

Journal of the House

Tuesday, March 28, 2023

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kirk White of Bethel.

Pledge of Allegiance

Page Conor Noyes-Urffer of Brattleboro led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee or placed on the Notice Calendar as follows:

H. 491

By Rep. Campbell of St. Johnsbury,

House bill, entitled

An act relating to requiring mileage reimbursements

To the Committee on General and Housing.

H. 492

By the Committee on Ways and Means,

House bill, entitled

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

Pursuant to House Rule 48, was placed on the Notice Calendar.

H. 493

By the Committee on Corrections and Institutions,

House bill, entitled

An act relating to capital construction and State bonding

Carrying an appropriation, was referred to the Committee on Appropriations pursuant to Rule 35(a).

H. 494

By the Committee on Appropriations,

House bill, entitled

An act relating to making appropriations for the support of government

Pursuant to House Rule 48, was placed on the Notice Calendar.

Senate Bills Referred

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

S. 47

Senate bill, entitled

An act relating to the transport of individuals requiring psychiatric care

To the Committee on Health Care.

S. 73

Senate bill, entitled

An act relating to workers' compensation coverage for firefighters with cancer

To the Committee on Commerce and Economic Development.

S. 99

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

To the Committee on Transportation.

S. 103

Senate bill, entitled

An act relating to amending the prohibitions against discrimination

To the Committee on General and Housing.

S. 112

Senate bill, entitled

An act relating to miscellaneous subjects related to the Public Utility Commission

To the Committee on Environment and Energy.

Ceremonial Reading**H.C.R. 69**

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

Offered by: All Members of the House

Whereas, as a former Governor of Georgia and 39th President of the United States, Jimmy Carter's place in our nation's history is assured, and

Whereas, his post-presidential years, longer than any of his predecessors', reflect the deep religious belief of a devoted Sunday School teacher, as well as the humanitarian focus of his mother, the indomitable Miss Lillian, who, in retirement, volunteered as a Peace Corps nurse in India, and

Whereas, Jimmy Carter never sought to monetize his fame for excessive personal enrichment, but, rather, he and his wife, Rosalynn, still reside in the same modest Plains home they built in 1961, and he has embarked on academic, health care, humanitarian, and writing endeavors with a broad societal impact, and

Whereas, in 1982, this now-prolific author became a Distinguished Professor at Emory University in Atlanta, Georgia, and established the university-associated Carter Center, a nonpartisan public policy center through which he and the center's staff have engaged in conflict mediation in nations ranging from Bosnia to Uganda, conducted over 100 election-monitoring missions worldwide, led a campaign that has nearly eradicated Guinea worm disease, and vigorously promoted democracy and human rights, and

Whereas, Jimmy and Rosalynn Carter are passionate advocates for and have volunteered in 14 countries on behalf of Habitat for Humanity, an organization that constructs and rehabilitates affordable housing, and

Whereas, in recognition of his extraordinary humanitarian initiatives, the Norwegian Nobel Committee honored former President Jimmy Carter with the 2002 Nobel Peace Prize, and

Whereas, former President Carter has decided to enter hospice care in order to spend his remaining time in contentment and peace, and his life of serving others is a model to emulate, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors former President James Earl Carter as a tireless international humanitarian and public servant, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to former President Jimmy Carter.

Having been adopted in concurrence on Friday, March 24, 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. 102

House bill, entitled

An act relating to the Art in State Buildings Program

H. 125

House bill, entitled

An act relating to boards and commissions

H. 206

House bill, entitled

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

H. 213

House bill, entitled

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

H. 270

House bill, entitled

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

H. 291

House bill, entitled

An act relating to the creation of the Cybersecurity Advisory Council

H. 414

House bill, entitled

An act relating to establishing an unused drug repository for Vermont

H. 472

House bill, entitled

An act relating to miscellaneous agricultural subjects

Second Reading; Bill Amended; Third Reading Ordered**H. 31**

Rep. Bongartz of Manchester, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to aquatic nuisance control

Reported in favor of its passage when 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.

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

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

The bill, having appeared on the Notice Calendar, was taken up and read the second time. Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy?, **Rep. Sammis of Castleton** moved to amend the report of the Committee on Environment and Energy, by inserting a Sec. 1a to read as follows:

Sec. 1a. MORATORIUM ON HERBICIDE APPLICATION; LAKE

BOMOSEEN

The Secretary of Natural Resources shall not allow the application of the herbicide ProcellaCOR or any other herbicide in the waters of Lake Bomoseen until the report of the Aquatic Nuisance Control Study Committee required under Sec. 1 of this act is submitted to the General Assembly and the General Assembly enacts legislation implementing the legislative recommendations, if any, of the Aquatic Nuisance Control Study Committee.

Pending the question, Shall the report of the Committee on Environment and Energy be amended as offered by Rep. Sammis of Castleton?,

Rep. Sammis of Castleton 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 report of the Committee on Environment and Energy be amended as offered by Rep. Sammis of Castleton?, was decided in the negative. Yeas, 24. Nays, 120.

Those who voted in the affirmative are:

Andriano of Orwell	Harrison of Chittenden	Page of Newport City
Branagan of Georgia	Higley of Lowell	Peterson of Clarendon
Brennan of Colchester	Labor of Morgan	Sammis of Castleton
Canfield of Fair Haven	Laroche of Franklin	Taylor of Milton
Demar of Enosburgh	Marcotte of Coventry	Walker of Swanton
Dickinson of St. Albans Town	Mattos of Milton	Williams of Granby
Graham of Williamstown	McFaun of Barre Town	Wilson of Lyndon
Hango of Berkshire	Morgan of Milton	
	Oliver of Sheldon	

Those who voted in the negative are:

Andrews of Westford	Dolan of Waitsfield	Mulvaney-Stanak of Burlington
Anthony of Barre City	Donahue of Northfield	Nicoll of Ludlow
Arrison of Weathersfield	Durfee of Shaftsbury	Notte of Rutland City
Arsenault of Williston	Elder of Starksboro	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Bartley of Fairfax	Galfetti of Barre Town	Ode of Burlington
Beck of St. Johnsbury	Garofano of Essex	Parsons of Newbury
Berbeco of Winooski	Goldman of Rockingham	Patt of Worcester
Birong of Vergennes	Goslant of Northfield	Pearl of Danville
Black of Essex	Graning of Jericho	Pouech of Hinesburg
Bluemle of Burlington	Gregoire of Fairfield	Priestley of Bradford
Bongartz of Manchester	Headrick of Burlington	Rachelson of Burlington
Bos-Lun of Westminster	Holcombe of Norwich	Rice of Dorset
Boyden of Cambridge	Hooper of Randolph	Roberts of Halifax
Brady of Williston	Hooper of Burlington	Satcowitz of Randolph
Brown of Richmond	Houghton of Essex Junction	Scheu of Middlebury
Brownell of Pownal	Howard of Rutland City	Shaw of Pittsford
Brumsted of Shelburne	Hyman of South Burlington	Sheldon of Middlebury
Burditt of West Rutland	James of Manchester	Sibilia of Dover
Burrows of West Windsor	Jerome of Brandon	Sims of Craftsbury
Buss of Woodstock	Kornheiser of Brattleboro	Small of Winooski
Campbell of St. Johnsbury	Krasnow of South Burlington	Smith of Derby
Carpenter of Hyde Park	LaBounty of Lyndon	Squirrell of Underhill
Carroll of Bennington	Lalley of Shelburne	Stebbins of Burlington
Casey of Montpelier	LaLonde of South Burlington	Stevens of Waterbury
Chapin of East Montpelier	LaMont of Morristown	Stone of Burlington
Chase of Chester		Surprenant of Barnard
Chase of Colchester		

Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes Leavitt of Grand Isle	Taylor of Colchester Templeman of Brownington
Christie of Hartford	Lipsky of Stowe	Toleno of Brattleboro
Clifford of Rutland City	Long of Newfane	Toof of St. Albans Town
Coffey of Guilford	Maguire of Rutland City	Torre of Moretown
Cole of Hartford	Masland of Thetford	Troiano of Stannard
Conlon of Cornwall	McCann of Montpelier	Waters Evans of Charlotte
Corcoran of Bennington	McCarthy of St. Albans City	White of Bethel
Cordes of Lincoln	McCoy of Poultney	Whitman of Bennington
Demrow of Corinth	McGill of Bridport	Williams of Barre City
Dodge of Essex	Minier of South Burlington	Wood of Waterbury
Dolan of Essex Junction	Morris of Springfield	
	Morrissey of Bennington	
	Mrowicki of Putney	

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

Burke of Brattleboro	Logan of Burlington	Pajala of Londonderry
Cina of Burlington	Mihaly of Calais	

Thereafter, the report of the Committee on Environment and Energy was agreed to and third reading was ordered.

**Second Reading; Consideration Interrupted;
Bill Amended; Third Reading Ordered**

H. 158

Rep. Morris of Springfield, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to the beverage container redemption system

Reported in favor of its passage when 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.

Rep. Ode of Burlington, for the Committee on Ways and Means, recommended that 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.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended 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.

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

At eleven o'clock and fifty-five minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

Thereafter, the report of the Committee on Environment and Energy was amended as recommended by the Committee on Ways and Means.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Representatives Morris of Springfield, Sheldon of Middlebury, Bongartz of Manchester, Clifford of Rutland City, Logan of Burlington, Patt of Worcester, Satcowitz of Randolph, Sibilis of Dover, Smith of Derby, Stebbins of Burlington, and Torre of Moretown** moved that the report of the Committee on Environment and Energy, as amended, be further amended, as follows:

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"

Which was agreed to. Thereupon, the bill was amended as recommended by the Committee on Environment and Energy, as amended.

Pending the question, Shall the bill be read a third time?, **Rep. Beck of St. Johnsbury** 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 read a third time?, was decided in the affirmative. Yeas, 115. Nays, 29.

Those who voted in the affirmative are:

Andrews of Westford	Donahue of Northfield	Mrowicki of Putney
Andriano of Orwell	Durfee of Shaftsbury	Mulvaney-Stanak of Burlington
Anthony of Barre City	Elder of Starksboro	Nicoll of Ludlow
Arsenault of Williston	Emmons of Springfield	Notte of Rutland City
Austin of Colchester	Farlice-Rubio of Barnet	Noyes of Wolcott
Bartholomew of Hartland	Galfetti of Barre Town	Nugent of South Burlington
Berbeco of Winooski	Garofano of Essex	O'Brien of Tunbridge
Birong of Vergennes	Goldman of Rockingham	Ode of Burlington
Black of Essex	Graning of Jericho	Patt of Worcester
Bluemle of Burlington	Gregoire of Fairfield	Pearl of Danville
Bongartz of Manchester *	Headrick of Burlington	Pouech of Hinesburg
Bos-Lun of Westminster	Holcombe of Norwich	Priestley of Bradford
Boyden of Cambridge	Hooper of Randolph	Rachelson of Burlington
Brady of Williston	Hooper of Burlington	Rice of Dorset
Branagan of Georgia	Houghton of Essex Junction	Roberts of Halifax
Brown of Richmond	Howard of Rutland City	

Brownell of Pownal	Hyman of South Burlington	Satcowitz of Randolph
Brumsted of Shelburne	James of Manchester	Scheu of Middlebury
Burrows of West Windsor	Jerome of Brandon	Sheldon of Middlebury
Buss of Woodstock	Kornheiser of Brattleboro	Sibilia of Dover
Campbell of St. Johnsbury	Krasnow of South	Sims of Craftsbury
Carpenter of Hyde Park	Burlington	Small of Winooski
Carroll of Bennington	LaBounty of Lyndon	Smith of Derby
Casey of Montpelier	Lalley of Shelburne	Squirrell of Underhill
Chase of Chester	LaLonde of South	Stebbins of Burlington *
Chase of Colchester	Burlington	Stevens of Waterbury
Chesnut-Tangerman of	Lanpher of Vergennes	Stone of Burlington
Middletown Springs	Leavitt of Grand Isle	Surprenant of Barnard
Christie of Hartford	Lipsky of Stowe	Taylor of Colchester
Cina of Burlington	Long of Newfane	Templeman of Brownington
Coffey of Guilford	Maguire of Rutland City	Toleno of Brattleboro
Cole of Hartford	Marcotte of Coventry	Torre of Moretown
Conlon of Cornwall	Masland of Thetford	Troiano of Stannard
Corcoran of Bennington	McCann of Montpelier	Walker of Swanton
Cordes of Lincoln	McCarthy of St. Albans City	Waters Evans of Charlotte
Demrow of Corinth	McFaun of Barre Town	White of Bethel
Dodge of Essex	McGill of Bridport	Whitman of Bennington
Dolan of Essex Junction	Mihaly of Calais	Williams of Barre City
Dolan of Waitsfield	Minier of South Burlington	Wood of Waterbury
	Morris of Springfield	
	Morrissey of Bennington	

Those who voted in the negative are:

Arrison of Weathersfield	Goslant of Northfield	Oliver of Sheldon
Bartley of Fairfax	Graham of Williamstown	Page of Newport City
Beck of St. Johnsbury	Hango of Berkshire	Parsons of Newbury
Brennan of Colchester	Harrison of Chittenden *	Peterson of Clarendon
Burditt of West Rutland	Higley of Lowell	Sammis of Castleton
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Taylor of Milton
Demar of Enosburgh	Mattos of Milton	Toof of St. Albans Town
Dickinson of St. Albans	McCoy of Poultney	Williams of Granby
Town	Morgan of Milton	Wilson of Lyndon

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

Burke of Brattleboro	LaMont of Morrystown	Pajala of Londonderry
Chapin of East Montpelier	Logan of Burlington	

Rep. Bongartz of Manchester explained his vote as follows:

“Madam Speaker:

All recycling is not created equal. Only a redemption system produces materials that manufacturers can use time after time after time. That is why my vote is yes.”

Rep. Harrison of Chittenden explained his vote as follows:

“Madam Speaker:

H.158 will increase prices to consumers and complicates recycling. I vote no.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes on the expanded bottle bill because it will save energy, save natural resources, increase business efficiency, reduce waste, and support a circular economy.”

Second Reading; Bill Amended; Third Reading Ordered

H. 205

Rep. Surprenant of Barnard, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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”

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the report of the 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.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Agriculture, Food Resiliency, and Forestry was amended as recommended by the Committee on Appropriations. The report of the Committee on Agriculture, Food Resiliency, and Forestry, as amended, was agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 222**

Rep. Whitman of Bennington, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to reducing overdoses

Reported in favor of its passage when 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; BUPRENORPHINE

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.

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

Rep. Dickinson of St. Albans Town for the Committee on Appropriations, recommended 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”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Human Services was amended as recommended by the Committee on Appropriations.

Pending the question, Shall the bill be amended as recommended by the Committee on Human Services, as amended?, **Rep. Wood of Waterbury** 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 Human Services, as amended?, was decided in the affirmative. Yeas, 138. Nays, 1.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex *	Minier of South Burlington
Andriano of Orwell	Dolan of Essex Junction	Morgan of Milton
Anthony of Barre City	Dolan of Waitsfield	Morris of Springfield
Arrison of Weathersfield	Donahue of Northfield	Morrissey of Bennington
Arsenault of Williston	Durfee of Shaftsbury	Mulvaney-Stanak of Burlington
Austin of Colchester	Elder of Starksboro	Nicoll of Ludlow
Bartholomew of Hartland	Emmons of Springfield	Notte of Rutland City
Bartley of Fairfax	Farlice-Rubio of Barnet	Noyes of Wolcott
Beck of St. Johnsbury	Galfetti of Barre Town	Nugent of South Burlington
Berbeco of Winooski	Garofano of Essex *	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Oliver of Sheldon
Black of Essex	Goslant of Northfield	Page of Newport City
Bluemle of Burlington	Graning of Jericho	Parsons of Newbury
Bongartz of Manchester	Gregoire of Fairfield	Patt of Worcester
Bos-Lun of Westminster	Hango of Berkshire	Pouech of Hinesburg
Boyden of Cambridge	Harrison of Chittenden	Priestley of Bradford
Brady of Williston	Headrick of Burlington	Rachelson of Burlington *
Branagan of Georgia	Higley of Lowell	Rice of Dorset
Brennan of Colchester	Holcombe of Norwich	Roberts of Halifax
Brown of Richmond *	Hooper of Randolph	Sammis of Castleton
Brownell of Pownal	Hooper of Burlington	

Brumsted of Shelburne	Houghton of Essex Junction	Satcowitz of Randolph
Burditt of West Rutland	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	Hyman of South Burlington	Shaw of Pittsford
Burrows of West Windsor	James of Manchester	Sheldon of Middlebury
Buss of Woodstock	Jerome of Brandon	Sibilia of Dover
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Sims of Craftsbury
Canfield of Fair Haven	Krasnow of South	Small of Winooski
Carpenter of Hyde Park	Burlington	Smith of Derby
Carroll of Bennington	Labor of Morgan	Squirrell of Underhill
Casey of Montpelier	LaBounty of Lyndon	Stebbins of Burlington
Chase of Chester	Lalley of Shelburne	Stevens of Waterbury
Chase of Colchester	LaLonde of South	Stone of Burlington
Chesnut-Tangerman of	Burlington	Taylor of Milton
Middletown Springs	LaMont of Morristown	Taylor of Colchester
Christie of Hartford	Lanpher of Vergennes	Templeman of Brownington
Cina of Burlington	Laroche of Franklin	Toleno of Brattleboro
Clifford of Rutland City	Lipsky of Stowe	Toof of St. Albans Town
Coffey of Guilford	Long of Newfane *	Torre of Moretown
Cole of Hartford	Maguire of Rutland City	Troiano of Stannard
Conlon of Cornwall	Marcotte of Coventry	Walker of Swanton
Corcoran of Bennington	Masland of Thetford	Waters Evans of Charlotte
Cordes of Lincoln	Mattos of Milton	White of Bethel
Demar of Enosburgh	McCann of Montpelier	Whitman of Bennington
Demrow of Corinth	McCarthy of St. Albans City	Williams of Barre City
Dickinson of St. Albans	McCoy of Poultney	Williams of Granby
Town	McFaun of Barre Town	Wood of Waterbury
	McGill of Bridport	
	Mihaly of Calais	

Those who voted in the negative are:

Peterson of Clarendon

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

Chapin of East Montpelier	Mrowicki of Putney	Surprenant of Barnard
Graham of Williamstown	O'Brien of Tunbridge	Wilson of Lyndon
Leavitt of Grand Isle	Pajala of Londonderry	
Logan of Burlington	Pearl of Danville	

Rep. Brown of Richmond explained her vote as follows:

“Madam Speaker:

H.222 takes significant steps to address Vermont’s overdose epidemic which is a serious public health issue that impacts every corner of our state. This bill will help Vermonters access lifesaving treatments and promote

equitable access to services and programs. I voted yes to aid and support Vermonters on their path to recovery.”

Rep. Dodge of Essex explained her vote as follows:

“Madam Speaker:

I rise to thank the House today for H.222, and to honor my nephew, who had just turned 20 when he tragically died of an overdose.”

Rep. Garofano of Essex explained her vote as follows:

“Madam Speaker:

Vermont is on track to break yet another record in overdose deaths, meaning that we will lose more than 237 lives to overdoses in 2023. We heard from various experts and those with vivid experience. The stories that have stayed with me and from parents who have lost their children to this epidemic, folks who have found their way to recovery, despite struggling with access and transportation to services, and the service providers who work tirelessly every day to prevent another senseless death!”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

Tragically, Vermont has experienced its third record-breaking year for fatal overdoses. H.222 makes it easier for Vermonters to access treatment, for communities to establish recovery housing, and for providers to prescribe lifesaving medication via telehealth. I voted yes for a bill that will save lives.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

According to the CDC, people who utilized syringe exchange services are 3 1/2 times more likely to cease injecting compared to drug users who are not using syringe programs. Enough is enough. Overdose deaths are preventable. H.222 is thoughtful, comprehensive and will result in saving the lives of our relatives, friends, and neighbors from drug overdoses.”

Thereupon, third reading was ordered.

**Committee Bill; Second Reading; Bill Amended;
Third Reading Ordered**

H. 480

Rep. Kornheiser of Brattleboro spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to property valuation and reappraisals

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that 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.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the bill amended as recommended by the Committee on Appropriations, and third reading ordered.

Message from the Senate No. 33

A message was received from the Senate by Ms. Kucserik, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 27. An act relating to reducing the imposition of cash bail.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 21. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

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