

1 S.230

2 An act relating to fair employment practices

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

4 Sec. 1. 21 V.S.A. § 471 is amended to read:

5 § 471. DEFINITIONS

6 As used in this subchapter:

7 * * *

8 (5) “Employee” means a person who, in consideration of direct or
9 indirect gain or profit, has been continuously employed by the same employer
10 for a period of one year for an average of at least 30 hours per week or meets
11 the service requirement set forth in 29 C.F.R. § 825.801 (airline flight crew
12 employees) or 29 C.F.R. § 825.110(c)(3) (full-time teachers, as defined in
13 29 C.F.R. § 825.102, of an elementary or secondary school system or
14 institution of higher education).

15 * * *

16 Sec. 2. 21 V.S.A. § 495d is amended to read:

17 § 495d. DEFINITIONS

18 As used in this subchapter:

19 * * *

20 (15) “Crime victim” means any of the following:

21 (A) a person who has obtained a relief from abuse order issued under
22 15 V.S.A. § 1103;

1 (B) a person who has obtained an order against stalking or sexual
2 assault issued under 12 V.S.A. chapter 178;

3 (C) a person who has obtained an order against abuse of a vulnerable
4 adult issued under 33 V.S.A. chapter 69; ~~or~~

5 (D)(i) a victim as defined in 13 V.S.A. § 5301, provided that the
6 victim is identified as a crime victim in an affidavit filed by a law enforcement
7 official with a prosecuting attorney of competent state or federal jurisdiction;
8 and

9 (ii) shall include the victim's child, foster child, parent, spouse,
10 stepchild or ward of the victim who lives with the victim, or a parent of the
11 victim's spouse, provided that the individual is not identified in the affidavit as
12 the defendant; or

13 (E) a person who is a survivor of domestic violence, sexual assault,
14 or stalking and who has supporting documentation from any one of the
15 following sources:

16 (i) a court or law enforcement or other government agency;

17 (ii) a domestic violence, sexual assault, or stalking assistance
18 program;

19 (iii) a legal, clerical, medical, or other professional from whom the
20 person has received counseling or other assistance concerning domestic
21 violence, sexual assault, or stalking; or

1 (2) limits the ability of a separating health care provider to provide
2 notice of the provider's change of employment to individuals to whom the
3 separating provider provided direct health care services;

4 (3) restricts a health care provider from making disparaging statements
5 about another party to the contract or agreement or about another person
6 specified in the agreement as a third-party beneficiary of the agreement;

7 (4) is inconsistent with Vermont law; or

8 (5) requires litigation arising from the performance of the contract or
9 agreement in Vermont to be conducted in another state.

10 (b) The notice provided in subdivision (a)(2) of this section may include
11 the following information:

12 (1) that the health care provider is continuing to practice the provider's
13 profession;

14 (2) the health care provider's new professional contact information; and

15 (3) the recipient's right to choose a health care provider.

16 (c) The provisions in subsection (a) of this section do not apply to
17 restrictions that limit a health care provider who contracts with a third-party
18 company for nonclinical business support services from opening a business
19 within a specific territory supported by a different third-party company
20 providing nonclinical services.

1 (d) “Health care provider” means a person licensed, certified, or authorized
2 by law to provide professional health care service in this State to an individual
3 during that individual’s medical care, treatment, or confinement.

4 (e) An employer shall not discharge or in any other manner retaliate against
5 an employee who exercises or attempts to exercise the employee’s rights under
6 this section. The provisions against retaliation in subdivision 495(a)(8) of this
7 subchapter and the penalty and enforcement provisions of section 495b of this
8 subchapter shall apply to this section.

9 (f) This section shall apply to contracts and agreements entered into on or
10 after July 1, 2026.

11 Sec. 3c. SOLICITATION AT CORRECTIONAL FACILITIES

12 The Commissioner of Corrections or designee shall meet with
13 representatives of the Vermont State Employees’ Association to develop a
14 proposal governing permissible and impermissible solicitation in parking lots
15 at the Department of Corrections’ facilities for consideration for adoption by
16 the Secretary of Administration on or before January 1, 2027. The
17 Commissioner of Buildings and General Services shall coordinate the meetings
18 and provide assistance as appropriate.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2026.