

Journal of the Senate

FRIDAY, APRIL 26, 2024

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Co'Relous C. Bryant of Lincoln.

Message from the House No. 52

A message was received from the House of Representatives by Ms. Courtney Reckord, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to House bill entitled:

H. 883. An act relating to making appropriations for the support of government.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Lanpher of Vergennes
Rep. Scheu of Middlebury
Rep. Wood of Waterbury.

Rules Suspended; Bill Committed

H. 289.

Pending entry on the Calendar for notice, on motion of Senator Cummings, the rules were suspended and House bill entitled:

An act relating to the Renewable Energy Standard.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Cummings moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the reports of the Committees on Natural Resources and Energy and on Finance *intact*.

Which was agreed to.

**Rules Suspended; Immediate Consideration; Third Reading Ordered;
Rules Suspended; Senate Resolution Adopted**

S.R. 18.

Appearing on the Calendar for notice, on motion of Senator Brock, the rules were suspended and Senate resolution entitled:

Senate resolution affirming the importance of the friendship and strong bilateral relationships between the United States and the Republic of China (Taiwan) and between the State of Vermont and the Republic of China (Taiwan) and supporting Taiwan's greater participation in more multinational organizations.

Was taken up for immediate consideration.

Senator Clarkson, for the Committee on Economic Development, Housing and General Affairs, to which the resolution was referred, reported that the resolution ought to be adopted.

Thereupon, the resolution was read the second time by title only pursuant to Rule 43, and third reading of the resolution was ordered.

Thereupon, on motion of Senator Brock, the rules were suspended and the resolution was placed on all remaining stages of its adoption.

Thereupon, the resolution was read the third time and adopted.

Committee of Conference Appointed

H. 883

An act relating to making appropriations for the support of government.

Was taken up.

Pursuant to the request of the House, the President *pro tempore* announced the appoint of

Senator Kitchel
Senator Perchlik
Senator Westman

as members of the Committee of Conference on part of the Senate to consider the disagreeing votes of the two Houses.

Bill Referred to Committee on Finance**H. 645.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to the expansion of approaches to restorative justice.

Bill Referred

Pursuant to Temporary Rule 44A the following bill having failed to meet crossover and having been granted an exception by the Committee on Rules was referred to the Committee on Finance:

H. 887. An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation.

House Proposal of Amendment Concurred In**S. 189.**

House proposal of amendment to Senate bill entitled:

An act relating to mental health response service guidelines and social service provider safety.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7260 is added to read:

§ 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES

(a) The Department shall develop guidelines for use by municipalities, including use by emergency medical technicians and public safety personnel, such as law enforcement officers as defined by 20 V.S.A. § 2351a and firefighters as defined in 20 V.S.A. § 3151, who are employed, volunteer, or are under contract with a municipality. The guidelines shall recommend best practices for de-escalation and for mental health response services, including crisis response services. The Department shall make the guidelines available to municipalities and publish the guidelines on the Department's website.

(b) In developing the guidelines required pursuant to subsection (a) of this section, the Department shall consult with the following entities:

- (1) the Department of Health;
- (2) the Department of Disabilities, Aging, and Independent Living;

-
- (3) the Department of Public Safety;
 - (4) the Vermont Care Partners;
 - (5) the Vermont Psychiatric Survivors;
 - (6) the Vermont chapter of the National Alliance on Mental Illness;
 - (7) the Vermont Criminal Justice Council;
 - (8) the Vermont League of Cities and Towns;
 - (9) Disability Rights Vermont;
 - (10) the Department's State Program Standing Committees; and
 - (11) any other stakeholders the Department deems appropriate.

Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY

(a) On or before November 15, 2024, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall convene one or more meetings related to social service provider safety with community-based social service organizations.

(1) The following community-based social service organizations, professions, and individuals may be included in the meeting or meetings described in this subsection:

- (A) the Vermont Network Against Domestic and Sexual Violence;
- (B) the Vermont Coalition to End Homelessness;
- (C) mental health and health care providers;
- (D) community action programs;
- (E) restorative justice service providers;
- (F) disability service providers and advocates;

(G) individuals with lived experience of a mental health condition, substance use disorder, or any other condition or circumstance requiring social work services; and

- (H) any other stakeholder deemed appropriate by the Agency.

(2) In advance of the meeting or meetings described in this subsection, the participating community-based social service organizations and individuals from a participating profession may review relevant studies related to social service provider safety and individual social service provider safety experiences.

(b) On or before January 31, 2025, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall present findings and recommendations to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare, including a list of the community-based social service organizations that participated in the meeting or meetings and the number of meetings convened.

Sec. 3. 33 V.S.A. § 6309 is added to read:

§ 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

(a) If an individual was previously discharged from service by a home health agency to protect the safety of staff in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter, and the behavior or conditions causing the discharge cannot be reasonably mitigated or eliminated, a home health agency may:

(1) deny a subsequent admission; or

(2) decline to send a home health agency employee to make a visit if the home health agency has reason to believe that the individual who exhibited the behavior that resulted in the discharge is present in the home.

(b) Nothing in this section shall be construed to require a home health agency to enter a home to determine if a risk can be mitigated or eliminated.

(c) A home health agency shall provide notice of any denial of admission made pursuant to this section. The notice shall include the reason for the denial of admission and information regarding how an individual may submit a complaint pursuant to section 6308 of this chapter in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter.

Sec. 4. REPORT; HOME HEALTH AGENCY SAFETY DISCHARGES

On or after February 15, 2025, in consultation with home health agencies, the Department of Disabilities, Aging, and Independent Living shall provide an update to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the implementation of Sec. 3 (33 V.S.A. § 6309) of this act. Specifically, the update shall address:

(1) the number of safety discharges made by home health agencies during the previous calendar year;

(2) the nature of the risks posed that result in a safety discharge; and

(3) the number of individuals denied subsequent admission to or services from a home health agency due to a previous safety discharge.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to mental health response service guidelines and the safety of social service and home health providers”

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment

H. 766.

House bill entitled:

An act relating to prior authorization and step therapy requirements, health insurance claims, and provider contracts.

Was taken up.

Thereupon, pending third reading of the bill, Senators Lyons, Gulick, Hardy, Weeks and Williams moved to amend the Senate proposal of amendment in Sec. 1, 8 V.S.A. § 4089i, by striking out subsection (i) in its entirety and inserting in lieu thereof a new subsection (i) to read as follows:

(i) 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 shall cover, without requiring prior authorization, at least one readily available asthma controller medication from each class of medication and mode of administration. As used in this subsection, “readily available” means that the medication is not listed on a national drug shortage list, including lists maintained by the U.S. Food and Drug Administration and by the American Society of Health-System Pharmacists.

Which was agreed to.

Thereupon, Senators Lyons, Gulick, Hardy, Kitchel and Williams moved that the Senate proposal of amendment be amended in Sec. 3, 18 V.S.A. § 9418b(c) and (d), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

~~(c) A health plan shall furnish, upon request from a health care provider, a current list of services and supplies requiring prior authorization.~~

(1)(A) Except as provided in subdivision (B) of this subdivision (1), a health plan shall not impose any prior authorization requirement for any admission, item, service, treatment, or procedure ordered by a primary care provider.

(B) The prohibition set forth in subdivision (A) of this subdivision (1) shall not be construed to prohibit prior authorization requirements for prescription drugs or for an admission, item, service, treatment, or procedure that is provided out-of-network.

(2) As used in this subsection, “primary care provider” has the same meaning as is used by the Vermont Blueprint for Health.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Bill Passed in Concurrence

H. 350.

House bill of the following title was read the third time and passed in concurrence:

An act relating to the Uniform Directed Trust Act.

Bill Passed in Concurrence with Proposal of Amendment

H. 606.

House bill of the following title was read the third time and passed in concurrence with proposal of amendment on a division of the Senate, Yeas 21, Nays 6.

An act relating to professional licensure and immigration status.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment

H. 706.

House bill entitled:

An act relating to banning the use of neonicotinoid pesticides.

Was taken up.

Thereupon, pending third reading of the bill, Senators Lyons, Clarkson, Gulick, Hashim, McCormack, Vyhovsky, Watson and White moved to amend the Senate proposal of amendment in Sec. 9, effective dates, by striking out

subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Sec. 3 (treated article seed) shall take effect on January 1, 2029, provided that the prohibition on the use of neonicotinoid treated article seed in New York under N.Y. Environmental Conservation Law § 37-1101(1) is in effect on January 1, 2029. If N.Y. Environmental Conservation Law § 37-1101(1) is not in effect on January 1, 2029, Sec. 3 of this act shall not take effect until the effective date of N.Y. Environmental Conservation Law § 37-1101(1).

Which was agreed to, on a division of the Senate, Yeas 15, Nays 12.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment, on a roll call, Yeas 25, Nays 2.

Senator Campion having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, White, Williams, Wrenner.

Those Senators who voted in the negative were: Ingalls, Norris.

Those Senators absent or not voting were: Baruth (presiding), Vyhovsky.

Bill Passed in Concurrence

H. 884.

House bill of the following title was read the third time and passed in concurrence:

An act relating to the modernization of governance for the St. Albans Cemetery Association.

House Concurrent Resolutions

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted on the part of the Senate:

By All Members of the House,

By All Members of the Senate,

H.C.R. 231.

House concurrent resolution celebrating the 50th anniversary of the National Conference of State Legislatures.

By Reps. Morrissey and others,

By Senators Campion and Sears,

H.C.R. 232.

House concurrent resolution congratulating the Woodford SnoBusters snowmobile club on its 40th anniversary.

By Rep. Pajala,

H.C.R. 233.

House concurrent resolution in memory of former Representative Charles Marshall Goodwin IV of Weston.

By Reps. Kornheiser and others,

H.C.R. 234.

House concurrent resolution in memory of Phyllis Gigante of Brattleboro.

By Rep. Pajala,

H.C.R. 235.

House concurrent resolution in memory of former Winhall Town Treasurer Kathryn Louise Coleman.

By Reps. Morrissey and others,

By Senators Campion and Sears,

H.C.R. 236.

House concurrent resolution congratulating Kevin J. Goodhue on his nearly half century of remarkable public service and future-oriented leadership at the Bennington Rural Fire Department.

By Reps. Houghton and others,

H.C.R. 237.

House concurrent resolution congratulating the youngsters who represented Vermont and earned an individual championship at the 2024 Elks National Hoop Shoot's New England regional tournament.

By Reps. Roberts and others,

By Senators Collamore, Hardy, Hashim, McCormack, Perchlik, Ram Hinsdale, Vyhovsky and Wrenner,

H.C.R. 238.

House concurrent resolution recognizing the month of May 2024 as Asian/Pacific American Heritage Month in Vermont.

By Reps. McCann and others,

By Senators Clarkson, Lyons, Perchlik, Vyhovsky, Watson and Wrenner,

H.C.R. 239.

House concurrent resolution congratulating the 2024 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching.

By Reps. McCann and others,

By Senators Cummings, Ram Hinsdale, Vyhovsky, Weeks and Wrenner,

H.C.R. 240.

House concurrent resolution congratulating Aziza Malik on being named the Vermont 2024 Teacher of the Year.

By Reps. Chapin and others,

H.C.R. 241.

House concurrent resolution congratulating the drama students and theater department of U-32 High School on earning a berth at the 2024 New England Theatre Festival.

Adjournment

On motion of Senator Clarkson, the Senate adjourned, to reconvene on Tuesday, April 30, 2024, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 54.