

Journal of the House

Wednesday, March 22, 2023

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

Devotional Exercises

Devotional exercises were conducted by Kerrin McCadden, Poet, South Burlington.

Senate Bills Referred

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

S. 37

Senate bill, entitled

An act relating to access to legally protected health care activity and regulation of health care providers

To the Committee on Health Care.

S. 48

Senate bill, entitled

An act relating to regulating the sale of catalytic converters

To the Committee on Commerce and Economic Development.

S. 94

Senate bill, entitled

An act relating to the City of Barre tax increment financing district

To the Committee on Ways and Means.

Bills Referred to Committee on Appropriations

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

H. 31

House bill, entitled

An act relating to aquatic nuisance control

H. 484

House bill, entitled

An act relating to enhancing workforce and economic development opportunities

**Bill Referred to Committee on Appropriations
Pending Entry on the Notice Calendar**

H. 222

House bill, entitled

An act relating to reducing overdoses

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 20

By Senator Baruth,

J.R.S. 20. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 24, 2023, it be to meet again no later than Tuesday, March 28, 2023.

Was taken up, read, and adopted in concurrence.

Ceremonial Readings

H.C.R. 27

House concurrent resolution honoring Edwin G. Camp of Derby for his outstanding 58-year career in the Vermont insurance industry

Offered by: Representatives Page of Newport City, Smith of Derby, Bluemle of Burlington, Brennan of Colchester, Canfield of Fair Haven, Clifford of Rutland City, Demar of Enosburgh, Dickinson of St. Albans Town, Dolan of Waitsfield, Galfetti of Barre Town, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Holcombe of Norwich, Labor of Morgan, Marcotte of Coventry, McFaun of Barre Town, Mihaly of Calais, Morrissey of Bennington, Shaw of Pittsford, Squirrelle of Underhill, and Wilson of Lyndon

Whereas, at 92 years of age, Edwin Camp's remarkable longevity as a Vermont Property & Casualty licensee is a tribute to his professional dedication and optimistic outlook, and

Whereas, a 1948 graduate of the former Newport High School, he excelled in many of his school's athletic activities, and

Whereas, following two years as a University of Vermont student, Ed Camp joined the U.S. Navy, served on the U.S.S. Midway, was discharged in 1954, and soon returned to Newport, and

Whereas, in 1965, Ed Camp made a decisive career step, qualifying for his Vermont Property & Casualty insurance license and entering a professional partnership with Roland Royer, and

Whereas, aside from his insurance work, Ed was a cofounder of the Chamberlin Birch ski area in Newport, served on the Newport Elementary School Board, and as a volunteer for the Vermont youth hockey leagues, and

Whereas, 2023 marks the 58th anniversary of Ed Camp's professional insurance licensure, which is longer than any of his currently licensed colleagues, a distinction of which he can be extremely proud, and

Whereas, in 2022, he and his wife, Joan, celebrated their sixtieth wedding anniversary, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Edwin G. Camp for his outstanding 58-year career in the Vermont insurance industry, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Ed Camp.

Having been adopted in concurrence on Friday, March 10, 2023 in accord with Joint Rule 16b, was read.

H.C.R. 49

House concurrent resolution congratulating Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship

Offered by: Representative Andrews of Westford

Whereas, the FIRST LEGO League State Championship, held on January 28, 2023, at Norwich University, posed dual technological challenges to student competitors: the first, to design, construct, and code autonomous robots capable of completing designated tasks; and the second, known as the

Innovation Project, to identify a real-world energy-related problem and create a prototype solution in collaboration with experts and consumers, and

Whereas, four teams of students representing Westford Elementary School won Innovation Project-associated recognition, half of the event's prizes, and

Whereas, the Pickle Pandas (Drew Ainsworth, Brooke Danaher, Dylan Henry, Aiden Menut, Anna Minor, Amelia Moreland, and Grace Raymond) earned the Engineering Excellence Award for designing a device that detects and deters squirrels from disturbing the electric power grid; the Interplanetary Pizza Pandas (Oliver Cady, Keith Collins, David McElvany, Toby Jeans, Maeve LaBossiere, Inez Medick, and Owen Mellion) won the Motivate Award for designing an on-demand and preplanned microtransit system for Westford and other small rural communities; the Muddy Pandas (Dominic Delisle, Harrison Frennier, Maisy Drapa, Jackson Frederick, and Andrew Stockwell) secured the Rising All-Star Award for developing a method to reduce energy consumption with improved translations of raw data from smart meters into actionable and motivational text messages; and Panda-Monium! (Izzy Cady, Sophia Frederick, Ethan Jeans, Ava Menut, Mary Stockwell, and Ryder White) garnered the Innovation Project Award for envisioning an expandable community solar project with battery backup for Westford; and Mark Drapa served as a superb faculty mentor, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Westford Elementary School.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

H.C.R. 51

House concurrent resolution commemorating the 25th anniversary of the establishment of the Vermont Downtown Program and designating March 22, 2023 as Downtown Day at the State House

Offered by: Representatives Wood of Waterbury, Coffey of Guilford, Dolan of Waitsfield, Donahue of Northfield, Garofano of Essex, Gregoire of Fairfield, Harrison of Chittenden, Howard of Rutland City, Hyman of South Burlington, McCann of Montpelier, McGill of Bridport, Morris of Springfield, Ode of Burlington, Priestley of Bradford, Scheu of Middlebury, Sheldon of

Middlebury, Small of Winooski, Stevens of Waterbury, White of Bethel, and Whitman of Bennington

Whereas, in 1998 Acts and Resolves No. 120 [the Act], as amended in 2013 Acts and Resolves No. 59, the General Assembly found that “economically strong downtowns are critical to the health and well-being of Vermont’s communities,” and that “[i]nvestments made to revitalize the State’s historic downtowns...support statewide goals concerning energy conservation... the efficient use of transportation and other infrastructure and services, the protection of the working landscape, and the promotion of healthy lifestyles,” and

Whereas, to effectuate these important objectives, the Act established the Vermont Downtown Development Board [the Board], for the designation of downtown development districts and for the granting of financial, including tax, incentives to these districts, and

Whereas, in 2022, the State-designated downtown development districts received over \$27.5 million in public investment, \$101.1 million in private investment, and they were the location for 149 new and expanded businesses, and more than 465 new full- and part-time jobs, and

Whereas, on average, every dollar of tax credit awarded to a district leveraged \$18 in new funds, and in 2022, the Board awarded \$2.3 million in tax credits for 12 projects, supporting almost \$40 million in construction and rehabilitation projects, and

Whereas, a supportive downtown organization is associated with each designated downtown district, and in 2022, the 24 downtown organizations contributed a combined 30,166 volunteer hours valued at \$848,871, and the committed volunteers and staff of these organizations are essential in maintaining the vibrancy and economic success of the designated downtown districts, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates the 25th anniversary of the establishment of the Vermont Downtown Program and designates March 22, 2023 as Downtown Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Downtown Coalition and to the Vermont Downtown Development Board.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

H.C.R. 52

House concurrent resolution designating March 22, 2023 as Vermont Tourism Day at the State House

Offered by: Representatives Jerome of Brandon and Marcotte of Coventry

Offered by: Senator Ram Hinsdale

Whereas, Vermont is a global destination for experiencing superb outdoor recreation, great dining, wonderful lodging, beautiful art, memorable musical performances, and for visiting interesting historic sites, and

Whereas, the best destination stewardship means a tourism and hospitality leadership that embraces community values of inclusion and representation that ensure that all visitors to the Green Mountain State, regardless of background, are welcomed and will enjoy their visit, and

Whereas, the vital importance of tourism and hospitality for the sustainability of the urban and rural communities of all 14 Vermont counties cannot be overstated, and

Whereas, annually, millions of people visit the Green Mountain State, a number that enabled tourism and hospitality to generate \$387.3 million in FY 2021 tax revenue, to employ over 30,000 people, representing ten percent of the State's workforce, and to trigger a State economic impact exceeding \$3 billion, and

Whereas, Tourism Day is an occasion to celebrate the importance of welcoming visitors to Vermont, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates March 22, 2023 as Tourism Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Marketing and Tourism.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

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

H. 55

House bill, entitled

An act relating to miscellaneous unemployment insurance amendments

H. 110

House bill, entitled

An act relating to extending the sunset under 30 V.S.A. § 248a

H. 171

House bill, entitled

An act relating to adult protective services

H. 471

House bill, entitled

An act relating to technical and administrative changes to Vermont's tax laws

Committee Bill; Second Reading; Third Reading Ordered

H. 473

Rep. Houghton of Essex Junction spoke for the Committee on Health Care.

House bill, entitled

An act relating to radiologist assistants

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

Committee Bill; Second Reading; Third Reading Ordered

H. 476

Rep. Boyden of Cambridge spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to miscellaneous changes to law enforcement officer training laws

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

Second Reading; Bill Amended; Third Reading Ordered**H. 230**

Rep. Black of Essex, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to implementing mechanisms to reduce suicide

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

Sec. 1. FINDINGS

The General Assembly finds:

(1) More than 700 Vermont residents died of gunshot wounds in the decade from 2011 to 2020. 88 percent of these deaths were suicide.

(2) Of all the deaths in Vermont involving firearms in 2021, 89 percent were by suicide and 8 percent were by homicide.

(3) The 2021 suicide rate by all methods in Vermont was 20.3 per 100,000 persons, compared to a national rate of 14.0 per 100,000 persons. Suicide among Vermont men and boys is 50 percent higher than the national average.

(4) In 2021, the number of suicides in Vermont was 142, with 83 of them completed by firearm, or 58 percent.

(5) Rand Corporation research estimates that in 2016, firearms were present in 47 percent of Vermont homes and in 32 percent of homes in the United States.

(6) Children are 4.4 times more likely to die by suicide in a home with a firearm compared to a home without a firearm.

(7) Persons at greatest risk of suicide in Vermont are men, persons living in rural areas, persons with a disability, veterans, and members of the LGBTQ+ community.

Sec. 2. LEGISLATIVE PURPOSE

The purpose of this legislation is to prevent death by suicide by reducing access to lethal means of firearms. Although there are many other methods for completing suicide, firearms are unique in their ability to create instantaneous and irreversible outcomes. Nearly every other commonly used method for suicide has a high survivability rate. It is extremely rare for someone to survive a suicide attempt in which a firearm is used. This fact, combined with the high prevalence of firearms in Vermont, is why this method alone is being addressed by this bill.

Sec. 3. 13 V.S.A. § 4024 is added to read:

§ 4024. SECURE FIREARMS STORAGE

(a)(1) Prohibition. A person shall not store or keep a firearm within any premises that are under the person's custody or control if the person knows or reasonably should know that a child or prohibited person is likely to gain access to the firearm unless the person stores or keeps the firearm:

(A) separate from ammunition; and

(B) in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render the firearm inoperable by any person other than the owner or authorized user.

(2) Exceptions. This subsection shall not apply if:

(A) the firearm is carried by or under the control of the owner or another lawfully authorized user;

(B) a child or prohibited person accesses the firearm as a result of an illegal entry; or

(C) a child or prohibited person accesses and uses the firearm during the course of a lawful act of self-defense or defense of another person.

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

(1) fined not more than \$100.00;

(2) imprisoned not more than one year or fined not more than \$1,000.00, or both, if a child or prohibited person gains access to the firearm and uses it in the commission of a crime or displays it in a threatening manner; or

(3) imprisoned not more than five years or fined not more than \$5,000.00, or both, if a child or prohibited person gains access to the firearm and uses it to cause death or injury to any person.

(c) Charging discretion. If a person who allegedly violates this section is a parent or guardian of a child who gains access to a firearm that is used in an unintentional or self-inflicted shooting that causes death or injury to the child, the impact of the child's death or injury on the person who committed the alleged violation shall be considered by the State's Attorney when deciding whether to file criminal charges in the case.

(d) Information distribution.

(1) At any location where a licensed dealer conducts firearm sales or transfers, the licensed dealer shall conspicuously display a sign containing the information required by subdivision (2) of this subsection in any area where

the sales or transfers occur. The sign shall be posted so that it can be easily viewed by persons purchasing or receiving firearms, and the sign shall not be removed, obscured, or rendered illegible. If the location where the sales or transfers occur is the premises listed on the dealer's federal firearms license, an additional sign shall be placed at or near the entrance to the premises.

(2) The sign required by subdivision (1) of this subsection shall be at least eight and one-half inches high by 11 inches wide and shall contain black text at least half an inch high against a white background. The sign shall contain the following text, and no other statements or markings:

"WARNING: Access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children, household members, and others. If you or a loved one is experiencing distress or depression, call the 988 Suicide and Crisis hotline or text "VT" to 741741.

Vermont law requires gun owners to securely store their firearms separately from ammunition in their homes and other premises under their control if a child or person prohibited from purchasing or possessing firearms is likely to gain access to them. Failure to securely store firearms as required by law may result in criminal prosecution.

Posted pursuant to 13 V.S.A. § 4024."

(e) Definitions. As used in this section:

(1) "Child" means a person under 18 years of age.

(2) "Firearm" has the same meaning as in subsection 4017(d) of this title.

(3) "Injury" means a harmful effect on an individual's health, including the individual's mental, emotional, or physical health, or a combination of these.

(4) "Licensed dealer" means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) "Locked container" means a box, case, chest, locker, safe, or other similar receptacle equipped with a tamper-resistant lock.

(6) "Prohibited person" means a person who is prohibited from possessing a firearm by state or federal law or by court order.

Sec. 4. 13 V.S.A. § 4051 is amended to read:

§ 4051. DEFINITIONS

As used in this subchapter:

* * *

(7) “Household member” has the same meaning as in 15 V.S.A. § 1101.

Sec. 5. 13 V.S.A. § 4052 is amended to read:

§ 4052. JURISDICTION AND VENUE

* * *

(c) Proceedings under this chapter shall be commenced in the county where the law enforcement agency is located, the county where the family or household member or the respondent resides, or the county where the events giving rise to the petition occur.

Sec. 6. 13 V.S.A. § 4053 is amended to read:

§ 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

(a) A State’s Attorney or, the Office of the Attorney General, or a family or household member may file a petition requesting that the court issue an extreme risk protection order prohibiting a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person’s custody or control. The petitioner shall submit an affidavit in support of the petition.

* * *

Sec. 7. 13 V.S.A. § 4054 is amended to read:

§ 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

(a)(1) A State’s Attorney or, the Office of the Attorney General, or a family or household member may file a motion requesting that the court issue an extreme risk protection order ex parte, without notice to the respondent. A law enforcement officer may notify the court that an ex parte extreme risk protection order is being requested pursuant to this section, but the court shall not issue the order until after the motion is submitted.

* * *

Sec. 8. 13 V.S.A. § 4055 is amended to read:

§ 4055. TERMINATION AND RENEWAL MOTIONS

* * *

(b)(1) A State’s Attorney or, the Office of the Attorney General, or a family or household member may file a motion requesting that the court renew an extreme risk protection order issued under this section or section 4053 of this title for an additional period of up to six months. The motion shall be accompanied by an affidavit and shall be filed not more than 30 days and not

less than 14 days before the expiration date of the order. The motion and affidavit shall comply with the requirements of subsection 4053(c) of this title, and the moving party shall have the burden of proof by clear and convincing evidence.

* * *

Sec. 9. 13 V.S.A. § 4019a is added to read:

§ 4019a. FIREARMS TRANSFERS; WAITING PERIOD

(a) A person shall not transfer a firearm to another person until 72 hours after the completion of the background check required by 18 U.S.C. § 922(s) or section 4019 of this title.

(b) A person who transfers a firearm to another person in violation of subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(c) This section shall not apply to a firearm transfer that does not require a background check under 18 U.S.C. § 922(s) or section 4019 of this title.

(d) As used in this section, “firearm” has the same meaning as in subsection 4017(d) of this title.

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

Rep. LaLonde of South Burlington, for the Committee on Judiciary, recommended that the report of the Committee on Health Care be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) More than 700 Vermont residents died of gunshot wounds in the decade from 2011 to 2020. 88 percent of these deaths were suicide.

(2) Of all the deaths in Vermont involving firearms in 2021, 89 percent were by suicide and eight percent were by homicide.

(3) The 2021 suicide rate by all methods in Vermont was 20.3 per 100,000 persons, compared to a national rate of 14.0 per 100,000 persons. Suicide among Vermont men and boys is 50 percent higher than the national average.

(4) In 2021, the number of suicides in Vermont was 142, with 83 of them completed by firearm, or 58 percent.

(5) Rand Corporation research estimates that in 2016, firearms were present in 47 percent of Vermont homes and in 32 percent of homes in the United States.

(6) Children are 4.4 times more likely to die by suicide in a home with a firearm compared to a home without a firearm.

(7) Persons at greatest risk of suicide in Vermont are men, persons living in rural areas, persons with a disability, veterans, and members of the LGBTQ+ community.

(8) Extreme risk protection orders have proven successful in situations where other protective orders, mental health proceedings, or criminal charges could not address the risk presented. In fiscal year 2022, 18 extreme risk protection order petitions were filed statewide. In at least five of these cases, a temporary or final order was based on a finding that the respondent had “threatened or attempted suicide or serious bodily harm.” None of the respondents subject to an extreme risk prevention order are known to have died by suicide.

(9) Emphasis on the eight percent of firearm deaths by homicide in the State of Vermont does not portray the full impact of Vermont firearms on public safety. Firearms purchased in Vermont and transferred, lawfully or unlawfully, out of state contribute to violent crime in other states, including homicide. A report prepared by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives revealed that in 2016 there were 51 traces of firearms involved in a homicide to the State of Vermont.

(10) The National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns - Volume Two report prepared by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) revealed that between 2017 and 2021, 6,333 firearms that were used in a crime were traced to Vermont. Of the 1,903 firearms that could be traced to a known purchaser, 65 percent were recovered from someone other than the purchaser, and 64 percent were recovered outside the State of Vermont. Over 750 of these firearms were recovered in our neighboring states of New York, Massachusetts, and New Hampshire.

(11) Vermont’s existing laws are not successfully deterring straw purchases where an individual lawfully acquires and then unlawfully transfers a firearm to a prohibited person or someone unable to acquire a firearm in the State of Vermont. Waiting periods are among the policy options available to deter straw purchases and to allow greater opportunity for law enforcement detection and response to such attempts.

(12) Waiting period laws, which create a buffer between the time of gun purchase and gun acquisition, can help to prevent impulsive acts of gun violence. One study found that waiting period laws that delay the purchase of firearms by a few days can reduce gun homicides by roughly 17 percent.

Sec. 2. LEGISLATIVE PURPOSE

The purpose of this legislation is to prevent death by suicide by reducing access to lethal means of firearms. Although there are many other methods for completing suicide, firearms are unique in their ability to create instantaneous and irreversible outcomes. Nearly every other commonly used method for suicide has a high survivability rate. It is extremely rare for someone to survive a suicide attempt in which a firearm is used. This fact, combined with the high prevalence of firearms in Vermont, is why this method alone is being addressed by this bill.

Sec. 3. 13 V.S.A. § 4024 is added to read:

§ 4024. SECURE FIREARMS STORAGE

(a)(1) Prohibition. A person shall not, within any premises that are under the person's custody or control, store or keep a firearm if the person knows or reasonably should know that a child or prohibited person is likely to gain access to the firearm, unless the person stores or keeps the firearm:

(A) separate from ammunition; and

(B) in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render the firearm inoperable by any person other than the owner or authorized user.

(2) Exception. This subsection shall not apply if the firearm is carried by or within such close proximity that it can be readily retrieved and used by the owner or another authorized user.

(3) Conduct not a violation. It shall not be a violation of this subsection if:

(A) a child or prohibited person accesses the firearm as a result of an illegal entry; or

(B) a child or prohibited person accesses and uses the firearm during the course of a lawful act of self-defense or defense of another person.

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

(1) imprisoned not more than one year or fined not more than \$1,000.00, or both, if a child or prohibited person gains access to the firearm

and uses it in the commission of a crime, or displays it in a threatening manner; or

(2) imprisoned not more than five years or fined not more than \$5,000.00, or both, if a child or prohibited person gains access to the firearm and uses it to cause death or serious bodily injury to any person.

(c) Charging discretion. If a person who allegedly violates this section is a parent or guardian of a child who gains access to a firearm that is used in an unintentional or self-inflicted shooting that causes death or serious bodily injury to the child, the impact of the child's death or serious bodily injury on the person who committed the alleged violation may be considered by the State's Attorney when deciding whether to file criminal charges in the case.

(d) Information distribution.

(1) At any location where a licensed dealer conducts firearm sales or transfers, the licensed dealer shall conspicuously display a sign containing the information required by subdivision (2) of this subsection in any area where the sales or transfers occur. The sign shall be posted so that it can be easily viewed by persons purchasing or receiving firearms, and the sign shall not be removed, obscured, or rendered illegible. If the location where the sales or transfers occur is the premises listed on the dealer's federal firearms license, an additional sign shall be placed at or near the entrance to the premises.

(2) The sign required by subdivision (1) of this subsection shall be at least eight and one-half inches high by 11 inches wide and shall contain black text at least half an inch high against a white background. The sign shall contain the following text, and no other statements or markings:

"WARNING: Access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children, household members, and others. If you or a loved one is experiencing distress or depression, call the 988 Suicide and Crisis hotline or text "VT" to 741741.

Vermont law requires gun owners to securely store their firearms separately from ammunition in their homes and other premises under their control if a person prohibited from purchasing or possessing firearms or a child is likely to gain access to them. Failure to securely store firearms as required by law may result in criminal prosecution.

Posted pursuant to 13 V.S.A. § 4024."

(e) Definitions. As used in this section:

(1) “Authorized user” means a person 18 years of age or older who is not a prohibited person and who has been authorized to carry or use the firearm by the owner.

(2) “Child” means a person under 18 years of age.

(3) “Firearm” has the same meaning as in subsection 4017(d) of this title.

(4) “Licensed dealer” means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) “Locked container” means a box, case, chest, locker, safe, or other similar receptacle equipped with a tamper-resistant lock.

(6) “Prohibited person” means a person who is prohibited from possessing a firearm by state or federal law or by court order.

(7) “Serious bodily injury” has the same meaning as in subdivision 1021(a)(2) of this title.

Sec. 4. 13 V.S.A. § 4051 is amended to read:

§ 4051. DEFINITIONS

As used in this subchapter:

* * *

(7) “Household member” means persons who are living together, are sharing occupancy of a dwelling, are engaged in a sexual relationship, or minors or adults who are dating. “Dating” means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists include:

(A) the nature of the relationship;

(B) the length of time the relationship has existed; and

(C) the frequency of interaction between the parties.

Sec. 5. 13 V.S.A. § 4053 is amended to read:

§ 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

(a) A State’s Attorney or the Office of the Attorney General, or a family or household member may file a petition requesting that the court issue an extreme risk protection order prohibiting a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person’s custody or control. The petitioner shall submit an affidavit in support of the petition.

(b)(1) Except as provided in section 4054 of this title, the court shall grant relief only after notice to the respondent and a hearing. The petitioner shall have the burden of proof by clear and convincing evidence.

(2) When a petition has been filed by a family or household member, the State's Attorney or Attorney General shall be substituted as the plaintiff in the action upon the issuance of an ex-parte order under section 4054 of this title or at least seven days prior to the hearing for a petition filed under this section. Upon substitution of the State's Attorney or Attorney General as the plaintiff, the family or household member shall no longer be a party.

* * *

(d)(1) The court shall hold a hearing within 14 days after a petition is filed under this section. Notice of the hearing shall be served pursuant to section 4056 of this title concurrently with the petition and any ex parte order issued under section 4054 of this title.

(2) If a petition is filed by a family or household member under this section, the court shall transmit a copy of the petition to the State's Attorney or the Attorney General, along with all supporting documents and the notice of the initial status conference or hearing.

* * *

Sec. 6. 13 V.S.A. § 4054 is amended to read:

§ 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

(a)(1) A State's Attorney ~~or~~, the Office of the Attorney General, or a family or household member may file a motion requesting that the court issue an extreme risk protection order ex parte, without notice to the respondent. A law enforcement officer may notify the court that an ex parte extreme risk protection order is being requested pursuant to this section, but the court shall not issue the order until after the motion is submitted.

* * *

(b)(1)(A) The court shall grant the motion and issue a temporary ex parte extreme risk protection order if it finds by a preponderance of the evidence that at the time the order is requested the respondent poses an imminent and extreme risk of causing harm to ~~himself or herself~~ themselves or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control. The petitioner shall cause a copy of the order to be served on the respondent pursuant to section 4056 of this title, and the court shall deliver a copy to the holding station.

(B) If a motion is filed by a family or household member under this section and the court has issued an ex parte order, the court shall transmit a copy of the motion to the State’s Attorney or the Attorney General, along with all supporting documents and the notice of the initial status conference or hearing.

* * *

Sec. 7. 13 V.S.A. § 4019a is added to read:

§ 4019a. FIREARMS TRANSFERS; WAITING PERIOD

(a) A person shall not transfer a firearm to another person until 72 hours after the licensed dealer facilitating the transfer is provided with a unique identification number for the transfer by the National Instant Criminal Background Check System (NICS), or seven business days have elapsed since the dealer contacted NICS to initiate the background check, whichever occurs first.

(b) A person who transfers a firearm to another person in violation of subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(c) This section shall not apply to a firearm transfer that does not require a background check under 18 U.S.C. § 922(s) or section 4019 of this title.

(d) As used in this section, “firearm” has the same meaning as in subsection 4017(d) of this title.

(e)(1) This section shall not apply to a firearms transfer at a gun show.

(2) As used in this subsection, “gun show” means a function sponsored by:

(A) a national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms; or

(B) an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(3) This subsection shall be repealed on July 1, 2024.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care, as amended?, **Rep. Brennan of Colchester** asked that question be divided to first consider Section 3, and to then consider the remainder of the amendment, and the Speaker ruled that the question was divisible in that manner.

Pending the question, Shall the bill be amended, as recommended by the Committee on Health Care, as amended, in Section 3?, **Rep. Brennan of Colchester** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended, as recommended by the Committee on Health Care, as amended, in Section 3?, was decided in the affirmative. Yeas, 98. Nays, 46.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Mulvaney-Stanak of Burlington
Anthony of Barre City	Dolan of Essex Junction	Nicoll of Ludlow
Arrison of Weathersfield	Dolan of Waitsfield	Notte of Rutland City
Arsenault of Williston	Durfee of Shaftsbury	O'Brien of Tunbridge
Austin of Colchester	Elder of Starksboro	Ode of Burlington
Bartholomew of Hartland	Emmons of Springfield	Patt of Worcester
Berbeco of Winooski	Farlice-Rubio of Barnet	Pearl of Danville
Birong of Vergennes	Garofano of Essex	Pouech of Hinesburg
Black of Essex	Goldman of Rockingham	Priestley of Bradford
Bluemle of Burlington	Graning of Jericho	Rice of Dorset
Bongartz of Manchester	Headrick of Burlington	Roberts of Halifax
Bos-Lun of Westminster	Holcombe of Norwich	Satcowitz of Randolph
Brady of Williston	Hooper of Burlington	Scheu of Middlebury
Brown of Richmond	Houghton of Essex Junction	Sheldon of Middlebury
Brumsted of Shelburne	Howard of Rutland City	Sibilia of Dover
Burke of Brattleboro	Hyman of South Burlington	Sims of Craftsbury
Burrows of West Windsor	James of Manchester	Small of Winooski
Buss of Woodstock	Jerome of Brandon	Squirrell of Underhill
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Stebbins of Burlington
Carpenter of Hyde Park	Krasnow of South Burlington	Stevens of Waterbury
Carroll of Bennington	LaBounty of Lyndon	Stone of Burlington
Casey of Montpelier	Lalley of Shelburne	Surprenant of Barnard
Chapin of East Montpelier	LaLonde of South Burlington	Taylor of Colchester
Chase of Chester	LaMont of Morristown	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Torre of Moretown
Christie of Hartford	Leavitt of Grand Isle	Troiano of Stannard
Cina of Burlington	Lipsky of Stowe	Waters Evans of Charlotte
Coffey of Guilford	Long of Newfane	White of Bethel
Cole of Hartford	Masland of Thetford	Whitman of Bennington
Conlon of Cornwall	McCarthy of St. Albans City	Williams of Barre City
Corcoran of Bennington	McGill of Bridport	Wood of Waterbury
Cordes of Lincoln	Mihaly of Calais	
Demrow of Corinth		

Minier of South Burlington
Mrowicki of Putney

Those who voted in the negative are:

Andriano of Orwell	Graham of Williamstown	Noyes of Wolcott
Bartley of Fairfax	Gregoire of Fairfield	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Boyden of Cambridge	Harrison of Chittenden	Pajala of Londonderry
Branagan of Georgia	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	Hooper of Randolph	Peterson of Clarendon
Brownell of Pownal	Labor of Morgan	Sammis of Castleton
Burditt of West Rutland	Laroche of Franklin	Shaw of Pittsford
Canfield of Fair Haven	Maguire of Rutland City	Smith of Derby
Clifford of Rutland City	Marcotte of Coventry	Taylor of Milton
Demar of Enosburgh	Mattos of Milton	Templeman of Brownington
Dickinson of St. Albans Town	McCoy of Poultney	Toof of St. Albans Town
Donahue of Northfield	McFaun of Barre Town	Walker of Swanton
Galfetti of Barre Town	Morgan of Milton	Williams of Granby
Goslant of Northfield	Morris of Springfield	Wilson of Lyndon
	Morrissey of Bennington	

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

Chase of Colchester	McCann of Montpelier	Rachelson of Burlington
Logan of Burlington	Nugent of South Burlington	

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care, as amended, in the remainder of the amendment??. **Rep. Black of Essex** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Health Care, as amended, in the remainder of the amendment?, was decided in the affirmative. Yeas, 99. Nays, 43.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Burlington
Anthony of Barre City	Dolan of Essex Junction	Nicoll of Ludlow
Arrison of Weathersfield	Dolan of Waitsfield	Notte of Rutland City
Arsenault of Williston	Durfee of Shaftsbury	Noyes of Wolcott
Austin of Colchester	Elder of Starksboro	O'Brien of Tunbridge
Bartholomew of Hartland	Emmons of Springfield	Ode of Burlington
Berbeco of Winooski	Farlice-Rubio of Barnet	Pajala of Londonderry
Birong of Vergennes	Garofano of Essex	Patt of Worcester
Black of Essex *	Goldman of Rockingham	Pearl of Danville
Bluemle of Burlington	Graning of Jericho	Pouech of Hinesburg
Bongartz of Manchester	Headrick of Burlington	Priestley of Bradford

Bos-Lun of Westminster	Holcombe of Norwich	Rice of Dorset
Brady of Williston *	Hooper of Burlington	Roberts of Halifax
Brown of Richmond	Houghton of Essex Junction	Satcowitz of Randolph
Brumsted of Shelburne	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	Hyman of South Burlington	Sheldon of Middlebury
Burrows of West Windsor	James of Manchester	Sibilia of Dover
Buss of Woodstock	Jerome of Brandon	Sims of Craftsbury
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Small of Winooski
Carpenter of Hyde Park	Krasnow of South Burlington	Squirrell of Underhill
Carroll of Bennington	Burlington	Stebbins of Burlington
Casey of Montpelier	LaBounty of Lyndon	Stevens of Waterbury
Chapin of East Montpelier	Lalley of Shelburne	Stone of Burlington
Chase of Chester	LaLonde of South Burlington	Surprenant of Barnard
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Taylor of Colchester
Christie of Hartford	Leavitt of Grand Isle	Toleno of Brattleboro
Cina of Burlington	Lipsky of Stowe	Torre of Moretown
Coffey of Guilford	Long of Newfane	Troiano of Stannard
Cole of Hartford	Masland of Thetford	Waters Evans of Charlotte
Conlon of Cornwall	McCarthy of St. Albans City	White of Bethel
Corcoran of Bennington	McGill of Bridport	Whitman of Bennington
Cordes of Lincoln	Mihaly of Calais	Williams of Barre City
Demrow of Corinth	Minier of South Burlington	Wood of Waterbury
	Mrowicki of Putney	
	Mulvaney-Stanak of	

Those who voted in the negative are:

Andriano of Orwell	Goslant of Northfield	Morrissey of Bennington
Bartley of Fairfax	Gregoire of Fairfield	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Boyden of Cambridge	Harrison of Chittenden	Parsons of Newbury
Branagan of Georgia	Higley of Lowell	Peterson of Clarendon
Brennan of Colchester	Hooper of Randolph	Sammis of Castleton
Brownell of Pownal	Labor of Morgan	Shaw of Pittsford
Burditt of West Rutland	Laroche of Franklin	Smith of Derby
Canfield of Fair Haven	Maguire of Rutland City	Taylor of Milton
Clifford of Rutland City	Marcotte of Coventry	Templeman of Brownington
Demar of Enosburgh	Mattos of Milton	Toof of St. Albans Town
Dickinson of St. Albans Town	McCoy of Poultney	Walker of Swanton
Donahue of Northfield	McFaun of Barre Town	Williams of Granby
Galfetti of Barre Town	Morgan of Milton	Wilson of Lyndon
	Morris of Springfield	

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

Chase of Colchester	Logan of Burlington	Rachelson of Burlington
Graham of Williamstown	McCann of Montpelier	
LaMont of Morristown	Nugent of South Burlington	

Rep. Brady of Williston explained her vote as follows:

“Madam Speaker:

As we heard clearly today, there are so many families and communities shattered by suicide. Every statistic is a much longer story. I cast my vote today in memory of my cousin, Chelsea, who was a loving mother, a skilled trauma nurse, and is dearly missed in our big, extended family.”

Rep. Black of Essex explained her vote as follows:

“Madam Speaker:

I vote yes, in honor of Andrew Robert Black.”

Thereupon, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 288

Rep. Goslant of Northfield, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to liability for the sale of alcoholic beverages

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

* * * Liquor Liability * * *

Sec. 1. 7 V.S.A. § 501 is amended to read:

§ 501. UNLAWFUL SALE OF ALCOHOLIC BEVERAGES; CIVIL
ACTION FOR DAMAGES

(a) Action for damages. ~~A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by an intoxicated person, or in consequence of the intoxication of any person, shall have a right of action in his or her own name, jointly or severally, An injured person may bring an action in the person’s own name pursuant to this subsection.~~

(1) Unlawful sale. An injured person shall have a right of action against any person or persons licensee who have caused in whole or in part the intoxication of the intoxicated person by selling or furnishing alcoholic beverages:

~~(1)(A)~~ to a minor as defined in section 2 of this title; or

~~(2) to a person apparently under the influence of alcohol;~~

~~(3)(B) to a person after legal serving hours; or~~

~~(4) to a person who it would be reasonable to expect would be under the influence of alcohol as a result of the amount of alcoholic beverages served by the defendant to that person.~~

(2) Negligent service. An injured person may bring an action against any licensee who negligently furnishes alcoholic beverages to a person:

(A) apparently under the influence of alcohol; or

(B) who it would be reasonable to expect would be under the influence of alcohol as a result of the amount of alcoholic beverages served by the licensee to that person.

(3) Negligence; prudent person. A licensee's conduct is negligent under this subsection if the licensee knows, or if a reasonable and prudent person in similar circumstances would know, that the individual being served is intoxicated.

(4) Licensee's knowledge; individual consumption. A licensee is not chargeable with knowledge of an individual's off-premises consumption of alcoholic beverages unless the individual's appearance and behavior, or other facts known to the licensee, would put a reasonable and prudent person on notice of the individual's consumption of alcoholic beverages.

(b) Survival of action; joint action. Upon the death of either party, the action and right of action shall survive to or against the party's executor or administrator. The party injured or ~~his or her~~ the party's legal representatives may bring either a joint action against the ~~person intoxicated; person and the person or persons who furnished the alcoholic beverages, and an owner who may be liable under subsection (c) of this section,~~ licensee or a separate action against either ~~or any~~ of them.

(c) Landlord liability.

~~(1) If the alcoholic beverages were sold or furnished to the intoxicated person in a rented building, the owner may be joined as a defendant in the action, and judgment in the action may be rendered against the owner, if the owner of the building or in the case of a corporation, its agent, knew or had reason to know that alcoholic beverages were sold or furnished by the tenant:~~

~~(A) to minors as defined in section 2 of this title;~~

~~(B) to persons apparently under the influence of alcohol;~~

~~(C) to persons after legal serving hours; or~~

~~(D) to persons who it would be reasonable to expect would be under the influence of alcohol as a result of the amount of alcoholic beverages served to them by the tenant.~~

~~(2) It shall be an affirmative defense to an action against an owner that the owner took reasonable steps to prevent the sale of alcoholic beverages under the circumstances described in this subsection or to evict the tenant. [Repealed.]~~

* * *

(h) Definitions. As used in this section:

(1) “Apparently under the influence of alcohol” means a state of intoxication accompanied by a perceptible act or series of actions ~~which~~ that present signs of intoxication.

(2) “Injured person” means a spouse, child, guardian, employer, or other person, other than the intoxicated person, who is injured in person, property, or means of support by an intoxicated person or in consequence of the intoxication of any person.

(3) “Intoxicated person” means an intoxicated individual who caused injury to a person, a person’s property, or a person’s means of support.

(4) “Licensee” means the holder of a first-, third-, or fourth-class license under this title, and the license holder’s employees, who sells or furnishes alcohol to an intoxicated person.

(5) “Social host” means a person who is not the holder of a license or permit under this title and is not required to hold a license or permit under this title.

Sec. 2. 7 V.S.A. § 501 is amended to read:

§ 501. UNLAWFUL SALE OF ALCOHOLIC BEVERAGES; CIVIL

ACTION FOR DAMAGES

* * *

(i) Liability insurance required. The Department of Liquor and Lottery, in consultation with the Department of Financial Regulation, shall adopt rules governing minimum policy requirements, including coverage amounts, for liquor liability insurance. Prior to the issuance or renewal of a first-, third-, or fourth-class license, the Department of Liquor and Lottery shall require each licensee or applicant to carry liquor liability insurance that meets minimum coverage requirements adopted by the Department.

* * * Notice to Landlord of Licensee Violations * * *

Sec. 3. 7 V.S.A. § 104 is amended to read:

§ 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

The Board shall supervise and manage the sale of spirits and fortified wines within the State in accordance with the provisions of this title, and through the Commissioner of Liquor and Lottery shall:

(1)(A) Ensure that the laws relating to alcohol and alcoholic beverages are enforced, using for that purpose as much of the monies annually available to the Board of Liquor and Lottery as may be necessary.

* * *

(E) Ensure that the owner of a premises leased by a licensee is notified of licensee violations of alcoholic beverage laws.

* * *

* * * Effective Dates * * *

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 1 and 3 shall take effect on July 1, 2023.

(b) Sec. 2 shall take effect on July 1, 2024.

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

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

H. 178

Rep. Waters Evans of Charlotte, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to commissioning Department of Corrections personnel as notaries public

Reported in favor of its passage.

Rep. Taylor of Colchester, for the Committee on Ways and Means, reported in favor of its passage.

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

Adjournment

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