

New and Amended Rulemaking Authority (through LCAR)

Act			Statutory Authority	Topic of Rule	Committees of Jurisdiction	Adopting Agency	New	Mandatory (and Dates)	Notes
Year	No.	§§							
2023	4	1	2020 A&R No. 91, Sec. 8	Access to health care services	H. Health Care S. Health & Welfare S. Finance	Department of Financial Regulation (DFR)	No	No	(1) Extends DFR’s authority to adopt emergency rules expanding health insurance coverage and waiving or limiting cost-sharing requirements for COVID-19 diagnosis, treatment, and prevention through March 31, 2024; and (2) Repeals DFR’s authority to adopt emergency rules modifying or suspending plan deductible requirements for prescription drugs.
2023	14	8	15 V.S.A. § 1160	Safe at Home Program	H. Judiciary S. Judiciary	Secretary of State	No	No	Expands rulemaking for the Safe at Home Program to provide coverage to persons who provide legally protected health care (reproductive and gender-affirming), persons who assist others in obtaining such care, and persons who exercise their legal right to obtain such services.
2023	17	2	7 V.S.A. § 501	Alcoholic beverages; licensees; insurance	H. Gov. Ops. & Military Affairs S. Econ. Dev., Housing, & Gen. Affairs	Department of Liquor and Lottery (in consultation with the Department of Financial Regulation)	Yes	Yes (takes effect on 7/1/24)	Requires rulemaking on minimum policy requirements, including coverage amounts, for liquor liability insurance.
2023	18	3 & 6	30 V.S.A. §§ 8126 & 8131	Clean Heat Standard	H. Environment & Energy S. Nat. Resources & Energy	Public Utility Commission	Yes	Yes (to General Assembly by 1/15/25)	Unique adoption process with modified Administrative Procedure Act requirements and General Assembly authorization (Sec. 6).

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2023	22	6b & 8b	18 V.S.A. § 4752	Opioid use disorder; office-based treatment; prescription of preferred medication for buprenorphine	H. Human Services S. Health & Welfare	Department of Health & Department of Vermont Health Access	No	Yes	(1) Authorizes, but does not mandate, amendments to existing rules on the creation of a regional system of opioid use disorder treatment to address requirements for pharmacological treatment; and (2) Requires the Department of Vermont Health Access to amend its rules to enable health care providers in office-based opioid-treatment programs to prescribe 24 milligrams or less of the preferred medication for buprenorphine without prior authorization in accordance with 33 V.S.A. § 1901l.
2023	27	3(a)	18 V.S.A. § 7628	State forensic facility; psychiatric medications	H. Health Care S. Health & Welfare	Department of Mental Health	No	Yes (file initial proposed rule by 8/1/23)	Requires amendment to the Rules for the Administration of Nonemergency Involuntary Psychiatric Medications for the purpose of allowing the administration of involuntary medication at a forensic facility.
2023	27	3(b)	18 V.S.A. chapter 45 & 33 V.S.A. § 7117	State forensic facility; involuntary medications	H. Health Care H. Human Services S. Health & Welfare	Department of Mental Health & Department of Disabilities, Aging, and Independent Living.	No	Yes (start drafting proposed amendments by 9/1/23)	Requires the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living to begin to draft proposed amendments to the Licensing and Operating Regulations for Therapeutic Community Residences for the purposes of creating a forensic facility section of the rule that includes allowing the use of emergency involuntary procedures and the administration of involuntary medication.

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2023	43	1	3 V.S.A. §§ 533(1) & 535(b)	VT Saves; program administration	H. Gov. Ops. & Military Affairs S. Gov. Ops.	State Treasurer	Yes	No	Allows the State Treasurer to adopt rules for the implementation and general administration and operation of VT Saves (topics listed).
2023	47	17	10 V.S.A. § 6025	Act 250 master permits	H. Environment & Energy S. Natural Resources & Energy	Natural Resources Board	No	No	The Natural Resources Board may choose to amend its existing rules to address master plan permits for areas within a formally designated downtown development district or neighborhood development area.
2023	47	25a	30 V.S.A. § 209(b)(3)	Utility disconnection	H. Energy & Environment H. General & Housing S. Econ. Dev., Housing, & Gen. Affairs S. Finance	Public Utility Commission (PUC)	No	Yes (see notes)	Requires the PUC to revise its rules concerning utility service disconnection for specific purposes and requires that the rules be submitted to the committees of jurisdiction not later than January 1, 2024.
2023	53	131	18 V.S.A. §§ 102, 304, 1100, 4053, 4058, 4060-62, 4064, 4069, 4202, 4229, 4235, & 4393	Health care	H. Health Care S. Health & Welfare	Department of Health	No	Yes	Transfers existing rulemaking authority of the Board of Health and all rules of the Board of Health existing as of June 28, 2023, to the Department of Health (requires statutory notice to LCAR and SoS).
2023	55	1	21 V.S.A. § 1113(d)(1)(A)	Apprenticeships	H. Commerce & Econ. Dev. S. Econ. Dev., Housing, & Gen. Affairs	Department of Labor	Yes	Yes	Requires the Commissioner of Labor to adopt rules to implement the Vermont Registered Apprenticeship Program.
2023	58	2	10 V.S.A §§ 7187(f) & 7189	Household hazardous products	H. Environment & Energy S. Nat. Resources & Energy	Agency of Natural Resources	Yes	No	Permits the Secretary of Natural Resources to adopt rules to implement the requirements of 10 V.S.A. chapter 164B.

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2023	61	1 & 2	18 V.S.A. § 4672	Unused Drug Repository Program	H. Health Care H. Human Services S. Health & Welfare	Agency of Human Services	Yes	Yes (see notes)	Requires the Agency of Human Services to: (1) adopt rules for the administration of the Unused Drug Repository Program (lists topics); and (2) provide an update on the status of rulemaking as part of its FY24 BAA presentation.
2023	65	7, 17, & 20	7 V.S.A. §§ 881, 954, 956, & 974	Cannabis; THC; propagation licenses; medical cannabis	H. Gov. Ops. & Military Affairs S. Econ. Dev., Housing, & Gen. Affairs	Cannabis Control Board	Yes	Yes	Amends the rule requirements: (1) to increase the maximum amount of THC that can be in a single packet of a cannabis product; (2) to regulate the new propagator licensees; (3) for caregiver cards; and (4) to eliminate requirement that medical cannabis rules not be more restrictive than prior Department of Public Safety rules for medical cannabis.
2023	75	4, 7, & 8	20 V.S.A. § 2355	Law enforcement; roadside impairment enforcement training; alternate routes to certification	H. Gov. Ops. & Military Affairs S. Gov. Ops.	Vermont Criminal Justice Council	Yes	Yes (see notes)	Requires adoption of rules on: (1) Advanced Roadside Impaired Driving Enforcement training programs (no date); and (2) alternate routes to certification by July 1, 2025 (previously July 1, 2023).
2023	76	5a-5c	33 V.S.A. § 3512	Child care; subsidy/contribution setting	H. Human Services S. Health & Welfare	Department for Children and Families	No	Yes	Amends requirements on the subsidy/contribution calculation in rule.
2023	76	9	33 V.S.A. § 3514(a)(2)	Child Care Financial Assistance Program; enrollment	H. Human Services S. Health & Welfare	Department for Children and Families (in consultation with the Office of Racial Equity and stakeholders)	Yes	Yes	Requires adoption of rules on the definition of enrollment and the total number of allowable absences to continue participating in the Child Care Financial Assistance Program.

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2023	76	13	33 V.S.A. §§ 105(b)(2) & 3502	Child care; staffing	H. Human Services S. Health & Welfare	Department for Children and Families	No	Yes	(1) Requires amendment to CVR 13-171-003 and CVR 13-171-004 to require that the program director be present at least 40 percent of the time that children are present; and (2) Requires the Department to review and consider amending rules on specific listed topics.
2023	76	38	21 V.S.A. §§ 642, 643d, 646, & 678	Workers' compensation	H. Commerce & Econ. Dev. S. Econ. Dev., Housing, & Gen. Affairs	Department of Labor	No	Yes (July 1, 2024)	Requires the Commissioner of Labor to adopt rules necessary to implement the provisions of Secs. 30-35 and 37 of Act 76 by July 1, 2024.
2023	78	E.306	33 V.S.A. §§ 1810 & 1901	Health Benefit Exchange	H. Health Care H. Human Services S. Health & Welfare	Agency of Human Services	No (see notes)	No	Permits the Agency of Human Services to adopt: (1) permanent rules to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to State and federal law and guidance; and (2) emergency rules prior to June 30, 2024, if new State or federal law or guidance requires amendment of or adoption of rules in a time frame that cannot be accomplished under the permanent rulemaking process. NOTE: This language is included in the annual Budget Bill, with emergency rule allowance updated to close of next fiscal year.
2023	79	2	10 V.S.A. § 1110(2)	Dam design standards	H. Environment & Energy S. Natural Resources & Energy	Department of Environmental Conservation	Yes	Yes (July 1, 2024)	Requires adoption of rules on dam design standards by July 1, 2024 (previously July 1, 2022).

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