prior authorization.

* * * Recovery Residences * * *

Sec. 9. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

* * *

(G) A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, and a recovery residence serving not more than eight persons, shall be considered by right to constitute a permitted single-family residential use of property. This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot. As used in this subdivision, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(i) Provides tenants with peer support, ~~an environment that prohibits the use of alcohol and the illegal use of prescription drugs or other illegal substances,~~ and assistance accessing support services and community resources available to persons recovering from substance use disorders.

(ii) Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411.

* * *

* * * Remove Future Repeal of Buprenorphine Exemption * * *

Sec. 10. REPEAL

2021 Acts and Resolves No. 46, Sec. 3 (repeal of buprenorphine exemption) and 4(b) (effective date; repeal of buprenorphine exemption) are repealed.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 8 (medication for opioid use disorder) shall take effect on September 1, 2023.

(Committee Vote: 11-0-0)

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Human Services.

(Committee Vote: 11-0-1)

Rep. Dickinson of St. Albans Town, for the Committee on Appropriations, recommends the report of the Committee on Human Services be amended as follows:

First: In Sec. 3, appropriation; community needle and syringe disposal programs, by striking out the word “appropriated” and inserting in lieu thereof “authorized”

Second: In Sec. 4, 18 V.S.A. § 4240, in subsection (b), in subdivision (7), by removing the phrase “to entities in a position”

Third: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by removing the phrase “, an environment that prohibits the use of alcohol and the illegal use of prescription drugs or other illegal substances,”

Fourth: In Sec. 11, effective dates, by striking out “8” and inserting in lieu thereof “7”

(Committee Vote: 12-0-0)

H. 480

An act relating to property valuation and reappraisals

(Rep. Kornheiser of Brattleboro will speak for the Committee on Ways and Means.)

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommends the bill ought to pass when amended as follows:

First: In Sec. 4, one-time appropriations; Department of Taxes, in subsection (b), by striking out “2025” following “fiscal year” and inserting in lieu thereof “2026”

Second: In Sec. 14, effective dates, by striking out subdivisions (2) and (3) in their entireties and inserting in lieu thereof new subdivisions (2) and (3) to read as follows:

(2) Sec. 3, 32 V.S.A. § 4041a(a), (repeal of per parcel fee) shall take effect on January 1, 2026; and

(3) Secs. 5, 32 V.S.A. § 4041a, (repeal of municipal requirement to conduct reappraisals), 6, 32 V.S.A. § 5413, (State appraisal, reappraisal, and litigation assistance program), and 7, 32 V.S.A. § 5405(f), (per parcel fee) shall take effect on July 1, 2026.

(Committee Vote: 12-0-0)

CONSENT CALENDAR

Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration in that member’s chamber before today’s adjournment. Requests for floor consideration in either chamber should be communicated to the Senate Secretary’s Office or the House Clerk’s Office, as applicable. For text of resolutions, see Addendum to House Calendar of March 22, 2023.

H.C.R. 57

House concurrent resolution congratulating the 2023 Mill River Union High School Minutemen Division II championship cheerleading team

H.C.R. 58

House concurrent resolution designating April 2023 as Vermont Habitat for Humanity Month

H.C.R. 59

House concurrent resolution congratulating the 2023 Spaulding High School Crimson Tide Division I championship girls’ ice hockey team

H.C.R. 60

House concurrent resolution commemorating the 90th anniversary of the establishment of the Civilian Conservation Corps

H.C.R. 61

House concurrent resolution congratulating the undefeated 2023 Georgia Middle School Chargers girls' basketball team

H.C.R. 62

House concurrent resolution congratulating the undefeated 2022 Georgia Middle School Chargers girls' soccer team

H.C.R. 63

House concurrent resolution congratulating the undefeated 2022–2023 Georgia Middle School Chargers boys' basketball team

H.C.R. 64

House concurrent resolution honoring exemplary Kirby Town Clerk-Treasurer Wanda Grant

H.C.R. 65

House concurrent resolution congratulating the 2023 Winooski High School Spartans Division III championship boys' basketball team

H.C.R. 66

House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship girls' basketball team

H.C.R. 67

House concurrent resolution honoring outstanding Concord Town Clerk Cynthia Gaboriault

H.C.R. 68

House concurrent resolution recognizing March 2023 as Social Work Month in Vermont

H.C.R. 69

House concurrent resolution honoring former President James Earl Carter as a tireless international humanitarian and public servant

H.C.R. 70

House concurrent resolution honoring Heidi Baitz for her outstanding contribution to public education in the Town of Ludlow

For Informational Purposes

CROSSOVER DATES

The Joint Rules Committee established the following crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 17, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 17, 2023**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 24, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills).

NOTICE OF JFO GRANTS AND POSITIONS

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3138: One (1) limited-service position, Statewide Grants Administrator, to the Agency of Administration, Department of Finance and Management to cover increased grant activity due to the Covid-19 pandemic. The position is funded through Act 185 of 2022. Sec G.801 of the Act appropriates ARPA funds for administrative costs related to the pandemic. This position is funded through 12/31/2026. The grant packet can be found at:

<https://ljfo.vermont.gov/assets/grants-documents/ec01b0bea7/JFO-3138-packet.pdf>

[Received February 9, 2023]

JFO #3137: One (1) limited-service position to the Vermont Department of Health, Senior Health Asbestos and Lead Engineer, to perform senior professional level work to educate, advise on and enforce Vermont asbestos

and lead control regulations. The position is funded through 9/30/2024 through an existing Environmental Protection Agency grant. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/a44b7c8cac/JFO-3137-packet-v2.pdf>
[Received 1/23/2023]

JFO #3136: \$5,000,000.00 to the Agency of Administration, Public Service Department, VT Community Broadband Board (VCBB) from the National Telecommunications and Information Administration, Broadband Equity, Access and Deployment Program to deliver broadband to unserved and underserved areas in Vermont. This is a 5-year grant and will fill in the technical gaps existing in the VCBB's program of broadband deployment. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/3d7b96fcb1/JFO-3136-packet.pdf>
[Received 1/23/2023]