

1 H.214

2 Introduced by Representative Bluemle of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Executive; State Treasurer; reproductive health care services; gender-
6 affirming health care services; Safe Harbor Award Program

7 Statement of purpose of bill as introduced: This bill proposes to establish the
8 Safe Harbor Award Program to provide monetary awards to cover certain
9 costs, such as travel, lodging, and meals, incurred by Vermont residents and
10 out-of-state residents who are receiving reproductive or gender-affirming
11 health care services in Vermont.

12 An act relating to establishing the Safe Harbor Award Program for expenses
13 related to reproductive and gender-affirming health care services

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 3 V.S.A. chapter 20A is added to read:

16 CHAPTER 20A. SAFE HARBOR AWARD PROGRAM

17 § 621. DEFINITIONS

18 As used in this chapter:

19 (1) “Collateral costs” means any necessary out-of-pocket expenses that
20 are ancillary to the receipt of reproductive health care services or gender-

1 affirming health care services, or both, in this State, including costs for travel,
2 lodging, and meals but not including the cost of the reproductive health care
3 services or gender-affirming health care services themselves.

4 (2) “Gender-affirming health care services” has the same meaning as in
5 1 V.S.A. § 150.

6 (3) “Health care provider” means an individual, partnership,
7 corporation, facility, or institution licensed, certified, or otherwise authorized
8 by law to provide professional health care services in this State to an individual
9 during that individual’s medical care, treatment, or confinement.

10 (4) “Health care services” means services for the diagnosis, prevention,
11 treatment, cure, or relief of a physical or mental health condition, including
12 counseling, procedures, products, devices, and medications.

13 (5) “Health information” means information relating to the past, present,
14 or future physical or mental health or condition of an individual; the provision
15 of health care services to an individual; or the past, present, or future payment
16 for the provision of health care services to an individual.

17 (6) “Nonprofit organization” means an organization with tax-exempt
18 status under 26 U.S.C. § 501(c)(3).

19 (7) “Patient-identifiable data” means any information, including health
20 information, that identifies or may reasonably be used as a basis to identify an
21 individual patient.

1 (8) “Reproductive health care services” has the same meaning as in
2 1 V.S.A. § 150.

3 § 622. SAFE HARBOR AWARD PROGRAM

4 (a) There is created the Safe Harbor Award Program to provide monetary
5 awards to pay for collateral costs incurred by Vermont residents and out-of-
6 state residents who receive reproductive health care services or gender-
7 affirming health care services, or both, in this State.

8 (b) The Safe Harbor Award Program is authorized to provide monetary
9 awards directly to:

10 (1) any health care provider in Vermont who provides reproductive
11 health care services or gender-affirming health care services, or both; and

12 (2) any nonprofit organization in Vermont whose mission includes
13 providing funding for reproductive health care services or gender-affirming
14 health care services, or both.

15 (c) Monetary awards shall be used to pay for:

16 (1) significant collateral costs, as determined by the Safe Harbor Fund
17 Board, incurred by Vermont residents in receiving reproductive health care
18 services or gender-affirming health care services, or both, in this State; and

19 (2) any collateral costs incurred by out-of-state residents in receiving
20 reproductive health care services or gender-affirming health care services, or
21 both, in this State.

1 (d)(1) For applicants assisting Vermont patients, the Board shall give
2 priority consideration to applicants serving patients with the greatest financial
3 need and to applicants serving patients who live in underserved areas of the
4 State.

5 (2) For applicants assisting out-of-state patients, the Board shall give
6 priority consideration to applicants serving patients with the greatest financial
7 need and to applicants serving patients who live in states with limited access to
8 reproductive health care services or gender-affirming health care services, or
9 both.

10 (e) The monetary award process shall not require the collection or retention
11 of any patient-identifiable data.

12 (f) The Treasurer may make and enter into contracts, agreements,
13 memoranda of understanding, partnerships, and other arrangements to
14 collaborate, cooperate, coordinate, contract, or combine resources with other
15 governmental entities, including other states and their agencies and
16 instrumentalities, to pay for collateral costs incurred by Vermont residents and
17 out-of-state residents receiving reproductive health care services or gender-
18 affirming health care services, or both, through the Safe Harbor Award
19 Program or a similar program.

1 § 623. SAFE HARBOR FUND

2 (a) There is established the Safe Harbor Fund as a special fund pursuant to
3 32 V.S.A. chapter 7, subchapter 5, to be administered by the Treasurer. The
4 purpose of the Fund is to provide funds for and support the administration of
5 the Safe Harbor Award Program established in this chapter.

6 (b) The Fund may receive State appropriations, gifts, grants, federal funds,
7 and funds from any other public or private source. Monies from the Fund may
8 be expended for monetary awards and for administrative and related purposes.

9 (c)(1) Notwithstanding any provision of 32 V.S.A. chapter 7, subchapter 5
10 to the contrary, interest earned by the Fund shall remain in the Fund.

11 (2) The Treasurer's annual financial report to the Governor and the
12 General Assembly shall contain an accounting of the receipts, disbursements,
13 and earnings of the Fund; provided, however, that disbursement information
14 shall not be reported in a manner that allows for the identification of any
15 specific health care provider or nonprofit organization.

16 (3) Patient-identifiable data and information relating to the identity of
17 health care provider and nonprofit organization applicants and award recipients
18 is exempt from public inspection and copying under the Public Records Act
19 and shall be kept confidential.

1 § 624. SAFE HARBOR FUND BOARD

2 (a) The Safe Harbor Fund shall be administered by the Safe Harbor Fund
3 Board, which shall be composed of five members as follows:

4 (1) The State Treasurer or designee, who shall serve as chair.

5 (2) Four members appointed by the Treasurer, at least one of whom
6 shall be a health care provider who provides reproductive health care services
7 or gender-affirming health care services, or both, and at least one of whom
8 shall have experience working with health care providers who provide
9 reproductive health care services or gender-affirming health care services, or
10 both. In making appointments pursuant to this subdivision, the Treasurer shall
11 use best efforts to make appointments that reflect the racial, gender, and
12 geographic diversity of the population of this State.

13 (b) The Board shall adopt policies and procedures for the allocation of
14 monies from the Fund in accordance with this chapter, including policies and
15 procedures regarding:

16 (1) applying for an allocation from the Fund;

17 (2) determinations of eligibility of a health care provider or nonprofit
18 organization to receive an allocation from the Fund;

19 (3) determinations of eligibility of a cost or expense for reimbursement
20 under this chapter;

21 (4) considerations of need, including financial need; and

1 (5) coordination with any other states or with a national or regional
2 network created for a similar purpose, including the acceptance of funding
3 transferred for use by the Safe Harbor Award Program.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.