

1 H.472

2 Introduced by Committee on Government Operations and Military Affairs

3 Date:

4 Subject: Professional and occupations; miscellaneous amendments

5 Statement of purpose of bill as introduced: This bill proposes to amend  
6 various provisions of the statutes governing professions and occupations to  
7 adjust the scope and amounts of fees associated with professional licensure,  
8 authorize the Office to apply a disciplinary action surcharge following a  
9 finding of unprofessional conduct, require cosmetologists to be trained in the  
10 care of textured hair, require licensed nursing assistants to take a competency  
11 exam after their license has lapsed for a period of not more than five years,  
12 remove motor vehicle racing from the regulatory authority of the Office of  
13 Professional Regulation, repeal provisions relating to escrow agents for  
14 prepaid funeral expenses, and add the position of Executive Officer for the  
15 Regulation of Mental Health Professions.

16 An act relating to professions and occupations regulated by the Office of  
17 Professional Regulation

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

2 \* \* \* OPR Fees and Fund Management \* \* \*

3 Sec. 1. 3 V.S.A. § 118 is amended to read:

4 § 118. COLLECTION AND DISPOSITION OF REVENUE

5 (a) There is hereby created a Secretary of State Services Fund. The Fund  
6 shall be used to provide appropriations for the operations of the Office of the  
7 Secretary of State, with the exception of those operations provided for in  
8 chapter 5, subchapter 3 of this title. The Fund shall be administered as a  
9 special fund pursuant to 32 V.S.A. chapter 7, subchapter 5. At the end of each  
10 fiscal year, the unobligated balance in this Fund shall be transferred to the  
11 General Fund.

12 (b) All revenues collected by the Secretary of State shall be deposited into  
13 the Secretary of State Services Fund except for the following revenues:

14 (1) any revenues collected by the Office of Professional Regulation set  
15 forth in chapter 5, subchapter 3 of this title; and

16 (2) any revenues collected pursuant to subsection 117(k) of this title.

17 (c) The Secretary of State shall have the authority to collect and deposit  
18 into the Secretary of State Services Fund revenues generated from optional  
19 services offered in the normal course of business, including for one-time or  
20 periodic sales of data by subscription or other contractual basis.

## § 125. FEES

(1) Verification of license, ~~\$20.00~~ \$30.00.

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

(4) Biennial renewal, \$275.00, except biennial renewal for:

(W) Electrology shop, \$200.00.

(9) Apprenticeship application, \$50.00.

(10) Specialty or endorsement to existing license application, \$100.00.

(11) Disciplinary action surcharge, \$250.00.

(c) Notwithstanding any provisions of law to the contrary, a board shall not require payment of renewal fees for years during which a license was lapsed.

[Repealed.]

\* \* \*

\* \* \* 2027 Fee Increase; Peer Support Providers \* \* \*

Sec. 3. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

\* \* \*

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

\* \* \*

(4) Biennial renewal, \$275.00, except biennial renewal for:

\* \* \*

(V) Peer support providers or peer recovery support specialists,  
~~\$50.00~~ \$75.00.

\* \* \*

\* \* \* OPR Duties and Disciplinary Authority \* \* \*

Sec. 4. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

\* \* \*

(k) For any profession attached to it, the Office shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Office in a future application if the

1 individual violates probation or parole or is convicted of another crime  
2 following the determination.

3 \* \* \*

4 (2) The individual shall submit this request online, accompanied by the  
5 fee for preapplication determinations set forth in section 125 of this  
6 subchapter. ~~If the individual thereafter applies for licensure, this~~  
7 ~~preapplication fee shall be deducted from that license application fee.~~

8 \* \* \*

9 (m) The provisions of subsection 116a(b) of this title shall not apply to the  
10 Office. The Office shall utilize the procedures within 26 V.S.A. chapter 57 to  
11 review whether regulation of a profession is still necessary.

12 Sec. 5. 3 V.S.A. § 127 is amended to read:

13 § 127. UNAUTHORIZED PRACTICE

14 \* \* \*

15 (b)(1) A person practicing a regulated profession without authority or an  
16 employer permitting such practice may, upon the complaint of the Attorney  
17 General or a State's Attorney or an attorney assigned by the Office of  
18 Professional Regulation, be enjoined therefrom by the Superior Court where  
19 the violation occurred or the Washington County Superior Court and may be  
20 assessed a civil penalty of not more than \$5,000.00.

\* \* \*

## § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

(a) In addition to any other provisions of law, a board or the Director, in the case of professions that have advisor appointees, may exercise the following powers:

\* \* \*

(3) Issue warnings or reprimands, suspend, revoke, limit, condition, deny, or prevent renewal of licenses, after disciplinary hearings or, in cases requiring emergency action, immediately suspend, as provided by section 814 of this title. In a case involving noncompliance with a statute or rule relating to administrative duties not related to patient, client, or customer care, a board or hearing officer may determine that ordering a monetary civil penalty does not constitute a finding of unprofessional conduct. After a finding of

1 unprofessional conduct, a respondent shall pay a disciplinary action surcharge  
2 pursuant to subdivision 125(b)(12) of this title. The proceeds from the  
3 disciplinary action surcharge shall be deposited into the Professional  
4 Regulatory Fee Fund.

5 \* \* \*

6 \* \* \* Cosmetology Certificate of Approval \* \* \*

7 Sec. 7. 26 V.S.A. § 281 is amended to read:

8 § 281. POSTSECONDARY SCHOOL OF BARBERING AND  
9 COSMETOLOGY; CERTIFICATE OF APPROVAL

10 (a) A school of barbering or cosmetology shall not be granted a certificate  
11 of approval unless the school:

12 \* \* \*

13 (4) Requires a school term of training consistent with formal training  
14 requirements established by rule, which shall include practical demonstrations  
15 and theoretical studies in sanitation, sterilization, the use of antiseptics, and the  
16 use of appliances, devices, treatments, ~~and~~ preparations relevant to the field of  
17 licensure, and training on the care, styling, and treatment of textured hair. For  
18 purposes of this subdivision, “textured hair” means hair that is coiled, curly, or  
19 wavy. The training on the care, styling, and treatment of textured hair shall  
20 include:

(c)(1) A licensee seeking to renew an expired or lapsed license after fewer than five years of absence from practice shall repeat and pass the competency examinations approved by the Department of Disabilities, Aging, and Independent Living before licensure renewal.



\*\*\* Repeals; Funeral Service Escrow Agents; Motor Vehicle Racing \*\*\*

## § 122. OFFICE OF PROFESSIONAL REGULATION

The Director of the Office of Professional Regulation shall be a classified position with the Office of the Secretary of State. The following boards or professions are attached to the Office of Professional Regulation:

\* \* \*

\* \* \*

## § 1272. RULES; PREPAID FUNERAL FUNDS

\* \* \*

(2) ~~The appointment of an escrow agent who may be a bank or other category of individual such as an attorney, a local elected official, next of kin, or the executor of a buyer's estate. All prepaid arrangement funds shall be paid directly to the escrow agent and not to the funeral director or establishment.~~

[Repealed.]

\* \* \*

Sec. 11. REPEALS

(a) 26 V.S.A. § 1275 (prepaid funeral expenses; duties of escrow agents) is repealed.

(b) 26 V.S.A. chapter 93 (motor vehicle racing) is repealed.

\* \* \* Position; Executive Officer for the Regulation of Mental Health

Professions \* \* \*

Sec. 12. OFFICE OF PROFESSIONAL REGULATION; POSITION;  
APPROPRIATION

(a) The position of one new, permanent, full-time, exempt Executive Officer for the Regulation of Mental Health Professions is created in the Office of Professional Regulation.

(b) The sum of \$170,000.00 is appropriated to the Office of Professional Regulation from the General Fund in fiscal year 2026 for the creation of the position of Executive Officer for the Regulation of Mental Health Professions in the Office of Professional Regulation.

\* \* \* Report; Massage Therapy Establishments \* \* \*

Sec. 13. OFFICE OF PROFESSIONAL REGULATION; REPORT;

MASSAGE THERAPY ESTABLISHMENTS

On or before November 15, 2025, the Office of Professional Regulation, in consultation with interested stakeholders, shall submit to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations proposed legislation for the regulation of massage therapy establishments, as defined in 26 V.S.A. § 5401(2)(A).

\* \* \* Effective Dates \* \* \*

Sec. 14. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except that Sec. 3 (fees; peer support providers) shall take effect on July 1, 2027.