

Journal of the House

Tuesday, April 25, 2023

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

Devotional Exercises

Devotional exercises were conducted by Rep. Joseph Andriano of Orwell.

Pledge of Allegiance

Page Ziva Baker of Westfield led the House in the Pledge of Allegiance.

Bill Referred to Committee on Appropriations

S. 14

Senate bill, entitled

An act relating to a report on criminal justice-related investments and trends

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

Ceremonial Reading

H.C.R. 93

House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont

Offered by: Representatives Rachelson of Burlington, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Beck of St. Johnsbury, Berbeco of Winooski, Black of Essex, Bos-Lun of Westminster, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Canfield of Fair Haven, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Coffey of Guilford, Cole of Hartford, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Goslant of Northfield, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Houghton of Essex Junction, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Patt of Worcester, Priestley of Bradford,

Rice of Dorset, Scheu of Middlebury, Sibia of Dover, Small of Winooski, Stebbins of Burlington, Stone of Burlington, and White of Bethel

Offered by: Senators Clarkson, Collamore, Hardy, Lyons, Vyhovsky, Watson, and Wrenner

Whereas, the federal Health Resources and Services Administration reports that, despite the 42,000 donor transplants performed in 2022, more than 104,000 persons are on the national transplant waiting list, and every 10 minutes another person's name is added, and

Whereas, on a daily basis, 17 persons die in the United States while waiting to receive an organ, a number that translates to 6,000 annually, and

Whereas, according to the University of Texas Southwestern Medical Center, an estimated 450,000 Americans annually need tissue transplants to improve or even save their lives, and

Whereas, Vermont is a leader in the percentage of driver's license holders who have signed up to be organ donors, and

Whereas, on Tuesday, April 25, during National Donate Life Awareness Month—a commemoration that the U.S. Secretary of Human Services established in 2003—the Vermont Department of Motor Vehicles and the Vermont Department of Health will cohost a celebration of the effectiveness of organ donations that is also intended to encourage Vermonters to designate themselves as organ donors, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 2023 as Donate Life Awareness Month in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Commissioner of Health, the Vermont Commissioner of Motor Vehicles, and Donate Life Vermont.

Having been adopted in concurrence on Friday, April 21, 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. 504

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Berlin

H. 505

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Rutland

**Third Reading; Bills Passed in Concurrence
With Proposal of Amendment**

Senate bills of the following titles were severally taken up, read the third time, and passed in concurrence with proposal of amendment:

S. 36

Senate bill, entitled

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities

S. 48

Senate bill, entitled

An act relating to regulating the sale of catalytic converters

Action on Bill Postponed**H. 89**

House bill, entitled

An act relating to civil and criminal procedures concerning legally protected health care activity

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until April 26, 2023.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 73**

Rep. Sammis of Castleton, for the Committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

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

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, 21 V.S.A. § 601, definitions, in subdivision (11)(E)(iii), after “liver,” by inserting “lung.”

Second: By striking out Secs. 2 and 3 in their entireties and inserting in lieu thereof Secs. 2, 3, and 4 to read as follows:

Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE
EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;

(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired; and

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment.

(b) The report may include recommendations for legislative action to facilitate:

(1) the early identification of cancer in firefighters;

(2) the acquisition of personal protective equipment by fire departments;
and

(3) the elimination of PFAS and other carcinogens in firefighting equipment.

Sec. 3. WORKERS' COMPENSATION FOR FIREFIGHTERS WITH
CANCER; ELIGIBILITY

(a) On or before January 15, 2024, the Commissioners of Labor and of Financial Regulation, in consultation with the Director of the Division of Fire Safety, shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the following topics:

(1) the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter:

(A) is over 65 years of age; or

(B) has used tobacco products within the last 10 years;

(2) the potential impacts on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter, including:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer; and

(3) potential methods for apportioning liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed as a career firefighter by one department and a volunteer firefighter by another department.

(b) The report may include recommendations for legislative action to:

(1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years of age or has used tobacco products within the last 10 years; and

(2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter to include either:

(A) additional specific cancers for which firefighters have a significantly increased risk in comparison to the general public; or

(B) all forms of cancer.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

The bill, having appeared on the Notice Calendar, was taken up and, read the second time. Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Commerce and Economic Development?, **Rep. Sammis of Castleton** moved to substitute an amendment for the report of the Commerce and Economic Development by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

~~Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows~~ As used in this chapter:

* * *

(11) “Personal injury by accident arising out of and in the course of employment” includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision (iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

(i)(I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or within two years of July 1, 2007 while serving as a firefighter, and the evaluation indicated no evidence of cancer;

(II) the firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and

(III) the firefighter is under 65 years of age.

(ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.

(iii) The disabling cancer shall be limited to leukemia, lymphoma, or multiple myeloma, and cancers originating in the bladder, brain, breast, colon, gastrointestinal tract, kidney, liver, lung, pancreas, reproductive system, skin, or testicles thyroid.

(F) A firefighter who is diagnosed with cancer within 10 years of the last active date of employment as a firefighter shall be eligible for benefits under this subdivision. The date of injury shall be the date of the last injurious exposure as a firefighter.

(G) It is recommended that fire departments:

(i) maintain incident report records for at least 10 years; and

(ii) offer or provide annual cancer screenings to all firefighters who are employed by or who volunteer for the department.

* * *

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(A) is over 65 years of age; or

(B) has used tobacco products within the last 10 years;

(2) the potential impacts on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter, including:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer; and

(3) potential methods for apportioning liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed as a career firefighter by one department and a volunteer firefighter by another department.

(b) The report may include recommendations for legislative action to:

(1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years of age or has used tobacco products within the last 10 years; and

(2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter to include either:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Which was agreed to. Thereafter, the report of the Committee on Commerce and Economic Development, as substituted, was agreed to and third reading ordered.

Message from the Senate No. 45

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 adopted joint resolution of the following title:

J.R.S. 25. Joint resolution relating to weekend adjournment.

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

The Senate has considered a bill originating in the House of the following title:

H. 222. An act relating to reducing overdoses.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Adjournment

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