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Act No. 20 (S.28). An act relating to access to certain legally protected health care services

Subjects: Health; health care professionals; legally protected health care activity; Consumer Protection Act; limited-services pregnancy centers; unprofessional conduct; medication abortions; fetal death reports

This act creates reciprocity with other states that also safeguard access to reproductive health care and gender-affirming health care services, which Vermont law refers to as “legally protected health care activity.” It establishes a new exemption from the Public Records Act for records held by a State professional licensing entity if the records contain the telephone number, email address, or physical or mailing address of an applicant or licensee, other than an address that the applicant or licensee has designated as a public address. The act amends laws describing unprofessional conduct for professions regulated by the Office of Professional Regulation and the Board of Medical Practice to include advertising that is intended or has a tendency to mislead as well as to deceive and permitting one’s name or license to be used when not actively overseeing the services provided, in addition to when not actually in charge of or responsible for those services. The act also creates an exception to the prohibition on using a questionnaire for the initial evaluation of a patient to allow prescribing medication to a patient to terminate pregnancy based on an adaptive questionnaire that allows the provider to get additional medical history and ask follow-up questions as needed.

The act expands the scope of health-related conduct that violates the Consumer Protection Act from advertising of services by limited-services pregnancy centers to untrue or misleading advertising by any person regarding health care services performed in this State. It adds federal investigations and proceedings to an existing prohibition on public agencies and officials cooperating in an interstate investigation or proceeding that seeks to impose civil or criminal liability on anyone who has engaged in legally protected health care activity in Vermont, with a corresponding exemption for compliance with federal court orders in addition to Vermont court orders. The act modifies limitations on disclosure of protected health information related to a legally protected health care activity and requires that reports of fetal deaths, which are already excluded from the Public Records Act, be kept confidential, prevents them from being discoverable in legal proceedings, and reduces the time after which the records must be destroyed from five years to two years. The act also allows prescribers and pharmacists to request their names be removed from fulfilled prescriptions for medications for gender-affirming or reproductive health care services and provides immunity for licensed members of a pharmacy’s staff who fail to remove a prescriber’s or pharmacist’s name as long as the staff member’s acts or omissions did not constitute gross negligence, recklessness, or intentional misconduct.

Effective Date: May 13, 2025