

House Calendar

Friday, March 14, 2025

66th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 1

An act relating to accepting and referring complaints by the State Ethics Commission

H. 206

An act relating to the Uniform Commercial Code

H. 238

An act relating to the phaseout of consumer products containing added perfluoroalkyl and polyfluoroalkyl substances

H. 458

An act relating to the Agency of Digital Services

Committee Bill for Second Reading

H. 463

An act relating to technical corrections for the 2025 legislative session

(Rep. Hooper of Burlington will speak for the Committee on Government Operations and Military Affairs.)

Favorable with Amendment

H. 137

An act relating to the regulation of insurance products and services

Rep. White of Bethel, for the Committee on Commerce and Economic Development, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 23 is amended to read:

§ 23. CONFIDENTIALITY OF INVESTIGATION AND EXAMINATION
REPORTS

(a) This section shall apply to all persons licensed, authorized, or registered, or required to be licensed, authorized, or registered, ~~under this title or under 9 V.S.A. chapter 150~~ by the Commissioner.

(b) Regardless of source, all records of investigations, including information pertaining to a complaint by or for a consumer, and all records and reports of examinations by the Commissioner, whether in the possession of a supervisory agency or another person, shall be confidential and privileged, shall not be made public, and shall not be subject to discovery or introduction into evidence in any private civil action. No person who participated on behalf of the Commissioner in an investigation or examination shall be permitted or required to testify in any such civil action as to any findings, recommendations, opinions, results, or other actions relating to the investigation or examination.

(c) The Commissioner may, in ~~his or her~~ the Commissioner's discretion, disclose or publish or authorize the disclosure or publication of any such record or report or any part thereof in the furtherance of legal or regulatory proceedings brought as a part of the Commissioner's official duties. The Commissioner may, in ~~his or her~~ the Commissioner's discretion, disclose or publish or authorize the disclosure or publication of any such record or report or any part thereof, to civil or criminal law enforcement authorities for use in the exercise of such authority's duties, in such manner as the Commissioner may deem proper.

(d) For the purposes of this section, records of investigations and records and reports of examinations shall include joint examinations by the Commissioner and any other supervisory agency. Records of investigations and reports of examinations shall also include records of examinations and investigations conducted by:

(1) any agency with supervisory jurisdiction over the person; and

(2) any agency of any foreign government with supervisory jurisdiction over any person subject to the jurisdiction of the Department, when such records are considered confidential by such agency or foreign government and the records are in the possession of the Commissioner.

Sec. 2. 8 V.S.A. § 3303 is amended to read:

§ 3303. MUTUAL COMPANIES; DIRECTORS, CHARTER PROVISIONS

AS TO

The articles of association or bylaws of a mutual insurer shall set forth the manner in which its board of directors or other governing body shall be elected, and in which meetings of policyholders shall be called, held, and conducted, subject to such procedures as may be required by the Commissioner under ~~section 75~~ subsection 15(a) of this title.

Sec. 3. 8 V.S.A. § 4688(a) is amended to read:

(a) Filings as to competitive markets. Except with respect to filings submitted pursuant to section 4687 of this title, in a competitive market, every insurer shall file with the Commissioner all rates and supplementary rate information, and supporting information that are to be used in this State, provided that such rates and information need not be filed for specifically rated inland marine risks or such other risks that are designated by regulation of the Commissioner as not requiring a filing. Such rates, supplementary rate information, and supporting information shall be provided to the Commissioner not later than ~~15 days after~~ 30 days prior to the effective date. An insurer may adopt by reference, with or without deviation or modification, provided that said deviation or modification is readily identifiable, the rates, supplementary rate information, and supporting information filed by another insurer or an advisory or service organization with which it is affiliated; provided, however, such an adoption shall not relieve an insurer from any other requirements of this chapter.

Sec. 4. 8 V.S.A. § 4724 is amended to read:

§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR
DECEPTIVE ACTS OR PRACTICES DEFINED

* * *

(23) Affordable housing; unfair discrimination.

(A) An insurer that issues or delivers in this State a policy of insurance covering loss of or damage to real property containing units for residential purposes or legal liability of an owner or renter of such real property shall not cancel, refuse to issue, refuse to renew, or increase the premium of a policy, or exclude, limit, restrict, or reduce coverage under a policy, based on the following:

(i) whether the residential building contains dwelling units that are required to be affordable to residents at a specific income level pursuant to a statute, regulation, restrictive declaration, or regulatory agreement with a local, State, or federal government entity;

(ii) whether the real property owner or tenants of such residential building or the shareholders of a cooperative housing corporation receive rental assistance provided by a local, State, or federal government entity, including the receipt of federal vouchers issued under Section 8 of the U.S. Housing Act of 1937, 42 U.S.C. § 1437f;

(iii) the level or source of income of the tenants of the residential building or the shareholders of a cooperative housing corporation; or

(iv) whether the residential building is owned by a limited-equity cooperative, public housing agency, or cooperative housing corporation.

(B) Nothing in this section shall prohibit an insurer from cancelling, refusing to issue, refusing to renew, or increasing the premium of an insurance policy, or excluding, limiting, restricting, or reducing coverage under a policy, due to other factors that are permitted or not prohibited by any other section of this chapter.

Sec. 5. 8 V.S.A. § 6002(a) is amended to read:

(a) Any captive insurance company, when permitted by its articles of association, charter, or other organizational document, may apply to the Commissioner for a license to ~~do any and all~~ conduct insurance business comprised in ~~subdivisions 3301(a)(1), (2), (3)(A)-(C), (E)-(Q), and (4)-(9)~~ section 3301 of this title and may grant annuity contracts as defined in section 3717 of this title and may accept or transfer risk by means of a parametric contract; provided, however, that:

(1) No pure captive insurance company may insure any risks other than those of its parent and affiliated companies or controlled unaffiliated business.

(2) No agency captive insurance company may do any insurance business in this State unless:

(A) an insurance agency or brokerage that owns or controls the agency captive insurance company remains in regulatory good standing in all states in which it is licensed;

(B) it insures only the risks of the commercial policies that are placed by or through an insurance agency or brokerage that owns or directly or indirectly controls the agency captive insurance company and, if required by the Commissioner in ~~his or her~~ the Commissioner's discretion, it provides the Commissioner the form of such commercial policies;

(C) it discloses to the original policyholder or policyholders, in a form or manner approved by the Commissioner, that the agency captive insurance company as a result of its affiliation with an insurance agency or brokerage may enter into a reinsurance or other risk-sharing agreement with the agency or brokerage; and

(D) if required by the Commissioner in ~~his or her~~ the Commissioner's discretion, the business written by an agency captive insurance company is:

(i) Fronted by an insurance company licensed under the laws of any state.

(ii) Reinsured by a reinsurer authorized or approved by the State of Vermont.

(iii) Secured by a trust fund in the United States for the benefit of policyholders and claimants or funded by an irrevocable letter of credit or other arrangement that is acceptable to the Commissioner. The Commissioner may require the agency captive insurance company to increase the funding of any security arrangement established under this subdivision. If the form of security is a letter of credit, the letter of credit shall be issued or confirmed by a bank approved by the Commissioner. A trust maintained pursuant to this subdivision shall be established in a form and upon terms approved by the Commissioner.

(3) No association captive insurance company may insure any risks other than those of its association, those of the member organizations of its association, and those of a member organization's affiliated companies.

(4) No industrial insured captive insurance company may insure any risks other than those of the industrial insureds that comprise the industrial insured group, those of their affiliated companies, and those of the controlled unaffiliated business of an industrial insured or its affiliated companies.

(5) No risk retention group may insure any risks other than those of its members and owners.

(6) No captive insurance company may provide personal motor vehicle or homeowner's insurance coverage or any component thereof.

(7) No captive insurance company may accept or cede reinsurance except as provided in section 6011 of this title.

(8) Any captive insurance company may provide excess workers' compensation insurance to its parent and affiliated companies, unless prohibited by the federal law or laws of the state having jurisdiction over the transaction. Any captive insurance company, unless prohibited by federal law, may reinsure workers' compensation of a qualified self-insured plan of its parent and affiliated companies.

(9) Any captive insurance company that insures risks described in subdivisions 3301(a)(1) and (2) of this title shall comply with all applicable State and federal laws.

(10) Any captive insurance company that transfers risk by means of a parametric contract shall comply with all applicable State and federal laws and regulations.

Sec. 6. 8 V.S.A. § 6004(d) is amended to read:

(d) Within 30 days after commencing business, each captive insurance company shall file with the Commissioner a statement under oath of its president and secretary or, in the case of a captive insurance company formed as a limited liability company or as a reciprocal insurer, of two individuals authorized by the governing board certifying that the captive insurance company possessed the requisite unimpaired, paid-in capital and surplus prior to commencing business.

Sec. 7. 8 V.S.A. § 6006 is amended to read:

§ 6006. FORMATION OF CAPTIVE INSURANCE COMPANIES IN THIS
STATE

* * *

(h) Other than captive insurance companies formed as limited liability companies under 11 V.S.A. ~~chapter 21~~ chapter 25 or as nonprofit corporations under Title 11B, captive insurance companies formed as corporations under the provisions of this chapter shall have the privileges and be subject to the provisions of Title 11A as well as the applicable provisions contained in this chapter. In the event of conflict between the provisions of said general corporation law and the provisions of this chapter, the latter shall control.

(i) Captive insurance companies formed under the provisions of this chapter:

(1) As limited liability companies shall have the privileges and be subject to the provisions of 11 V.S.A. ~~chapter 21~~ chapter 25 as well as the applicable provisions contained in this chapter. In the event of a conflict between the provisions of 11 V.S.A. ~~chapter 21~~ chapter 25 and the provisions of this chapter, the latter shall control.

(2) As nonprofit corporations shall have the privileges and be subject to the provisions of Title 11B as well as the applicable provisions contained in this chapter. In the event of conflict between the provisions of Title 11B and the provisions of this chapter, the latter shall control.

(3) As mutual insurers shall have the privileges and be subject to the provisions of sections 3303 and 3311 of this title as well as the applicable provisions contained in this chapter. In the event of a conflict between the provisions of sections 3303 and 3311 of this title and the provisions of this chapter, the latter shall control.

* * *

Sec. 8. 8 V.S.A. § 6006a(a) is amended to read:

(a) Any captive insurance company meeting the qualifications set forth in subdivision 6006(j)(1) of this title may merge with any other insurer, whether licensed in this State or elsewhere, in the following manner:

(1) The board of directors of each insurer shall, by a resolution adopted by a majority vote of the members of such board, approve a joint agreement of merger setting forth:

(A) the names of the insurers proposed to merge, and the name of the insurer into which they propose to merge, which is hereafter designated as the surviving company;

(B) the terms and conditions of the proposed merger and the mode of carrying the same into effect;

(C) the manner and basis of converting the ownership interests, if applicable, in other than the surviving insurer into ownership interests or other consideration, securities, or obligations of the surviving insurer;

(D) a restatement of such provisions of the articles of incorporation of the surviving insurer as may be deemed necessary or advisable to give effect to the proposed merger; and

(E) any other provisions with respect to the proposed merger as are deemed necessary or desirable.

(2) The resolution of the board of directors of each insurer approving the agreement shall direct that the agreement be submitted to a vote of the shareholders, members, or policyholders, as the case may be, of each insurer entitled to vote in respect thereof at a designated meeting thereof, or via unanimous written consent of such shareholders, members, or policyholders in lieu of a meeting. Notice of the meeting shall be given as provided in the bylaws, charter, or articles of association, or other governance document, as the case may be, of each insurer and shall specifically reflect the agreement as a matter to be considered at the meeting.

(3) The agreement of merger so approved shall be submitted to a vote of the shareholders, members, or policyholders, as the case may be, of each insurer entitled to vote in respect thereof at the meeting directed by the resolution of the board of directors of such company approving the agreement, and the agreement shall be unanimously adopted by the shareholders, members, or policyholders, as the case may be.

(4) Following the adoption of the agreement by any insurer, articles of merger shall be adopted in the following manner:

(A) Upon the execution of the agreement of merger by all of the insurers parties thereto, there shall be executed and filed, in the manner hereafter provided, articles of merger setting forth the agreement of merger, the signatures of the several insurers parties thereto, the manner of its adoption, and the vote by which adopted by each insurer.

(B) The articles of merger shall be signed on behalf of each insurer by a duly authorized officer or, in the case of an insurer formed as a limited liability company or as a reciprocal insurer, by an individual authorized by the governing board, in such multiple copies as shall be required to enable the insurers to comply with the provisions of this subchapter with respect to filing and recording the articles of merger, and shall then be presented to the Commissioner.

(C) The Commissioner shall approve the articles of merger if ~~he or she~~ the Commissioner finds that the merger will promote the general good of the State in conformity with those standards set forth in section 3305 of this title. If ~~he or she~~ the Commissioner approves the articles of merger, ~~he or she~~ the Commissioner shall issue a certificate of approval of merger.

(5) The insurer shall file the articles of merger, accompanied by the agreement of merger and the certificate of approval of merger, with the Secretary of State and pay all fees as required by law. If the Secretary of State finds that they conform to law, ~~he or she~~ the Secretary shall issue a certificate of merger and return it to the surviving insurer or its representatives. The merger shall take effect upon the filing of articles of merger with the Secretary of State, unless a later effective date is specified therein.

(6) The surviving insurer shall file a copy of the certificate of merger from the Secretary of State with the Commissioner.

Sec. 9. 8 V.S.A. § 6007(b) is amended to read:

(b) Prior to March 1 of each year, and prior to March 15 of each year in the case of pure captive insurance companies, association captive insurance companies, sponsored captive insurance companies, industrial insured captive insurance companies, or agency captive insurance companies, each captive insurance company shall submit to the Commissioner a report of its financial condition, verified by oath of two of its executive officers or, in the case of a captive insurance company formed as a limited liability company or as a reciprocal insurer, of two individuals authorized by the governing board. Each captive insurance company shall report using generally accepted accounting

principles, statutory accounting principles, or international financial reporting standards unless the Commissioner requires, approves, or accepts the use of any other comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. As used in this section, statutory accounting principles shall mean the accounting principles codified in the NAIC Accounting Practices and Procedures Manual. Upon application for admission, a captive insurance company shall select, with explanation, an accounting method for reporting. Any change in a captive insurance company's accounting method shall require prior approval. Except as otherwise provided, each risk retention group shall file its report in the form required by subsection 3561(a) of this title, and each risk retention group shall comply with the requirements set forth in section 3569 of this title. The Commissioner shall by rule propose the forms in which pure captive insurance companies, association captive insurance companies, sponsored captive insurance companies, and industrial insured captive insurance companies shall report. Subdivision 6002(c)(3) of this title shall apply to each report filed pursuant to this section, except that such subdivision shall not apply to reports filed by risk retention groups.

Sec. 10. 8 V.S.A. § 6011(a) is amended to read:

(a) Any captive insurance company may provide reinsurance, of policies approved by the Commissioner comprised in subsection 3301(a) section 3301 of this title, on risks of its parent, affiliated companies, and controlled unaffiliated business ceded by any other insurer, and may provide reinsurance of annuity contracts as defined in section 3717 of this title that are granted by any other insurer.

Sec. 11. 8 V.S.A. § 6024(c) is amended to read:

(c) A dormant captive insurance company that has been issued a certificate of dormancy shall:

(1) possess and thereafter maintain unimpaired, paid-in capital and surplus of not less than \$25,000.00; provided, however, that if the dormant captive insurance company had never capitalized, it shall not be required to add capital upon entering dormancy;

(2) prior to March 15 of each year, submit to the Commissioner a report of its financial condition, verified by oath of two of its executive officers or, in the case of a captive insurance company formed as a limited liability company

or as a reciprocal insurer, of two individuals authorized by its governing board,
in a form as may be prescribed by the Commissioner; and

(3) pay a license renewal fee of \$500.00.

Sec. 12. 8 V.S.A. § 6045 is amended to read:

§ 6045. BRANCH CAPTIVE REPORTS

Prior to March 15 of each year, or with the approval of the Commissioner within 75 days after its fiscal year-end, a branch captive insurance company shall file with the Commissioner a copy of all reports and statements required to be filed under the laws of the jurisdiction in which the alien captive insurance company is formed, verified by oath of two of its executive officers or, in the case of a branch captive insurance company formed as a limited liability company or as a reciprocal insurer, of two individuals authorized by the governing board. If the Commissioner is satisfied that the annual report filed by the alien captive insurance company in its domiciliary jurisdiction provides adequate information concerning the financial condition of the alien captive insurance company, the Commissioner may waive the requirement for completion of the captive annual statement for business written in the alien jurisdiction.

Sec. 13. 8 V.S.A. § 6048d(c)(2) is amended to read:

(2) The special purpose financial insurance company shall submit an affidavit of its president, a vice president, the treasurer, or the chief financial officer or, in the case of a special purpose financial insurance company formed as a limited liability company or as a reciprocal insurer, of an individual authorized by the governing board that includes the following statements, to the best of such person's knowledge and belief after reasonable inquiry:

(A) the proposed organization and operation of the special purpose financial insurance company comply with all applicable provisions of this chapter;

(B) the special purpose financial insurance company's investment policy reflects and takes into account the liquidity of assets and the reasonable preservation, administration, and management of such assets with respect to the risks associated with the reinsurance contract and the insurance securitization transaction; and

(C) the reinsurance contract and any arrangement for securing the special purpose financial insurance company's obligations under such reinsurance contract, including any agreements or other documentation to implement such arrangement, comply with the provisions of this subchapter.

Sec. 14. 8 V.S.A. § 6052(g) is amended to read:

(g) This subsection establishes governance standards for a risk retention group.

(1) As used in this subsection:

(A) “Board of directors” or “board” means the governing body of a risk retention group elected by risk retention group members to establish policy, elect or appoint officers and committees, and make other governing decisions.

(B) “Director” means a natural person designated in the articles of the risk retention group or designated, elected, or appointed by any other manner, name, or title to act as a member of the governing body of the risk retention group.

(C)~~(i)~~ “Independent director” means a director who does not have a material relationship with the risk retention group. A director has a material relationship with a risk retention group if ~~he or she~~ the director, or a member of ~~his or her~~ the director’s immediate family:

~~(H)~~(i) In any 12-month period, receives from the risk retention group, or from a consultant or service provider to the risk retention group, compensation or other item or items of value in an amount equal to or greater than five percent of the risk retention group’s gross written premium or two percent of the risk retention group’s surplus, as measured at the end of any fiscal quarter falling in such 12-month period, whichever is greater. This provision also applies to compensation or items of value received by any business with which the director is affiliated. Such material relationship shall continue for one year after receipt of the item or items of value or the compensation falls below the threshold established in this subdivision.

~~(H)~~(ii) Has a relationship with an auditor as follows: Is affiliated with or employed in a professional capacity by a current or former internal or external auditor of the risk retention group. Such material relationship shall continue for one year after the affiliation or employment ends.

~~(aa)~~(iii) Is employed as an executive officer of another business entity that is affiliated with the risk retention group by virtue of common ownership and control, if such entity meets all of the following criteria:

~~(AA)~~(I) the entity is not an insured of the risk retention group;

~~(BB)~~(II) the entity has a contractual relationship with the risk retention group; and

~~(CC)~~(III) the governing board of the entity includes executive officers of the risk retention group, unless a majority of the membership of such entity's governing board is composed of individuals who are members of the governing board of the risk retention group.

~~(bb)~~(IV) Such material relationship shall continue until the employment or service ends.

~~(ii)~~(iv) Notwithstanding ~~subdivision (i)~~ subdivisions (i)-(iii) of this subdivision (g)(1)(C), a director who is a direct or indirect owner of the risk retention group is deemed to be independent; and an officer, director, or employee of an insured of the risk retention group is deemed to be independent, unless some other relationship of such officer, director, or employee qualifies as a material relationship.

(D) "Material service provider" includes a captive manager, auditor, accountant, actuary, investment advisor, attorney, managing general underwriter, or other person responsible for underwriting, determination of rates, premium collection, claims adjustment or settlement, or preparation of financial statements, whose aggregate annual contract fees are equal to or greater than five percent of the risk retention group's annual gross written premium or two percent of its surplus, whichever is greater. It does not mean defense counsel retained by a risk retention group, unless ~~his or her~~ the defense counsel's annual fees have been equal to or greater than five percent of a risk retention group's annual gross premium or two percent of its surplus, whichever is greater, during three or more of the previous five years.

* * *

(9) The president or chief executive officer or, in the case of a risk retention group formed as a limited liability company or as a reciprocal insurer, an individual authorized by the board of directors of a risk retention group shall promptly notify the Commissioner in writing of any known material noncompliance with the governance standards established in this subsection.

Sec. 15. 8 V.S.A. § 2504 is amended to read:

§ 2504. EXEMPTIONS

This chapter does not apply to:

* * *

(18) A person that performs payroll calculations, prepares payroll instructions, prepares and files State or federal income withholding tax reports and unemployment insurance compensation reports, or provides other payroll-

related services, but that does not engage in the business of payroll processing services or otherwise engage in the business of money transmission in this State or other acts requiring a license under this chapter.

(19) A person that does not provide payroll processing services to any employer that has its principal place of business in this State and that does not otherwise engage in the business of money transmission in this State or other acts requiring a license under this chapter.

(20) A person that:

(A) provides payroll processing services to 25 or fewer employers that have their principal place of business in this State;

(B) provides payroll processing services to 500 or fewer employers, regardless of where the principal place of business of each employer is located;

(C) provides payroll processing services involving transmission to less than 300 Vermont resident employees, regardless of where the principal place of business of their employer is located;

(D) has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court, and no key individual or person in control of such person has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court;

(E) has never had a financial services license or professional license revoked in any jurisdiction and no key individual or person in control of such person has ever had a financial services license or professional license revoked in any jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation;

(F) does not otherwise engage in the business of money transmission in this State or other acts requiring a license under this chapter; and

(G) receives and holds all money or monetary value received for transmission exclusively in:

(i) segregated trust accounts with federally insured financial institutions or credit unions for the benefit of its employer customers or applicable governmental authorities, such that the funds in such accounts are not subject to claims or liens of its creditors; or

(ii) deposit accounts at federally insured financial institutions or credit unions that are both titled in the name and tax identification number of the financial institution or credit union and for the benefit of the person's customers.

Sec. 16. 9 V.S.A. § 42 is amended to read:

§ 42. PERMITTED CHARGES

(a) Except for interest as provided in this chapter, a lender shall make no charges against a borrower for the use or forbearance of money other than:

* * *

(7) the reasonable cost of private mortgage guaranty insurance subject to such limitation as the Commissioner of Financial Regulation has approved; and

(8) the reasonable fees associated with a credit card, agreed upon by the lender and borrower, including late charges and over-limit charges; and

(9) discount points, at the request of the borrower for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the loan.

(b) A borrower may procure an opinion and abstract of title from an attorney of ~~his or her~~ the borrower's choice acceptable to the lender, or hazard insurance in a company or in companies of ~~his or her~~ the borrower's choice acceptable to the lender, and in such cases the lender's acceptance shall not be unreasonably withheld.

Sec. 17. STUDY; BANKS; SUSPICIOUS ACTIVITY; TRANSACTION

HOLD

(a) The Commissioner of Financial Regulation or designee shall study regulatory models that would allow a financial institution to take measures to protect account holders from fraudulent transactions and shall recommend a model for legislative consideration. The study shall include a review of regulatory models enacted or proposed in other jurisdictions.

(b) In conducting the study required by this section, the Commissioner shall consult with a representative from the Vermont Bankers Association, the Association of Vermont Credit Unions, AARP Vermont, the Office of the Attorney General, Vermont Legal Aid, and any other person deemed appropriate by the Commissioner.

(c) Among other things, the study shall include recommendations regarding the following:

(1) the financial institutions subject to the proposed model;

(2) whether specific account holders, such as seniors or vulnerable populations, should receive heightened protection;

(3) notification and consultation requirements available to an account holder suspected to be the victim of fraudulent activity;

(4) a reasonable time period for imposing a transaction hold pending the outcome of an internal investigation;

(5) notification to the Department of Financial Regulation and, if appropriate, law enforcement or other third parties if fraudulent activity is suspected;

(6) continued account holder access to funds for transactions not suspected of being associated with fraudulent activity;

(7) immunity from civil liability for any financial institution that acts in good faith for the purpose of protecting account holders from fraudulent activity and that otherwise complies with applicable legal requirements; and

(8) any other provision deemed appropriate by the Commissioner.

(d) On or before November 15, 2025, the Commissioner shall provide a status report on the Commissioner's preliminary findings and recommendations to the Chair of the House Committee on Commerce and Economic Development and the Chair of the Senate Committee on Finance and, on or before January 15, 2026, shall submit a final report in draft form to the House Committee on Commerce and Economic Development and the Senate Committee on Finance.

Sec. 18. STUDY; PROTECTIONS FOR VICTIMS OF COERCED DEBT

(a) The Commissioner of Financial Regulation or designee shall study regulatory models for providing protections and remedies for victims of coerced debt and shall recommend a model appropriate for Vermont. In particular, the Commissioner shall review the Model State Coerced Debt Law prepared by the National Consumer Law Center in May of 2024, as well as laws enacted or proposed in other jurisdictions.

(b) In conducting the study required by this section, the Commissioner shall consult with a representative from the Vermont Network, the Vermont Bankers Association, the Association of Vermont Credit Unions, the Office of the Attorney General, Vermont Legal Aid, and any other person deemed appropriate by the Commissioner.

(c) Among other things, the study shall include recommendations regarding the following:

(1) a definition of coerced debt;

(2) whether coerced debt should include both secured and unsecured debt;

(3) the requisite information a debtor must provide a creditor when alleging coerced debt;

(4) procedures a creditor must follow regarding the investigation of an

allegation of coerced debt, including ceasing collection efforts and notifying the Department of Financial Regulation, the Office of the Attorney General, and other law enforcement personnel, if appropriate;

(5) whether a credit reporting agency should remove coerced debt from a credit report and, if so, the process for doing so;

(6) whether Vermont's identity theft law, 13 V.S.A. § 2030, should be expanded to more specifically reference instances of coerced debt; and

(7) any other provision deemed appropriate by the Commissioner.

(d) On or before January 15, 2026, the Commissioner shall report the Commissioner's findings and recommendations in draft form to the House Committee on Commerce and Economic Development and the Senate Committee on Finance.

Sec. 19. RECOMMENDATION REGARDING INSURANCE AND GENETIC PRIVACY

On or before November 15, 2025, and for the purpose of preventing unfair genetic discrimination and safeguarding an individual's genetic privacy, the Commissioner of Financial Regulation shall provide a recommendation to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on whether Vermont should enact a law prohibiting or limiting an insurance company's access to a consumer's personalized genetic report that is not part of the consumer's medical record. Among other things, the Commissioner shall consider whether to require that an insurance company obtain consumer consent prior to the disclosure of genetic information obtained from a direct-to-consumer entity to an insurance company, including any company that offers health, long-term care, life, or disability insurance.

Sec. 20. 8 V.S.A. § 4062b is amended to read:

§ 4062b. MEDICARE SUPPLEMENTAL HEALTH SUPPLEMENT INSURANCE RATE REVIEW

(a) Within five business days after receiving any request to increase the premium rate for a Medicare supplement insurance policy from the health insurance company, hospital or medical service organization, or health maintenance organization issuing the policy, the Department shall post information about the rate filing on the Department's website, including:

(1) the name of the health insurance company, hospital or medical service organization, or health maintenance organization requesting the rate increase;

- (2) the overall composite average rate increase requested;
- (3) the increase requested by plan type;
- (4) the date on which the proposed increase would take effect;
- (5) the System for Electronic Rate and Form Filing (SERFF) tracking number associated with the filing and a web address for accessing the filing electronically; and
- (6) instructions for submitting public comments and the deadline for doing so.

(b) Within five business days ~~of~~ after receiving a request for approval of any composite average rate increase in excess of ~~three~~ 10 percent, or any other coverage changes ~~which~~ that the Commissioner determines will have a comparable impact on cost or availability of coverage for a Medicare ~~supplemental supplement~~ supplement insurance policy issued by any ~~group or nongroup~~ health insurance company, hospital or medical service organization, or health maintenance organization, with 5,000 or more total lives in the Vermont Medicare supplement insurance market, the Commissioner shall notify the Department of Disabilities, Aging, and Independent Living and the Office of the Health Care Advocate of the proposed premium increase. A composite average rate is the enrollment-weighted average rate increase of all plans offered by a carrier.

~~(b)~~(c) Within five business days after receiving notification pursuant to subsection ~~(a)~~(b) of this section, the Department of Disabilities, Aging, and Independent Living shall inform the members of the Advisory Board established pursuant to 33 V.S.A. § 505 of the proposed premium increase.

~~(e)~~(d)(1) The Commissioner shall not approve any request to increase Medicare ~~supplemental supplement~~ supplement insurance premium rates unless the amount of the rate increase complies with the statutory standards for approval under sections 4062, 4513, 4584, and 5104 of this title. Any approved rate increase shall not be based on an unreasonable change in loss ratio from the previous year, unless the Commissioner makes written findings that such change is necessary to prevent a substantial adverse impact on the financial condition of the insurer. In acting on such rate increase requests, the Commissioner may deny the request, approve the rate increase as requested, or approve a rate increase in an amount different from the increase requested. A decision by the Commissioner other than an approval of the rate requested may be appealed by the insurer, provided that the burden of proof shall be on the insurer to show that the approved rate does not meet the statutory standards established under this subsection.

~~(2) Before acting on the rate increase requested, the Commissioner may make such examination or investigation as he or she the Commissioner deems necessary, including where applicable the review process set forth in subdivision (3) of this subsection.~~

~~(3) In reviewing any Medicare supplement rate increase for which an independent analysis has been performed pursuant to 33 V.S.A. § 6706 and wherein the carrier's requested composite average increase, the independent expert's recommended composite average rate increase, or the Department actuary's recommended composite average rate increase differ by two percentage points or more, the Commissioner shall hold a public hearing where the insurer, the Department's actuary, the independent expert, any intervenor, and the public will have the opportunity to present written and oral testimony and will be available to answer questions of the Commissioner and those present. The hearing shall be noticed and held at a time and place so as to facilitate public participation, and shall be recorded and become part of the record before the Commissioner. In the Commissioner's discretion, the hearing may be conducted through interactive. If the carrier's requested composite average increase, the independent expert's recommended composite average increase, or the Department actuary's recommended composite average increase differs by less than two percentage points, the Department and the parties shall confer by conference call, or by any other available media, to review the rate requests and recommendations. However, a public hearing may be held at the Commissioner's discretion for good cause shown.~~

~~(A) For any filing by a health insurance company, hospital or medical service organization, or health maintenance organization with 5,000 or more total lives in the Vermont Medicare supplement insurance market in which the requested composite average rate increase exceeds 10 percent, the Commissioner shall:~~

~~(i) solicit public comment; and~~

~~(ii) hold a public hearing in accordance with the Department of Financial Regulation's applicable rules regarding administrative procedures if, not later than 30 days after the rate filing information is posted on the Department's website pursuant to subsection (a) of this section, a hearing is requested by the Department of Disabilities, Aging, and Independent Living; by the Office of the Health Care Advocate; or by not fewer than 25 policyholders whose premium rates would be affected by the requested rate increase.~~

(B) For any filing that does not meet the criteria specified in subdivision (A) of this subdivision (3), a public hearing may be held in the Commissioner's discretion.

(C) In the Commissioner's discretion, a hearing held pursuant to this subdivision (3) may be conducted through a designated electronic meeting platform.

~~(4) In any review held in accordance with this subsection, the Commissioner shall permit intervention by any person that the Commissioner determines will materially advance the interests of the insured individuals. The intervenor shall have access to, and may use the information of the independent expert appointed under 33 V.S.A. § 6706. The reasonable and necessary cost of intervention as determined by the Commissioner shall be paid by the affected policyholders or certificate holders. The maximum payment shall be \$2,500.00 except when waived by the Commissioner for good cause shown. The \$2,500.00 maximum amount may be adjusted to reflect, at the Commissioner's discretion, appropriate inflation factors. In any review held in accordance with this section, the Commissioner shall permit intervention by any person whom the Commissioner determines will materially advance the interests of the individuals insured under the policy.~~

(5) Nonproprietary, relevant information in any Medicare supplement rate filing, including any analysis by the Department's actuary ~~and the independent expert~~, shall be made available to the public upon request.

(d) For a Medicare supplement insurance policy with an effective date of January 1, the insurer shall file its premium rate request pursuant to this section not later than July 1 of the preceding year. For a Medicare supplement insurance policy with an effective date other than January 1, the insurer shall file its rate request pursuant to this section not later than six months prior to the effective date of the policy.

Sec. 21. REPEAL

33 V.S.A. § 6706 (Medicare supplement insurance; independent analysis) is repealed.

Sec. 22. 8 V.S.A. § 2577(f) is amended to read:

(f) Moratorium. To protect the public safety and welfare and safeguard the rights of consumers, virtual-currency kiosks shall not be permitted to operate in Vermont prior to July 1, ~~2025~~ 2026. This moratorium shall not apply to a virtual-currency kiosk that was operational in Vermont on or before June 30, 2024.

Sec. 23. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except that Secs. 20 and 21 (Medicare supplement insurance) shall take effect on January 1, 2026.

(Committee Vote: 11-0-0)

Rep. Burkhardt of South Burlington, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

(Committee Vote: 11-0-0)

H. 266

An act relating to protections for 340B covered entities and 340B contract pharmacies

Rep. Berbeco of Winooski, for the Committee on Health Care, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 91, subchapter 6 is added to read:

Subchapter 6. 340B Drug Pricing Program

§ 4681. DEFINITIONS

As used in this subchapter:

(1) “340B contract pharmacy” means a pharmacy that has a contract with a 340B covered entity to receive and dispense 340B drugs to the 340B covered entity’s patients on the covered entity’s behalf.

(2) “340B covered entity” means an entity participating or authorized to participate in the federal 340B drug pricing program, as described in 42 U.S.C. § 256b. The term includes a 340B covered entity’s pharmacy.

(3) “340B drug” means a drug that has been subject to any offer for reduced prices by a manufacturer pursuant to 42 U.S.C. § 256b and is purchased by a 340B covered entity.

(4) “Discount” means a reduction in the amount a 340B covered entity is charged for a 340B drug at the time of purchase.

(5) “Manufacturer” has the same meaning as in 26 V.S.A. § 2022.

(6) “Pharmacy” means a place licensed by the Vermont Board of Pharmacy at which drugs, chemicals, medicines, prescriptions, and poisons are compounded, dispensed, or sold at retail.

(7) “Pharmacy benefit manager” has the same meaning as in section 3602 of this title.

(8) “Rebate” means a discount in which the terms are fixed and are disclosed in writing to a 340B covered entity at the time of the initial purchase of the 340B drug to which the discount applies, but which discount is not applied at the time of purchase.

§ 4682. DISCRIMINATION AGAINST 340B ENTITIES PROHIBITED

(a) A manufacturer or its agent shall not deny, restrict, prohibit, or otherwise interfere with, directly or indirectly, the acquisition of a 340B drug by or delivery of a 340B drug to a 340B contract pharmacy on behalf of a 340B covered entity unless receipt by the 340B contract pharmacy is prohibited by the U.S. Department of Health and Human Services.

(b) A manufacturer or its agent shall not directly or indirectly require a 340B covered entity to submit any claims, utilization, encounter, purchase, or other data as a condition for allowing the acquisition of a 340B drug by or delivery of a 340B drug to a 340B contract pharmacy unless the claims or utilization data-sharing is required by the U.S. Department of Health and Human Services.

(c) A manufacturer or its agent shall not interfere with the ability of a pharmacy contracted with a 340B covered entity to dispense 340B drugs to eligible patients of the 340B covered entity.

(d) A manufacturer or its agent shall offer or otherwise make available 340B drug pricing to a 340B covered entity or 340B contract pharmacy in the form of a discount at the time of purchase and shall not offer or otherwise make available 340B drug pricing in the form of a rebate.

§ 4683. MEDICAID UNAFFECTED

Nothing in this subchapter shall be deemed to apply to the Vermont Medicaid program as payor.

§ 4684. VIOLATIONS

(a) A 340B covered entity, 340B contract pharmacy, or other person injured by a manufacturer’s or its agent’s violation of this subchapter may bring an action in Superior Court for injunctive relief, compensatory and

punitive damages, costs and reasonable attorney's fees, and other appropriate relief.

(b) A violation occurs each time a prohibited act is committed. For purposes of section 4682 of this subchapter, a prohibited act is defined as each package of 340B drugs that is subject to a discriminatory action by a manufacturer or its agent.

§ 4685. NO CONFLICT WITH FEDERAL LAW

Nothing in this subchapter shall be construed or applied to conflict with or to be less restrictive than federal law for a person regulated by this subchapter.

Sec. 2. 18 V.S.A. § 9406 is added to read:

§ 9406. REPORTING ON PARTICIPATION IN 340B DRUG PRICING PROGRAM

Annually on or before January 31, each hospital participating in the federal 340B drug pricing program established by 42 U.S.C. § 256b shall submit to the Green Mountain Care Board a report detailing the hospital's participation in the program during the previous hospital fiscal year, which report shall be posted on the Green Mountain Care Board's website and which shall contain at least the following information:

(1) The annual estimated savings to the hospital from participating in the 340B program, comparing the acquisition price of drugs under the 340B program to group purchasing organization pricing. If group purchasing organization pricing is not available for a specific drug, the hospital shall compare the acquisition price under the 340B program to the price from another generally accepted pricing source.

(2) The aggregated payment amount that the hospital made to pharmacies with which the hospital contracted to dispense drugs to its patients under the 340B program during the previous hospital fiscal year.

(3) The aggregated payment amount that the hospital made to any other outside vendor for managing, administering, or facilitating any aspect of the hospital's 340B drug program during the previous hospital fiscal year.

(4) The number of claims for all prescription drugs the hospital obtained through the 340B program during the previous hospital fiscal year.

(5) A description of the ways in which the hospital uses savings from its participation in the 340B program to benefit its community through programs and services funded in whole or in part by savings from the 340B program.

including services that support community access to care that the hospital could not continue without these savings.

(6) A description of the hospital’s internal review and oversight of its participation in the 340B program in compliance with the U.S. Department of Health and Human Services, Health Resources and Services Administration’s 340B program rules and guidance.

Sec. 3. REPEAL

Sec. 2 (18 V.S.A. § 9406; reporting on participation in 340B drug pricing program) is repealed on January 1, 2031.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage, with the first report under Sec. 2 (18 V.S.A. § 9406) due on or before January 31, 2026.

and that after passage the title of the bill be amended to read: “An act relating to the 340B prescription drug pricing program”

(Committee Vote: 10-0-1)

NOTICE CALENDAR

Favorable with Amendment

H. 125

An act relating to reporting on the energy transition

Rep. Sibilia of Dover, for the Committee on Energy and Digital Infrastructure, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ENERGY TRANSITION ECONOMIC IMPACTS REPORT

(a) On or before December 15, 2025, the Secretary of Natural Resources, in consultation with the relevant State agencies, including the Agency of Agriculture, Food and Markets, the Department of Public Service, the Agency of Transportation, the Department of Labor, the Agency of Commerce and Community Development, and the Department of Taxes, shall publish a report that highlights existing data sources and indicators relevant to the impacts of the changing energy landscape on Vermonters and relevant to understanding the distribution of benefits and burdens by region.

(b) The report shall provide data for the previous five years. The report shall include:

(1) current and forecasted electric rates and the number of customers with electric vehicle rates;

(2) the total megawatts of distributed solar generation facilities, including the amount installed, by county and any active certificate of public good applications;

(3) the number of sellers and volume of heating fuel sales;

(4) the number of homes receiving incentivized weatherization services, by income level and county;

(5) firms and workers in thermal and renewable energy sector trades;

(6) gasoline and diesel transportation fuel sales;

(7) the number and location of retail gasoline and diesel outlets as indicated by metered pumps;

(8) progress in electric vehicle supply equipment installation, both fast charging and Level 2, to meet recommendations in the Comprehensive Energy Plan and Climate Action Plan and their locations;

(9) vehicle registrations by fuel type for light, medium, and heavy-duty vehicles; and

(10) fossil fuel and electricity consumption per unit of economic output.

(c) The report shall also include:

(1) regional distribution and graphic displays of the data compiled;

(2) an analysis of the data and recommendations of any additional data necessary to illustrate the impacts of the changing energy landscape by region;

(3) an identification of existing reports and requirements that may support the reporting of relevant indicators;

(4) consideration of equity and just transition indicators, with the goal of better understanding the benefits and burdens of the changing energy landscape by region; and

(5) any recommendations for future reporting requirements, including how and when all relevant data can be mapped.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 5-3-1)

H. 222

An act relating to participation in a domestic violence accountability program as a condition of a final relief from abuse prevention order

Rep. Arsenault of Williston, for the Committee on Judiciary, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. § 5131 is amended to read:

§ 5131. DEFINITIONS

As used in this chapter:

(1)(A) “Course of conduct” means:

(i) two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person’s property; or

(ii) use of any electronic, digital, or precise geolocation device or software or application to surveil a specific person or a specific person’s internet or wireless activity continuously for 12 hours or more or on two or more occasions over a period of time, however short, without authorization.

(B) This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of “course of conduct.”

~~(B)~~(C) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.

* * *

(4) “Reasonable person” means a reasonable person in the victim’s circumstances.

(5) “Sexually assaulted the plaintiff” means that the defendant engaged in conduct that meets elements of lewd and lascivious conduct as defined in 13 V.S.A. § 2601, lewd and lascivious conduct with a child as defined in 13 V.S.A. § 2602, sexual assault as defined in 13 V.S.A. § 3252, aggravated sexual assault as defined in 13 V.S.A. § 3253, use of a child in a sexual performance as defined in 13 V.S.A. § 2822, or consenting to a sexual performance as defined in 13 V.S.A. § 2823, and that the plaintiff was the victim of the offense.

(6) “Stalk” means to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to:

(A) fear for ~~his or her~~ the person’s safety or the safety of a family member; or

(B) suffer substantial emotional distress as evidenced by:

(i) a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death; or

(ii) significant modifications in the person’s actions or routines, including moving from an established residence, changes to established daily routes to and from work that cause a serious disruption in the person’s life, changes to the person’s employment or work schedule, or the loss of a job or time from work.

* * *

Sec. 2. 15 V.S.A. § 1103 is amended to read:

§ 1103. REQUESTS FOR RELIEF

(a) Any family or household member may seek relief from abuse by another family or household member on behalf of ~~himself or herself themselves~~ or ~~his or her~~ their children by filing a complaint under this chapter. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may file a complaint under this chapter seeking relief on ~~his or her~~ the minor’s own behalf. The plaintiff shall submit an affidavit in support of the order.

(b) Except as provided in section 1104 of this title, the court shall grant relief only after notice to the defendant and a hearing. The plaintiff shall have the burden of proving abuse by a preponderance of the evidence.

(c)(1) The court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant has abused the plaintiff, and:

(A) there is a danger of further abuse; or

(B) the defendant is currently incarcerated and has been convicted of one of the following: murder, attempted murder, kidnapping, domestic assault, aggravated domestic assault, sexual assault, aggravated sexual assault, stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a child in a sexual performance, or consenting to a sexual performance.

(2) The court order may include the following:

(A) An order that the defendant refrain from abusing the plaintiff or ~~his or her~~ the plaintiff's children, or both, and from interfering with their personal liberty, including restrictions on the defendant's ability to contact the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, ~~e-mail~~ email, or other electronic communication, and restrictions prohibiting the defendant from coming within a fixed distance of the plaintiff, the children, the plaintiff's residence, or other designated locations where the plaintiff or the plaintiff's children are likely to spend time.

(B) An order that the defendant immediately vacate the household and that the plaintiff be awarded sole possession of a residence.

(C) A temporary award of parental rights and responsibilities in accordance with the criteria in section 665 of this title.

(D) An order for parent-child contact under such conditions as are necessary to protect the child or the plaintiff, or both, from abuse in accordance with section 665a of this title. An order for parent-child contact may, if necessary, include conditions under which the plaintiff may deny parent-child contact pending further order of the court.

(E) If the court finds that the defendant has a duty to support the plaintiff, an order that the defendant pay the plaintiff's living expenses for a fixed period of time not to exceed three months.

(F) If the court finds that the defendant has a duty to support the child or children, a temporary order of child support pursuant to chapter 5 of this title, for a period not to exceed three months. A support order granted under this section may be extended if the relief from abuse proceeding is consolidated with an action for legal separation, divorce, or parentage.

(G) An order concerning the possession, care, and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household.

(H) An order that the defendant return any personal documentation in ~~his or her~~ the defendant's possession, including immigration documentation, birth certificates, and identification cards:

(i) pertaining to the plaintiff; or

(ii) pertaining to the plaintiff's children if relief is sought for the children or for good cause shown.

(I) An order awarding possession of a vehicle to the plaintiff for a set period of time, provided that the plaintiff:

(i) is the owner or joint owner of the vehicle;

(ii) is the primary payor on the vehicle loan;

(iii) has primary possession or control of the vehicle; or

(iv) has been restricted from using the vehicle by the defendant.

(J) An order requiring the defendant to complete a domestic violence accountability program approved by the Council on Domestic Violence. Failure to complete the program shall not be considered a crime for any purpose, including 13 V.S.A. § 1030, but may subject the defendant to civil contempt proceedings. Successful completion of the program shall be considered a substantial change in circumstances for purposes of requests to modify an order. A court may consider a defendant's failure to successfully complete the program when determining whether to extend an order.

* * *

Sec. 3. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order, which may be sworn to or affirmed by administration of the oath over the telephone to the applicant by an employee of the Judiciary authorized to administer oaths and shall conclude with the following statement: "I declare under the penalty of perjury pursuant to the laws of the State of Vermont that the foregoing is true and accurate. I understand that making false statements is a crime subject to a term of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904." The authorized person shall note on the affidavit the date and time that the oath was administered. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on the minor's own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or the plaintiff's children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing

any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff's personal liberty or the personal liberty of the plaintiff's children, or both;

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment;

(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, ~~e-mail~~ email, or other electronic communication; or

(E) to immediately relinquish, until the expiration of the order, all firearms that are in the defendant's possession, ownership, or control and to refrain from acquiring or possessing any firearms while the order is in effect.

(2) Upon a finding that the plaintiff or the plaintiff's children, or both, have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

(4) Upon a finding that the plaintiff's possession of a vehicle is necessary to escape abuse or prevent further abuse, the court may award the possession of a vehicle to the plaintiff for a set period of time, provided that the plaintiff:

(A) is the owner or joint owner of the vehicle;

(B) is the primary payor on the vehicle loan;

(C) has primary possession or control of the vehicle; or

(D) has been restricted from using the vehicle by the defendant.

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall inform the defendant that if ~~he or she~~ the defendant fails to appear at the final hearing, the temporary order will remain in effect until the final order is served on the defendant unless the temporary order is dismissed by the

court. Every order issued under this section shall state upon its face a date, time, and place when the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving abuse by a preponderance of the evidence. If the court finds that the plaintiff has met ~~his or her~~ the burden, it shall continue the order in effect and make such other order as it deems necessary to protect the plaintiff.

* * *

Sec. 4. 15 V.S.A. § 1140 is amended to read:

§ 1140. DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

* * *

(g) The Commission shall report its findings and recommendations to the Governor, the General Assembly, the Chief Justice of the Vermont Supreme Court, and the Vermont Council on Domestic Violence not later than the third Tuesday in January of the first year of the biennial session. The report shall be available to the public through the Office of the Attorney General. The Commission may issue data or other information periodically, in addition to the biennial report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(h) In the findings and recommendations required by subsection (g) of this section, the Commission shall report the number of defendants ordered to complete a domestic violence accountability program approved by the Council on Domestic Violence pursuant to 15 V.S.A. § 1103(c)(2)(J) and the number of those defendants who completed the program.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

and that after passage the title of the bill be amended to read: “An act relating to civil orders of protection”

(Committee Vote: 9-0-2)

H. 231

An act relating to technical corrections to fish and wildlife statutes

Rep. Satcowitz of Randolph, for the Committee on Environment, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

Words and phrases used in this part, unless otherwise provided, shall be construed to mean as follows:

* * *

(6) ~~Pickereel: the great northern pike, chain pickerel, or muskellunge.~~
[Repealed.]

(7) ~~Pike perch: walleyed or yellow pike.~~ [Repealed.]

* * *

Sec. 2. 10 V.S.A. § 4905 is amended to read:

§ 4905. BIRDS' NESTS AND EGGS; DESTROYING OR ROBBING

A person shall not take or ~~wilfully~~ willfully destroy the nests or eggs of wild birds, other than rock pigeons, the English sparrow, starling, or purple grackle house sparrows, or European starlings, except when necessary to protect buildings and the nests to be removed contain no eggs or chicks and are no longer being used by birds for feeding, or when taken as provided in section 4152 of this title.

Sec. 3. 10 V.S.A. § 4502 is amended to read:

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

(a) A uniform point system that assigns points to those convicted of a violation of a provision of this part is established. The conviction report from the court shall be prima facie evidence of the points assessed. In addition to other penalties assessed for violation of fish and wildlife statutes, the Commissioner shall suspend licenses issued under this part that are held by a person who has accumulated 10 or more points in accordance with the provisions of subsection (c) of this section.

(b) A person violating provisions of this part shall receive points for convictions in accordance with the following schedule (all sections are in this title of the Vermont Statutes Annotated):

(1) Except for biological collection violations determined to be nonpoint violations under the rules of the Board, five points shall be assessed for any violation of statutes or rules adopted under this part except those listed in subdivisions (2) and (3) of this subsection.

(2) Ten points shall be assessed for:

* * *

(I) ~~§ 4706. Snaring animals [Repealed.]~~

* * *

(Y) ~~Appendix § 2; Appendix § 33, section 14.3. Reporting of big game~~

* * *

(II) ~~Appendix § 37, as it applies to annual deer limits section 10. Novice season~~

(JJ) § 4742a. Youth deer hunting weekend. The points shall be assessed solely against the adult who is accompanying the youth hunter.

(KK) § 4908. Youth turkey hunting weekend. The points assessed against the adult accompanying the youth hunter.

(LL) § 4256. Mentored hunting license. The points shall be assessed against the licensed adult who is accompanying the individual holding the mentored hunting license.

(MM) § 4827a. Feeding a black bear

(NN) § 4826. Taking deer doing damage

(OO) § 22a. Taking turkey doing damage

(PP) § 35. Taking moose doing damage

(QQ) ~~Appendix § 22, section 6.7; Appendix § 33, section 13.1(g); Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled vehicle [Repealed.]~~

(RR) ~~Appendix § 7, section 6.3(b). Hunting bear with any dog not listed on the permit [Repealed.]~~

* * *

(3) Twenty points shall be assessed for:

(A) ~~§ 4192. General powers and duties; failure to obey warden [Repealed.]~~

* * *

(I) § 4745. Taking deer big game out of season prohibited

* * *

(O) Appendix § 7, sections 4.2, ~~5.1, 5.2,~~ 5.3, 6.1, 6.2, 6.3(b), 6.3(d), 6.3(e), ~~6.4, 6.5(e), 6.5(d),~~ 7.1, and 7.2, 7.3, and 7.4. Bear, unauthorized taking

(P) Appendix § 22. Turkey season, excluding: requirements for youth turkey hunting season; ~~section 6.2, and~~ size of shot used or possessed; and ~~section 6.7, transport of cocked crossbow~~

* * *

(U) Appendix § 37. Deer management rule, excluding requirements for youth deer hunting weekend; requirements for novice season; limitations on feeding of deer; ~~section 7.7, transport of cocked crossbow~~; reporting big game; and section 11.0, ban of urine and other natural lures

* * *

(W) ~~§ 4711. Crossbow hunting~~ [Repealed.]

(X) ~~Appendix § 4. Hunting with a crossbow without a permit or license~~ [Repealed.]

* * *

(Z) Appendix § 44, ~~section 4.6~~. Use of tooth jawed traps

(AA) Appendix § 44, ~~section 4.11~~. Taking furbearers with poison

(BB) Appendix § 44, ~~section 4.12~~. Taking furbearers from a den

(CC) § 4716. Holding or conducting a coyote-hunting competition

(DD) § 4706. Snaring animals

* * *

Sec. 4. 10 V.S.A. § 4705 is amended to read:

§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;
SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

(a) A person shall not take or attempt to take a wild animal by shooting from a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled craft or any vehicle drawn by a motor-propelled vehicle except as permitted under subsection (e) of this section.

(b) A person shall not carry or possess while in or on a vehicle propelled by mechanical power or drawn by a vehicle propelled by mechanical power within the right-of-way of a public highway any of the following:

(1) a rifle or, airgun, shotgun, or other projectile implement containing a loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, ~~or;~~

(2) a muzzle-loading rifle or muzzle-loading shotgun that has been charged with powder and projectile and the ignition system of which has been enabled by having an affixed or attached percussion cap, primer, battery, or priming powder, except as permitted under subsections (d) and (e) of this section;

(3) unless it is uncocked, a person shall not possess or transport a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled craft or any vehicle drawn by a motor-propelled vehicle except as permitted under subsection 47059e); and

(4) a person who possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or drawn by a vehicle propelled by mechanical power within a right-of-way of a public highway shall upon demand of an enforcement officer exhibit the firearm for examination to determine compliance with this section.

(c) A person while on or within 25 feet of the traveled portion of a public highway, except a public highway designated Class 4 on a town highway map, shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person while on or within the traveled portion of a public highway designated Class 4 on a town highway map shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a firearm, a muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a public highway from a sport shooting range, as that term is defined in section 5227 of this title, provided that:

(1) the sport shooting range was established before January 1, 2014; and

(2) the operators of the sport shooting range post signage warning users of the public highway of the potential danger from the sport shooting range.

(d) This section shall not restrict the possession or use of a loaded firearm by an enforcement officer in performance of ~~his or her~~ the officer's duty.

(e) Subsections (a) and (c) of this section shall not apply to a licensed hunter with paraplegia or who is certified by a physician to be unable to pursue game because of permanent severe physical disability, if ~~he or she~~ the licensed hunter obtains a permit as provided in this subsection. The Commissioner on receipt of satisfactory proof of the disability of an applicant may issue a permit under this subsection. This permit shall be attached to the license and shall remain in effect until the death of the holder, unless the Commissioner has

reason to believe the permit is misused. The holder of the permit shall carry it at all times while hunting and shall produce it on demand for inspection by any game warden or other law enforcement officer authorized to make arrests. The holder of the permit may take game from a vehicle or boat but only if it is stationary and is not within 10 feet of the traveled portion of a public highway. In no event shall the holder of a permit shoot across the traveled portion of a public highway.

(f) The phrase “public highway,” as used in this section, means roads, including Class 4 roads, shown on the highway maps of the respective towns, made by the Agency of Transportation, but does not include foot trails or private roads.

Sec. 5. 23 V.S.A. § 3317(b) is amended to read:

(b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this chapter, provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201 or a fine under this chapter, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:

* * *

Sec. 6. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(19) Violations of rules adopted under 10 V.S.A. § 1424, relating to the use of public waters.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

(Committee Vote: 11-0-0)

H. 259

An act relating to preventing workplace violence in hospitals

Rep. Cordes of Bristol, for the Committee on Health Care, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1911b is added to read:

§ 1911b. WORKPLACE VIOLENCE PREVENTION PLANNING

(a)(1) A hospital licensed pursuant to this chapter shall establish and implement a security plan for preventing workplace violence and managing aggressive behaviors. Each hospital shall establish a team for the purpose of providing advice during the development of the hospital's security plan. The hospital shall select individuals from the following groups to serve on its security plan development team:

(A) health care employees providing direct patient care at the hospital;

(B) representatives from the designated agency serving the region where the hospital is located; and

(C) representatives of relevant law enforcement agencies.

(2) The security plan shall be based on the results of a security risk assessment that addresses all high-risk areas of the hospital, including the emergency department, and all patient care areas. The security risk assessment shall be conducted in consultation with the medical and nursing directors of each department and those hospital employees supervising other high-risk areas of the hospital. The security risk assessment shall consider overall patient volume, crime rates in the community, and the availability of law enforcement to respond to violent incidents at the hospital.

(3) The security plan shall include an option for health care employees who provide direct patient care to request an identification badge containing only their first name or their first name and last initial.

(4)(A) The security plan shall require at least one hospital employee trained in de-escalation strategies to be present at all time in the hospital's emergency department and all other patient care areas.

(B) The security plan shall require that a hospital employee trained in trauma-informed care and victim support serve as a liaison to law enforcement, support victims through the legal process, and ensure that the response to

incidents of violence at the hospital prioritize the safety and retention of hospital employees providing health care services.

(5) The security plan shall establish training requirements for appropriate hospital employees on the following:

(A) the culture of safety as determined by the hospital;

(B) response to the presence or use of weapons;

(C) defensive tactics;

(D) de-escalation techniques;

(E) appropriate physical restraint and seclusion techniques;

(F) crisis intervention;

(G) trauma-informed care and strategies;

(H) clinician well-being practices;

(I) presence and intervention of law enforcement; and

(J) safely addressing situations involving patients, family members, or other individuals who pose a risk of self-harm or harm to others.

(6) The security plan shall include guidelines indicating when a law enforcement officer should remain with a patient who has demonstrated violence or harm to others pursuant to 18 V.S.A. § 1883. The guidelines shall be developed jointly by a health care provider representative and law enforcement.

(7)(A) A hospital shall review and evaluate the security plan developed pursuant to this subsection annually in conjunction with the data collected pursuant to subdivision (b)(3) of this section. If necessary, the hospital shall revise the security plan.

(B) The security plan and any annual revisions to the security plan shall be distributed annually to all hospital employees, volunteers, the hospital's board of directors, relevant law enforcement agencies, and any other partners identified by the security plan development team.

(b)(1) A hospital licensed pursuant to this chapter shall establish and utilize a workplace violence incident reporting system to document, track, analyze, and evaluate incidents of workplace violence at the hospital. Data collection through the reporting system and resulting analysis shall be used to improve workplace safety and to manage aggressive behaviors, including improvements achieved through continuing education in targeted areas such as de-escalation training, risk identification, and prevention planning.

(2) All hospital employees shall be notified about the existence of the reporting system and shall receive training on how to report incidents of workplace violence to the hospital, hospital security, law enforcement, or any other entity the hospital deems appropriate.

(3) A hospital shall use its reporting system to track the following:

(A) the number of reported incidents; and

(B) the number of incidents reported to law enforcement.

(c) A hospital shall adopt a policy prohibiting discrimination or retaliation for:

(1) reporting an incidence of workplace violence;

(2) seeking assistance or intervention from the hospital, hospital security, law enforcement, or any other appropriate entity; or

(3) participating or refusing to participate in an investigation of workplace violence.

(d)(1) A hospital shall post a notice in a conspicuous location, either electronically or in print, indicating that hospital employees do not tolerate an unsafe work environment where any type of threatening or aggressive behavior is present. The notice shall remind hospital patrons of the serious legal consequences of assaulting a hospital employee.

(2) As used in this subsection, “conspicuous” could include the hospital’s website, waiting room areas, or any other areas of the hospital that the hospital deems appropriate.

(e) The Agency of Human Services shall collaborate with hospitals to identify incentives, funding sources, and other means to support the development and operation of workplace violence prevention programs at hospitals.

Sec. 2. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

* * *

(i) Excluded from this subchapter are expenditures by a hospital that are necessary to implement the security plan required pursuant to section 1911b of this title.

Sec. 3. 18 V.S.A. § 9454 is amended to read:

§ 9454. HOSPITALS; DUTIES

(a) Hospitals shall file the following information at the time and place and in the manner established by the Board:

(1) a budget for the forthcoming fiscal year;

(2) financial information, including costs of operation, revenues, assets, liabilities, fund balances, other income, rates, charges, units of services, and wage and salary data;

(3) scope-of-service and volume-of-service information, including inpatient services, outpatient services, and ancillary services by type of service provided;

(4) utilization information;

(5) new hospital services and programs proposed for the forthcoming fiscal year;

(6) costs associated with implementing their security plan pursuant to section 1911b of this title, including capital investments, program operation, and staff;

(7) known depreciation schedules on existing buildings, a four-year capital expenditure projection, and a one-year capital expenditure plan; and

~~(7)~~(8) such other information as the Board may require.

* * *

Sec. 4. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

(a) The Board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter and in accordance with a schedule established by the Board.

* * *

(c) Individual hospital budgets established under this section shall:

* * *

(5) include a finding that the analysis provided in subdivision (b)(9) of this section is a reasonable methodology for reflecting a reduction in net revenues for non-Medicaid payers; ~~and~~

(6) demonstrate that they support equal access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care; and

(7) take into consideration the costs associated with implementing a security plan pursuant to section 1911b of this title.

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

(Committee Vote: 10-0-1)

Favorable

H. 396

An act relating to the creation of the Mollie Beattie Distinguished Service Award

Rep. Lipsky of Stowe, for the Committee on Agriculture, Food Resiliency, and Forestry, recommends the bill ought to pass.

(Committee Vote: 5-0-3)

CONSENT CALENDAR FOR ACTION

Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration in that member's chamber before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Senate Secretary's Office or the House Clerk's Office, as applicable. For text of resolutions, see Addendum to House Calendar and Senate Calendar of March 13, 2025.

H.C.R. 49

House concurrent resolution recognizing March 21, 2025 as World Day for Glaciers in Vermont

H.C.R. 50

House concurrent resolution recognizing the unique role of certified registered nurse anesthetists in the Vermont health care system

H.C.R. 51

House concurrent resolution honoring Louis Lamphere on his receipt of the gubernatorial Rays of Kindness recognition

H.C.R. 52

House concurrent resolution honoring Anthony P. Romeo on his 70th

birthday

S.C.R. 3

Senate concurrent resolution congratulating Liliane Gordon of Hinesburg on her receipt of the Girl Scout Gold Award

For Informational Purposes

NOTICE OF JOINT ASSEMBLY

Thursday, March 20, 2025 - 10:30 A.M. - House Chamber - Retention of seven Superior Court Judges and one Magistrate.

CROSSOVER DATES

The Joint Rules Committee established the following crossover dates:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2025**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 14, 2025**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 21, 2025**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill, and the Fee/Revenue bills).

HOUSE CONCURRENT RESOLUTION (H.C.R.) PROCESS

Joint Rules 16a–16d provide the procedure for the General Assembly to adopt concurrent resolutions pursuant to the Consent Calendar. Here are the steps for Representatives to introduce an H.C.R. and to have it ceremonially read during a House session:

1. Meet with Legislative Counselor Michael Chernick regarding your H.C.R. draft request. Come prepared with an idea and any relevant supporting documents.

2. Have a date in mind if you want a ceremonial reading. You should meet with Counselor Chernick at least two weeks prior to the week you want your ceremonial reading to happen.
3. Counselor Chernick will draft your H.C.R., and Resolutions Editor and Coordinator Jill Pralle will edit it. Upon completion of this process, a paper or electronic copy will be released to you. If a paper copy is released to you, a sponsor signout sheet will also be included.
4. Please submit the sponsor list to Counselor Chernick by paper *or* electronically, but not both.
5. The final list of sponsors needs to be submitted to Counselor Chernick not later than 12:00 noon the Thursday of the week prior to the H.C.R.'s appearance on the Consent Calendar.
6. The Office of Legislative Counsel will then send your H.C.R. to the House Clerk's Office for incorporation into the Consent Calendar and House Calendar Addendum for the following week.
7. The week that your H.C.R. is on the Consent Calendar, any presentation copies that you requested will be mailed or available for pickup on Friday, after the House and Senate adjourn, which is when your H.C.R. is adopted pursuant to Joint Rules.
8. Your H.C.R. can be ceremonially read during a House session once it is adopted. If you would like to schedule a ceremonial reading, contact Second Assistant Clerk Courtney Reckord to confirm your requested ceremonial reading date.

JOINT FISCAL COMMITTEE NOTICES

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3244: \$2,335,401.00 to the Agency of Human Services, Department of Health from the Substance Abuse and Mental Health Services Administration. Funds support continued crisis counseling assistance and training in response to the July 2024 flood event. *[Received February 7, 2025]*

JFO #3245: \$250,000.00 to the Agency of Human Services, Department of Health from the National Association of State Mental Health Program Directors. Funds used to provide trainings for crisis staff and to make improvements to the State's crisis system dispatch platform. *[Received February 7, 2025]*