Senate Calendar

TUESDAY, MARCH 18, 2025

SENATE CONVENES AT: 9:30 A.M.

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ACTION CALENDAR

UNFINISHED BUSINESS OF FRIDAY, MARCH 14, 2025

Second Reading

Favorable

S. 45.

An act relating to protection from nuisance suits for agricultural activities.

Reported favorably by Senator Norris for the Committee on Judiciary.

(Committee vote: 4-1-0)

NEW BUSINESS

Third Reading

J.R.S. 15.

Joint resolution supporting Vermont's transgender and non-binary community and declaring Vermont's commitment to fighting discrimination and treating all citizens with respect and dignity.

Second Reading

Favorable with Recommendation of Amendment

S. 59.

An act relating to amendments to Vermont's Open Meeting Law.

Reported favorably with recommendation of amendment by Senator Hart for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 1 V.S.A. § 310 is amended to read:

§ 310. DEFINITIONS

As used in this subchapter:

* * *

(9) "Undue hardship" means an action ~~required to achieve compliance would require~~ requiring significant difficulty or expense to the unit of government to which a public body belongs, considered in light of factors including the overall size of the entity, ~~sufficient~~ the availability of necessary

personnel and ~~staffing availability~~ staff, the entity's ~~budget~~ available resources, and the costs associated with compliance.

Sec. 2. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision 313(a)(2) of this title. A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such electronic recordings as described in section 316 of this title.

* * *

(3)(A) State ~~nonadvisory~~ public bodies; hybrid meeting requirement; exception for advisory bodies. Any public body of the State, except advisory bodies, shall:

~~(A)~~(i) hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform;

~~(B)~~(ii) electronically record all meetings; and

~~(C)~~(iii) for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.

(B) Exception; site inspections and field visits. This subdivision (3) shall not apply to gatherings of a public body for purposes of a site inspection or field visit.

* * *

(5) State ~~nonadvisory~~ public bodies; State and local advisory bodies; designating electronic platforms. ~~State nonadvisory~~ A public ~~bodies~~ body meeting ~~in a hybrid fashion~~ pursuant to subdivision (3) ~~of this subsection and State and local advisory bodies meeting without a physical meeting location~~ or advisory body meeting pursuant to subdivision (4) of this subsection shall designate and use an electronic platform that allows the direct access, attendance, and participation of the public, including access by telephone. The public body shall post information that enables the public to directly access the

designated electronic platform and include this information in the published agenda or public notice for the meeting.

(6) Local ~~nonadvisory~~ public bodies; meeting recordings.

(A) A public body of a municipality or political subdivision, except advisory bodies, shall record, in audio or video form, any meeting of the public body and post a copy of the recording in a designated electronic location for a minimum of 30 days following the ~~approval and~~ posting of the ~~official~~ minutes for a meeting.

(B) A municipality is exempt from subdivision (A) of this subdivision (6) if compliance would impose an undue hardship on the municipality.

(C) A municipality shall have the burden of proving that compliance under this section would impose an undue hardship on the municipality.

* * *

(d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

* * *

(3) A meeting agenda shall contain sufficient details concerning the specific matters to be discussed by the public body. For any meeting that may include an executive session, the meeting agenda shall state that the meeting includes a "proposed executive session."

(4)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

* * *

Sec. 3. 1 V.S.A. § 313 is amended to read:

§ 313. EXECUTIVE SESSIONS

(a) No public body may hold or conclude an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. ~~Such~~ The vote to enter executive session shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real

estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:

* * *

(10) security or emergency response measures, the disclosure of which could jeopardize public safety; or

(11) information relating to the interest rates for publicly financed loans.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

S. 66.

An act relating to motor vehicle noise, exhaust modifications, and engine compression brakes.

Reported favorably with recommendation of amendment by Senator White for the Committee on Transportation.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1221 is amended to read:

§ 1221. CONDITION OF VEHICLE; EXCESSIVE NOISE

(a) A motor vehicle~~,~~ operated on any highway~~,~~ shall be in good mechanical condition and shall be properly equipped.

(b)(1) An individual shall not operate on a highway a motor vehicle equipped with a muffler lacking interior baffle plates or other effective muffling devices, a gutted muffler, a muffler cutout, or a straight pipe exhaust.

(2) An individual shall not operate on a highway a motorcycle manufactured after December 31, 1985 that is not labeled in compliance with 40 C.F.R. § 205.158 and equipped with a muffler that meets the requirements of 40 C.F.R. § 205.169.

(3) The prohibition of subdivisions (1) and (2) of this subsection shall not apply when a motor vehicle or motorcycle is operated in a race, contest, or

demonstration of speed or skill at an authorized public exhibition held in accordance with applicable State or municipal law and land use permits.

(c)(1) A motor vehicle equipped or modified as described in subdivision (b)(1) of this section shall not pass an inspection required under section 1222 of this title.

(2) A motorcycle that does not meet the requirements of subdivision (b)(2) of this section shall not pass an inspection required under section 1222 of this title.

Sec. 2. 23 V.S.A. § 1309 is added to read:

§ 1309. ENGINE COMPRESSION BRAKE DEVICES; REQUIREMENTS

(a)(1) An individual shall not operate a motor truck or truck tractor equipped with an engine compression brake device unless the motor truck or truck tractor is also equipped with a muffler to prevent excessive noise from the device.

(2) It shall not be a violation of subdivision (1) of this subsection to use an engine compression brake device in a motor truck or truck tractor that is not equipped with a muffler to prevent excessive noise from the device if the device is used to slow down or stop the motor truck or truck tractor in an emergency.

(b) A motor truck or truck tractor that is equipped with an engine compression brake device but is not equipped with a working muffler to prevent excessive noise from the device shall fail inspection pursuant to section 1222 of this title.

(c) As used in this section, "engine compression brake device" means a device that slows a motor truck or truck tractor by utilizing engine compression and the release of compressed air. "Engine compression brake device" includes compression brakes, decompression brakes, engine compression release brakes, "Jake" brakes, and "Jacobs" brakes.

(d) Nothing in this section shall be construed to prevent a municipality from adopting an ordinance that prohibits the operation of an engine compression brake devices within the municipality or in specific parts of the municipality.

Sec. 3. RULEMAKING; PERIODIC INSPECTION MANUAL; EXHAUST MODIFICATIONS; ENGINE COMPRESSION BRAKE MUFFLERS; OUTREACH

(a) The Department of Motor Vehicles shall, unless extended by the Legislative Committee on Administrative Rules, adopt amendments to

Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-022) to implement the provisions of Secs. 1 and 2 of this act that shall take effect on or before July 1, 2026.

(b) The Department of Motor Vehicles shall implement a public outreach campaign regarding prohibited exhaust modifications pursuant to 23 V.S.A. § 1221 and the requirement for engine compression brakes to be equipped with a muffler pursuant to 23 V.S.A. § 1309. The public outreach campaign shall include information on the provisions of the rules for Inspection of Motor Vehicles (CVR 14-050-022), related to exhaust modifications and engine compression brake mufflers, including the amendments adopted under the Administrative Procedure Act pursuant to subsection (a) of this section. The Department of Motor Vehicles shall begin to disseminate information pursuant to this subsection not later than two months prior to the effective date of Secs. 1 and 2 of this act and shall disseminate information pursuant to this subsection through email, bulletins, software updates, and the Department of Motor Vehicles' website.

Sec. 4. MOTOR VEHICLE NOISE LEVELS; REPORT

(a) On or before December 15, 2025, the Commissioner of Motor Vehicles shall submit a written report to the Senate and House Committees on Transportation with a proposal for limits on motor vehicle noise and proposed procedures for the enforcement of those limits.

(b) The report shall examine laws and procedures in Maine and other New England states regarding:

(1) maximum sound levels for motor vehicles and trucks;

(2) enforcement of maximum sound levels for motor vehicles and trucks;

(3) procedures for a person to challenge a determination that the person's vehicle was operating in excess of the applicable maximum sound level; and

(4) procedures for a citizen to report a suspected violation of the maximum sound levels for motor vehicles and trucks to law enforcement.

(c) The report shall include proposals for:

(1) maximum sound levels above which motor vehicles and trucks would not be permitted to operate on highways in Vermont, which may vary depending on the type of vehicle, vehicle weight, and vehicle speed;

(2) methods for determining whether a vehicle is operating on a highway in excess of the maximum sound levels;

(3) procedures for enforcing the maximum sound levels;

(4) procedures for a person to challenge a determination that the person's vehicle was operating in excess of the applicable maximum sound level; and

(5) procedures for allowing citizens to report a suspected violation of the maximum sound levels for motor vehicles and trucks to law enforcement.

(d) The report shall identify any legislative action necessary to implement the proposals included pursuant to subsection (c) of this section.

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 3 and 4 of this act shall take effect on July 1, 2025.

(b) Secs. 1 and 2 of this act shall take effect on July 1, 2026.

(Committee vote: 5-0-0)

S. 87.

An act relating to extradition procedures.

Reported favorably with recommendation of amendment by Senator Hashim for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4955 is amended to read:

§ 4955. COMMITMENT TO AWAIT EXTRADITION; BAIL

If upon examination it appears that the person held is the person charged with having committed the crime alleged and that the person probably committed the crime, and, except in cases arising under section 4946 of this title, that the person has fled from justice, the judge or magistrate shall commit the person to jail by a warrant, reciting the accusation, for such a time, not exceeding ~~30~~ 90 days, to be specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 4956 of this title, or until the person shall be legally discharged. On request of the state, the hearing may be continued for up to three ~~working~~ business days, only for the purpose of determining whether the person probably committed the crime. Findings under this section may be based upon hearsay evidence or upon copies of affidavits, whether certified or not, made outside this State. It shall be

sufficient for a finding that a person probably committed the crime that there is a current grand jury indictment from another state.

Sec. 2. 13 V.S.A. § 4957 is amended to read:

§ 4957. EXTENDING TIME OF COMMITMENT

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond, or undertaking, such judge may discharge ~~him or her~~ or ~~may~~ recommit ~~him or her~~ the accused for a further period not to exceed ~~60~~ 30 days, or may again take bail for ~~his or her~~ the accused's appearance and surrender as provided in section 4956 of this title, but within a period not to exceed ~~60~~ 30 days after the date of such new bond.

Sec. 3. 13 V.S.A. § 4967 is amended to read:

§ 4967. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS

(a) Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement~~,~~ or broken the terms of ~~his or her~~ bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 4947 and 4948 of this title and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this State a writing that states that ~~he or she~~ the person consents to return to the demanding state; provided, however, before ~~such~~ the waiver ~~shall be~~ is executed or subscribed by ~~such~~ the person ~~it shall be the duty of such~~, the judge ~~to~~ shall inform ~~such~~ the person of ~~his or her~~ the ~~rights~~ right to ~~the~~ issuance and service of a warrant of extradition and the right to obtain a writ of habeas corpus as provided for in section 4950 of this title.

(b) If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state~~,~~ and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this State.

(c) Notwithstanding any other provision of law, a law enforcement or corrections agency in this State holding a person who is alleged to have broken the terms of the person's probation, parole, bail, or any other release in the

demanding state shall immediately deliver that person to the duly authorized agent of the demanding state without the requirement of a Governor's warrant if all of the following apply:

(1) The person has signed a prior waiver of extradition as a term of the person's current probation, parole, bail, or other release in the demanding state.

(2) The law enforcement or corrections agency holding the person has received an authenticated copy of the prior waiver of extradition signed by the person and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver. These documents may be received by reliable electronic means.

(3) Except as the State's Attorney shall otherwise determine in the interest of justice, all open criminal charges in this State have been disposed of through trial and sentencing.

Sec. 4. 13 V.S.A. § 5043 is amended to read:

§ 5043. HEARING, COMMITMENT, DISCHARGE

(a) If an arrest is made in this State by an officer of another state in accordance with the provisions of section 5042 of this title, ~~he or she shall~~ the officer, without unnecessary delay, shall take the person arrested before a Superior judge of the unit in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest.

(b) If the judge determines that the arrest was lawful, ~~he or she~~ the judge shall commit the person arrested to await for ~~a reasonable time~~ the issuance of an extradition warrant by the Governor of this State within 90 days or admit such person to bail pending the issuance of such warrant. The judge shall consider the issuance of a judicial warrant for the arrest of the person who has fled justice to Vermont from another state when determining the risk of flight from prosecution.

(c) If the judge determines that the arrest was unlawful, ~~he or she~~ the judge shall discharge the person arrested.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage and shall apply prospectively and not affect extraditions in process at the time of enactment.

(Committee vote: 5-0-0)

NOTICE CALENDAR

Committee Resolution for Second Reading

S.R. 10.

Senate resolution relating to the disapproval of Executive Order 01-25.

By the Committee on Government Operations. (Senator Vyhovsky for the Committee.)

Second Reading

Favorable with Recommendation of Amendment

S. 23.

An act relating to the use of synthetic media in elections.

Reported favorably with recommendation of amendment by Senator Collamore for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. chapter 35, subchapter 4 is added to read:

Subchapter 4. Use of Synthetic Media in Elections

§ 2031. DEFINITIONS

As used in this subchapter:

(1) "Deceptive and fraudulent synthetic media" means synthetic media that creates a representation of an individual or individuals with the intent to injure the reputation of a candidate, to influence the outcome of an election, or to otherwise deceive a voter, in a manner that:

(A) appears to a reasonable person to be an authentic recording of an individual saying or doing something that did not occur; or

(B) provides a reasonable person with a fundamentally different understanding or impression of the appearance, speech, conduct, or environment that a reasonable person would have from an unaltered and original version of the image, audio recording, or video recording.

(2) "Synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, conduct, or environment that has been created or intentionally manipulated with the use of digital technology, including artificial intelligence, in a manner that creates a realistic but false representation of the candidate.

§ 2032. DISCLOSURE OF A DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA

(a) Disclosure. A person shall not, within 90 days before an election at which a candidate for elective office will appear on the ballot, publish, communicate, or otherwise distribute a synthetic media message that the person knows or should have known is a deceptive and fraudulent synthetic media of a candidate on the ballot, unless the person includes a disclosure in the synthetic media stating: "This media has been created or intentionally manipulated by digital technology or artificial intelligence."

(1) For deceptive and fraudulent synthetic media consisting of images and video recordings, the text of the disclosure shall appear in a size that is easily readable by the average viewer and not smaller than the largest font size of other text appearing in the visual media. If the image or video recording does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For video recordings, the disclosure shall appear for the full duration of the video recording.

(2) For deceptive and fraudulent synthetic media consisting of audio recordings only, the disclosure shall be read in a clearly spoken manner and in a pitch and pace that can be easily heard by the average listener, at the beginning of the audio recording, at the end of the audio recording, and, if the audio is greater than two minutes in length, interspersed within the audio recording at intervals of not greater than two minutes each.

(b) Exceptions. Subsection (a) of this section shall not apply to:

(1) a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, or to a website, streaming platform, or mobile application, that:

(A) broadcasts deceptive and fraudulent synthetic media as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, so long as the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that there are questions about the authenticity of the deceptive and fraudulent synthetic media;

(B) is paid to broadcast deceptive and fraudulent synthetic media; or

(C) is required by federal law to broadcast advertisements from legally qualified candidates;

(2) a website or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest,

and that publishes deceptive and fraudulent synthetic media, if the publication clearly states that the deceptive and fraudulent synthetic media does not accurately represent the speech or conduct of the represented individual;

(3) a person that produces deceptive and fraudulent synthetic media constituting satire or parody;

(4) a provider of a telecommunications service or information service, as those terms are defined in the Communications Act of 1934, 47 U.S.C. § 153, for content provided by another person; or

(5) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person.

§ 2033. PENALTIES

(a) A person that knowingly and intentionally violates a provision of this subchapter shall be fined not more than $1,000.00, unless:

(1) the person commits the violation with the intent to cause violence or bodily harm, in which case the fine shall be not more than $5,000.00;

(2) the person commits the violation within five years after one or more prior convictions under this section, in which case the fine shall be not more than $10,000.00; or

(3) the person commits the violation with the intent to cause violence or bodily harm and the person commits the violation within five years after one or more prior convictions under this section, in which case the fine shall be not more than $15,000.00.

(b) A candidate whose appearance, speech, conduct, or environment is misrepresented through the use of deceptive and fraudulent synthetic media in violation of section 2032 of this title may seek injunctive or other equitable relief prohibiting the publication, communication, or other distribution of such deceptive and fraudulent synthetic media.

Sec. 2. 17 V.S.A. chapter 35, subchapter 5 is added to read:

Subchapter 5. Enforcement and Additional Remedies

§ 2041. INJUNCTIONS

In addition to the other penalties provided in this chapter, a State's Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

S. 27.

An act relating to medical debt relief and excluding medical debt from credit reports.

Reported favorably with recommendation of amendment by Senator Cummings for the Committee on Health and Welfare.

The Committee recommends that the bill be amended by striking out Sec. 3, 9 V.S.A. § 2466d, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 9 V.S.A. § 2466d is added to read:

§ 2466d. REPORTING OF MEDICAL DEBT INFORMATION PROHIBITED

(a) A credit reporting agency shall not report or maintain in the file on a consumer information relating to a medical debt.

(b) As used in this section:

(1) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a physical, dental, behavioral, or mental health condition or substance use disorder, including counseling, procedures, products, devices, and medications.

(2) "Medical debt" means debt arising from health care services, including dental services, or from health care goods, including products, devices, durable medical equipment, and prescription drugs. "Medical debt" does not include debt arising from services provided by a veterinarian; debt charged to a credit card unless the credit card is issued under an open-end or closed-end credit plan offered solely for the payment of health care services; debt charged to a home equity or general-purpose line of credit; or secured debt.

(Committee vote: 5-0-0)

Reported favorably by Senator Lyons for the Committee on Appropriations.

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Health and Welfare.

(Committee Vote: 7-0-0)

S. 36.

An act relating to Medicaid coverage of long-term residential treatment for co-occurring substance use disorder and mental health condition.

Reported favorably with recommendation of amendment by Senator Hart for the Committee on Health and Welfare.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1901n is added to read:

§ 1901n. HIGH-INTENSITY RESIDENTIAL TREATMENT FOR SUBSTANCE USE DISORDER AND CO-OCCURRING MENTAL CONDITIONS

(a) The Agency of Human Services shall provide coverage for high-intensity, medically monitored residential treatment episodes to Medicaid beneficiaries with substance use disorder and a co-occurring mental health condition when high-intensity, medically monitored residential treatment episodes are prescribed by a health care professional employed by a residential treatment program who is practicing within the scope of the health professional's license and the residential treatment program is participating in Vermont's Medicaid program.

(b) Coverage provided under this section shall be for the entire length of stay prescribed by a health care professional employed by a residential treatment program, who shall take into account current best practices for each level of care within the substance use continuum of care.

Sec. 2. 33 V.S.A. § 1901o is added to read:

§ 1901o. LOW-INTENSITY RESIDENTIAL TREATMENT FOR SUBSTANCE USE DISORDER AND CO-OCCURRING MENTAL CONDITIONS

(a) The Agency of Human Services shall provide coverage for low-intensity, clinically managed residential treatment episodes to Medicaid beneficiaries with substance use disorder and a co-occurring mental health condition when low-intensity, clinically managed residential treatment episodes are prescribed by a health care professional employed by a residential treatment program who is practicing within the scope of the health care professional's license and the residential treatment program is participating in Vermont's Medicaid program.

(b) Coverage provided under this section shall be for the entire length of stay prescribed by a health care professional employed by a residential

treatment program, who shall take into account current best practices for levels of care within the substance use continuum of care.

Sec. 3. REPORT; MEDICAID PAYMENT MODEL FOR RESIDENTIAL SUBSTANCE USE DISORDER TREATMENT SERVICES

The Agency of Human Services shall conduct a review of the Medicaid payment model for residential substance use disorder treatment services with special consideration given to the actual cost of providing residential treatment services, commensurate with length of stay, co-occurring physical and mental health needs, and postresidential treatment service needs. The results of the review shall be submitted to the House Committee on Human Services and the Senate Committee on Health and Welfare on or before December 1, 2025. The review shall include recommendations and proposed legislation to:

(1) align the Medicaid payment model with the clinical needs of individuals receiving residential substance use disorder treatment services; and

(2) ensure coordinated transitions between residential substance use disorder treatment providers offering varying acuity of care.

Sec. 4. REPEAL

2019 Acts and Resolves No. 6, Secs. 99 and 100 (amendments to 18 V.S.A. §§ 4810(d)–(j) and 4811 that prohibited public inebriates from being incarcerated in a Department of Corrections' facility) are repealed.

Sec. 5. 2019 Acts and Resolves No. 6, Sec. 105 is amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(c) ~~Secs. 99 and 100 (amending 18 V.S.A. §§ 4910 and 4811) shall take effect on July 1, 2025.~~ [Deleted.]

* * *

Sec. 6. 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 the Medicaid payment model for residential substance use disorder treatment services"

(Committee vote: 5-0-0)

S. 46.

An act relating to the taxation of vehicles used for forestry operations.

Reported favorably with recommendation of amendment by Senator Brennan for the Committee on Transportation.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

* * *

(23)(A) The following motor vehicles, including their repair parts, used for timber cutting~~,~~; timber removal~~,~~; and processing ~~of~~ timber or other solid wood forest products intended to be sold ultimately at retail: skidders with grapple and cable, feller bunchers, cut-to-length processors, forwarders, delimbers, loader slashers, log loaders, whole-tree chippers, stationary screening systems, and firewood processors, elevators, and screens.

(B) Fifty percent of the final tax imposed by this chapter on the following motor vehicles, including their repair parts, used for timber cutting, timber removal, processing timber or other solid wood forest products intended to be sold ultimately at retail, and transportation of timber or equipment: semi-trailers, tractors, truck cranes, truck tractors, trailers, and motor trucks and motor vehicles with a manufacturer's listed gross vehicle weight of 10,000 pounds or more.

(C) The Department of Motor Vehicles may require a purchaser at the time of purchase to certify that a motor vehicle or other equipment is exempt under this section.

(D) The Department of Motor Vehicles shall publish guidance relating to the application of this exemption.

Sec. 2. 32 V.S.A. § 8902 is amended to read:

§ 8902. DEFINITIONS

* * *

(12) "Motor truck" has the same meaning as in 23 V.S.A. § 4(20).

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

(Committee vote: 5-0-0)

S. 51.

An act relating to the Vermont unpaid caregiver tax credit.

Reported favorably with recommendation of amendment by Senator Hardy for the Committee on Finance.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) According to the U.S. Department of Labor, women in the United States 55 years of age and older provide 26.6 million hours of unpaid care to family and friends daily.

(2) According to the AARP:

(A) More than 75 percent of family caregivers 50 years of age and older who retired early because of family caregiving responsibilities would have remained in the workforce longer if they had access to financial or nonfinancial supports.

(B) If family caregivers aged 50 years of age and older have access to support in the workplace, U.S. Gross Domestic Product could grow by an additional $1.7 trillion (5.5 percent) in 2030.

(3) According to a 2023 report by the Urban Institute, entitled "Lifetime Employment-Related Costs to Women of Providing Family Care," the employment-related costs for mothers of providing unpaid care to minor children and parents, parents-in-law, and spouses (including unmarried partners) with care needs average $295,000.00 over a lifetime.

(4) Using a national survey and six focus groups, the Commonwealth Fund identified financial compensation for the time spent caregiving as a top policy priority for family caregivers.

Sec. 2. 32 V.S.A. § 5813 is amended to read:

§ 5813. STATUTORY PURPOSES

* * *

(aa) The statutory purpose of the unpaid caregiver tax credit in section 5830g of this title is to provide financial support to Vermonters who spend significant time providing uncompensated care for a family member.

Sec. 3. 32 V.S.A. § 5830g is added to read:

§ 5830g. VERMONT UNPAID CAREGIVER TAX CREDIT

(a) A resident individual or part-year resident individual who provides uncompensated care shall be entitled to a refundable credit against the tax imposed by section 5822 of this title for the taxable year. The maximum allowable credit per taxable year shall be $1,000.00 for providing 12 months of uncompensated care. The credit shall be based on the number of months the individual caregiver spent providing at least 20 hours per week of uncompensated care for an individual who:

(1) is related to the caregiver by blood, civil marriage, or adoption;

(2) needs assistance with activities of daily living, home health care, or assistance remaining safe at home;

(3) has a medically diagnosed disability or health condition; and

(4) does not reside at a residential care home, an assisted living residence, or nursing home as defined by 33 V.S.A. § 7102, or any other similar adult care home that is licensed or required to be licensed pursuant to 33 V.S.A. chapter 71.

(b) Notwithstanding subsection (a) of this section, the amount of the credit under this section shall be reduced by $20.00 for each $1,000.00, or fraction thereof, by which the individual's adjusted gross income exceeds $125,000.00, irrespective of the individual's filing status. For purposes of this subsection, spouses filing jointly shall be considered an individual.

(c) An individual claiming the credit under this section shall attest that they met all requirements under this section for the number of months claimed.

(d) Upon the Commissioner's request, an individual claiming a credit under this section shall provide supporting documentation or other information relating to the individual's qualification for the credit, including a form prepared by the Commissioner, to be executed by a licensed medical professional, attesting that the licensed medical professional provides primary or specialized medical care for the individual receiving uncompensated care and that the individual has a medical diagnosis requiring assistance with activities of daily living for at least 20 hours per week. The individual claiming the credit shall have the medical professional execute the form prior

to claiming the credit, shall retain the executed form for a period of at least three years, and shall provide the form to the Commissioner on request.

Sec. 4. EFFECTIVE DATE

Notwithstanding 1 V.S.A. § 214, this act shall take effect retroactively on January 1, 2025 and apply to taxable years beginning on and after January 1, 2025.

(Committee vote: 6-0-1)

S. 53.

An act relating to certification of community-based perinatal doulas and Medicaid coverage for doula services.

Reported favorably by Senator Collamore for the Committee on Government Operations.

(Committee vote: 5-0-0)

Reported favorably with recommendation of amendment by Senator Gulick for the Committee on Health and Welfare.

The Committee recommends that the bill be amended as follows:

First: By adding a new section to be Sec. 8 to read as follows:

Sec. 8. OFFICE OF PROFESSIONAL REGULATION; APPROPRIATION

The sum of $25,000.00 is appropriated from the General Fund to the Office of Professional Regulation in fiscal year 2026 to establish the certification program for community-based perinatal doulas as set forth in this act.

Second: By renumbering the existing Sec. 8, effective dates, to be Sec. 9 and, in that renumbered section, in subsection (a), preceding "shall take effect on January 1, 2026," by inserting "and 8 (Office of Professional Regulation; appropriation)"

(Committee vote: 5-0-0)

S. 60.

An act relating to establishing the Farm Security Special Fund to provide grants for farm losses due to weather conditions.

Reported favorably with recommendation of amendment by Senator Major for the Committee on Agriculture.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) In 2023 and 2024, Vermont experienced extreme flooding and other climate-fueled disasters that devastated farms and other working lands businesses across the State.

(2) Many existing State and federal programs that are designed to support farms are difficult to access, are administratively burdensome, and currently do not meet the needs of Vermont farmers in a holistic way.

(3) In particular, because federal crop insurance programs are not designed to serve the needs of smaller scale or more diversified farming operations, many Vermont farmers are not covered by crop insurance.

(4) The State should establish a permanent funding support program to:

(A) maintain the viability of farms in Vermont in order to ensure food security, climate resilience, rural economic vitality, and environmental health;

(B) continuously invest in farms in a way that makes them more resilient to current and future challenges; and

(C) provide a source of relief funds permanently available to farmers impacted by climate emergencies and extreme weather.

Sec. 2. 6 V.S.A. chapter 207 is amended to read:

CHAPTER 207. PROMOTION ~~AND~~, MARKETING, AND SUPPORT OF VERMONT FARMS, FOODS, AND PRODUCTS

* * *

Subchapter 4. Farm Security Special Fund

§ 4631. DEFINITIONS

As used in this subchapter:

(1) "Eligible weather condition" means any of the following weather conditions that are found to be closely correlated with agricultural income losses:

(A) high winds;

(B) excessive moisture, intense precipitation, or flooding;

(C) extreme heat;

(D) abnormal freeze conditions;

(E) widespread fire event;

(F) hail;

(G) drought; or

(H) any other severe weather or growing conditions impacting agricultural income, as determined by the Review Board.

(2) "Farm" means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming and that is subject to regulation under the Required Agricultural Practices.

(3) "Farm Security Special Fund Review Board" or "Review Board" means the Board established under section 4634 of this title.

(4) "Farming" has the same meaning as in section 2.16 of the Required Agricultural Practices.

§ 4632. FARM SECURITY SPECIAL FUND

(a) There is established the Farm Security Special Fund to be administered by the Secretary of Agriculture, Food and Markets and that shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall consist of:

(1) funds appropriated by the General Assembly;

(2) funds from public and private sources that the Secretary accepts for the Fund; and

(3) funds from federal government aid for State support of farmers suffering income loss due to weather conditions.

(b) The Secretary of Agriculture, Food and Markets shall ensure language accessibility of the Fund through procurement and provision of interpretation and translation services.

(c) All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund.

§ 4633. FARM SECURITY SPECIAL FUND; GRANTS

(a) The Secretary, after consultation with the Review Board, shall award grants from the Farm Security Special Fund to farms that have incurred financial losses or expenses due to an eligible weather condition.

(1) Grants from the fund shall be in an amount that reimburses a farm for up to 50 percent of uninsured or otherwise uncovered losses due to eligible weather conditions, up to a maximum award of $150,000.00 total per year per qualified applicant farm.

(2) The Secretary shall establish criteria for the amount of an award based on the annual net income of the farm in relation to the median net income of all farms in Vermont.

(3) The Secretary may verify the occurrence of an eligible weather condition claimed under this section through a site visit or through use of available data from the National Oceanic and Atmospheric Administration, from other federal or State certified weather data sources, or from other public or private weather or satellite data or models.

(4) Losses reimbursable by a grant under this section include:

(A) wages or compensation;

(B) replacement of lost income from destroyed crops or impacted livestock;

(C) debt payments or other ongoing expenses;

(D) costs of replanting;

(E) livestock feed replacement costs;

(F) infrastructure or equipment repair and replacement;

(G) repair of farm roads and roads necessary to access farms; or

(H) other losses as determined by the Secretary after consultation with the Review Board.

(b) The Secretary shall develop a streamlined application for awards under this section that shall include:

(1) a brief description of the damage that occurred;

(2) attestation of an eligible weather condition or event;

(3) an estimate of losses; and

(4) a year-end report of farm income and expenses from Schedule F of U.S. Internal Revenue Form 1040.

(c) An application for an award under this section may be made at any time, and the Fund may only close the application process upon award of all appropriated funds for the relevant fiscal year.

(d) Applications for an award under this section shall be processed in the order received, but an application shall not be ready for evaluation until the Secretary determines that the application is administratively complete and includes all documentation required by the Secretary.

(e) All administratively complete applications shall be evaluated by the Review Board. Within 15 days following receipt of an administratively complete application, the Review Board by majority vote shall recommend to the Secretary whether to issue a grant to the applicant. If the Review Board recommends an award under this section, the Secretary shall issue the award within 15 days following the date of the Review Board's recommendation.

§ 4634. FARM SECURITY SPECIAL FUND REVIEW BOARD

(a) Creation. There is created the Farm Security Special Fund Review Board, which for administrative purposes shall be attached to the Agency of Agriculture, Food and Markets.

(b) Organization of Board. The Board shall be composed of:

(1) the Secretary of Agriculture, Food and Markets or designee, who shall serve as chair;

(2) the State Chief Recovery Officer or designee;

(3) representatives of three agricultural organizations who can demonstrate expertise in dealing with all sizes and types of farms in Vermont, whether through granting funds, offering technical assistance or advocacy and have a proven track record of working with farmers, appointed by the Secretary of Agriculture, Food and Markets; and

(4) two farmers who have received relief funding, appointed by the Secretary of Agriculture, Food and Markets.

(c) Member terms. The members designated in subdivision (b)(3) of this section shall be appointed to initial terms of two years. Thereafter, each appointed member shall serve a term of three years or until the member's earlier resignation or removal. The members designated in subdivision (b)(4) of this section shall be appointed to initial terms of one year. Thereafter, each appointed member shall serve a term of three years or until the member's earlier resignation or removal. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. An appointed member shall not serve more than three consecutive three-year terms.

(d) Powers.

(1) The Review Board shall review applications for assistance under this section, assess the accuracy and validity of the applications, and recommend to the Secretary applicants who should receive assistance under this section.

(2) The Board annually shall report to the House Committee on Agriculture, Food Resiliency, and Forestry and the Senate Committee on

Agriculture the total documented Vermont farm financial losses from eligible weather conditions averaged over the previous three calendar years.

(3) In order to ensure that the Fund is meeting the needs of Vermont's agricultural community, the Review Board annually shall review the application process, eligibility criteria, distribution, and accessibility of the Fund. The Review Board annually shall recommend to the House Committee on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Agriculture ways to improve the effectiveness of the Fund.

(e) Officers; committees. The Board may elect officers, establish one or more committees or subcommittees, and adopt such procedural rules as it shall determine necessary and appropriate to perform its work.

(f) Quorum; meetings; voting. A majority of the sitting members shall constitute a quorum, and action taken by the Board may be authorized by a majority of the members present and voting at any regular or special meeting at which a quorum is present. The Board may meet as an advisory body under 1 V.S.A. chapter 5, subchapter 2.

(g) Compensation. Private sector members shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed from the Fund for the member's actual and necessary expenses incurred in carrying out the member's duties.

Sec. 3. APPROPRIATION

In addition to other funds appropriated to the Agency of Agriculture, Food and Markets in fiscal year 2026, the sum of $7,500,000.00 is appropriated to the Agency from the General Fund in fiscal year 2026 for the purpose of implementing the Farm Security Special Fund established under 6 V.S.A. chapter 207, subchapter 4.

Sec. 4. EFFECTIVE DATE

(Committee vote: 5-0-0)

Reported favorably with recommendation of amendment by Senator Norris for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Agriculture, with the following amendments thereto:

First: In Sec. 2, 6 V.S.A. chapter 207, in subchapter 4, in section 4632, in subdivision (a)(1), by striking out the word "appropriated" where it appears and inserting in lieu thereof "transferred"

Second: By striking out Secs. 3, appropriation, and 4, effective date, in their entireties and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

(Committee vote: 7-0-0)

S. 63.

An act relating to modifying the regulatory duties of the Green Mountain Care Board.

Reported favorably with recommendation of amendment by Senator Douglass for the Committee on Health and Welfare.

The Committee recommends that the bill be amended by striking out Sec. 7, 18 V.S.A. § 9456, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

* * *

(d)(1)(A) Annually, the Board shall establish a budget for each general hospital, as defined in section 1902 of this title, on or before September 15, followed by a written decision ~~by~~ on or before October 1.

(B) Annually, the Board shall establish a budget for each psychiatric hospital, as defined in section 1902 of this title but excluding those conducted, maintained, or operated by the State of Vermont, on or before December 15, followed by a written decision on or before December 31.

(C) Each hospital shall operate within the budget established under this section.

* * *

(Committee vote: 5-0-0)

S. 65.

An act relating to energy efficiency utility jurisdiction.

Reported favorably with recommendation of amendment by Senator Watson for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Efficiency Utilities * * *

Sec. 1. 30 V.S.A. § 209 is amended to read:

§ 209. JURISDICTION; GENERAL SCOPE

* * *

(d) Energy efficiency and greenhouse gas emissions reduction.

(1) Programs and measures. The Department of Public Service, any entity appointed by the Commission under subdivision (2) of this subsection, all gas and electric utility companies, and the Commission upon its own motion are encouraged to propose, develop, solicit, and monitor energy efficiency and conservation programs and measures, including electrification and appropriate combined heat and power systems that result in the conservation and efficient use of energy ~~and~~. Any programs and measures supporting efficient use of biological and fossil-based fuels shall meet the applicable air quality standards of the Agency of Natural Resources. Such programs and measures, and their implementation, may be approved by the Commission if it determines they will be beneficial ~~to~~ towards the reduction of greenhouse gas emissions and beneficial to consumers or the ratepayers of the companies after ~~such~~ notice and hearings as the Commission may require by order or by rule. The Department of Public Service shall investigate the feasibility of enhancing and expanding the efficiency programs of gas utilities and shall make any appropriate proposals to the Commission.

(2) Appointment of independent efficiency entities.

(A) Electricity and natural gas. In place of utility-specific programs developed pursuant to this section and section 218c of this title, the Commission shall, after notice and opportunity for hearing, provide for the development, implementation, and monitoring of gas and electric energy efficiency ~~and~~, conservation, and electrification programs and measures, including programs and measures delivered in multiple service territories, by one or more entities appointed by the Commission for these purposes. The Commission may include appropriate combined heat and power systems that result in the conservation and efficient use of energy and meet the applicable air quality standards of the Agency of Natural Resources. Except with regard to a transmission company, the Commission may specify that the appointment of an energy efficiency utility to deliver services within an electric utility's service territory satisfies that electric utility's corresponding obligations, in whole or in part, under section 218c of this title and under any prior orders of the Commission.

(B) Thermal energy and process-fuel customers. The Commission shall provide for the coordinated development, implementation, and monitoring of cost-effective efficiency and conservation programs to thermal energy and process-fuel customers ~~on a whole buildings basis~~ by one or more entities appointed by the Commission for this purpose.

(i) In this section, "thermal energy" means the use of fuels to control the temperature of space within buildings and to heat water. In this section, "process fuel" means fuel used in commercial and industrial production operations.

(ii) Periodically on a schedule directed by the Commission, the appointed entity or entities shall propose to the Commission a plan to implement this subdivision (d)(2)(B). The proposed plan shall comply with subsections (e)–(g) of this section and shall be subject to the Commission's approval. The Commission shall not conduct the review of the proposed plan as a contested case under 3 V.S.A. chapter 25 but shall provide notice and an opportunity for written and oral comments to the public and affected parties and State agencies.

(C) The appointed entity may be used to support the attainment of building energy codes established pursuant to sections 51 and 53 of this title. The Commission shall review and approve a methodology for the appointed entities to support the attainment of code in the next Demand Resources Plan Proceeding. The Commission is authorized to approve a methodology for the appointed entity and the State to quantify energy savings achieved through code attainment, which shall be counted toward the appointed entity's quantitative savings targets.

(D) The annual revenue required to be raised by the electric efficiency charge authorized under this subsection (d) shall be equivalent to the inflation-adjusted Commission-approved electric efficiency budget in 2026.

(3) Energy efficiency charge; regulated fuels. In addition to its existing authority, the Commission may establish by order or rule a volumetric charge to customers for the support of energy efficiency programs that meet the requirements of section 218c of this title, with priority consideration given to the greenhouse gas emissions reductions and due consideration to the State's energy policy under section 202a of this title and to its energy and economic policy interests under section 218e of this title to maintain and enhance the State's economic vitality. The charge shall be known as the energy efficiency charge, shall be shown separately on each customer's bill, and shall be paid to a fund administrator appointed by the Commission and deposited into the ~~Electric~~ Efficiency Fund. When such a charge is shown, notice as to how to

obtain information about energy efficiency programs approved under this section shall be provided in a manner directed by the Commission. This notice shall include, at a minimum, a toll-free telephone number, and to the extent feasible shall be on the customer's bill and near the energy efficiency charge.

(4) Supplemental funding. Programs funded under this subsection shall also be funded without further appropriation or offsets by each of the following:

(A) Net revenues above costs associated with payments from the New England Independent System Operator (ISO-NE) for capacity savings resulting from the activities of the energy efficiency utility designated under subdivision (2)(A) of this subsection (d) that are not transferred to the State PACE Reserve Fund under 24 V.S.A. § 3270(c). These revenues shall be deposited into the Efficiency Fund established by this section. In delivering services with respect to heating systems using the revenues subject to this subdivision (A), the entity shall give priority to incentives for the installation of high efficiency biomass heating systems and shall have a goal of offering an incentive that is equal to 25 percent of the installed cost of the system. Provision of an incentive under this subdivision (A) for a biomass heating system shall not be contingent on the making of other energy efficiency improvements at the property on which the system will be installed.

(B) Net revenues above costs from the sale of carbon credits under the cap and trade program established under section 255 of this title, which shall be deposited into the Efficiency Fund established by this section.

(C) Any other monies that are appropriated to or deposited in the Efficiency Fund for the delivery of thermal energy and process fuel energy efficiency services.

(D) Notwithstanding subsection (e) of this section, a retail electricity provider that is also an entity appointed under subdivision (2)(A) of this subsection (d), may use monies subject to subsection (e) of this section and any of the Supplemental Funding outlined in this subdivision (4) to deliver thermal and transportation measures or programs that reduce fossil fuel use regardless of the preexisting fuel source of the customer with special emphasis on measures or programs that take a new or innovative approach to reducing fossil fuel use, including support for staffing necessary to implement innovative building sector policies and modifying or supplementing existing vehicle incentive programs and electric vehicle supply equipment grant programs to incentivize high-consumption fuel users, especially individuals using more than 1,000 gallons of gasoline or diesel annually and those with low and moderate income, to transition to the use of battery electric vehicles.

The amounts available shall include amounts annually budgeted for thermal energy and process fuel funds or from Supplemental Funding, and any carry-forward thermal energy and process fuel funds or Supplemental Funding from prior periods, on programs, measures, and services that reduce greenhouse gas emissions in the thermal energy or transportation sector.

~~(A)~~(5) Regulated use of the Efficiency Fund. Balances in the ~~Electric~~ Efficiency Fund shall be ratepayer funds~~, shall~~ and be used to support the activities authorized in this subdivision~~, and~~ for the reduction of total energy use across all fuel sources without a requirement for proportional allocation of costs or savings for specific fuel types. Balances in the Efficiency Fund shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Commission will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section. 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 ~~(d)~~.

~~(B)~~(A) ~~The charge established by the Commission pursuant to this subdivision (3) shall be in an amount determined by the Commission by rule or order that is consistent with the principles of least-cost integrated planning as defined in section 218c of this title~~. The Commission shall establish an appropriate budget for the appointed entity using the Efficiency Fund. The Commission shall consider all revenue sources established under subsections (d)(3) and (d)(4) of this section and limitations on electric revenues established under subsection (d)(2)(D) when establishing the budget. In reviewing the appointed entity's proposed plan pursuant to (d)(2)(B)(ii), the Commission shall review and approve a budget that is consistent with principles of least-cost integrated planning as defined in section 218c of this title and demonstrates cost-effectiveness using the Commission's approved societal cost-benefit test. As circumstances and programs evolve, the ~~amount of the charge shall be reviewed~~ Commission shall review the plan for unrealized energy efficiency potential and ~~shall be adjusted~~ authorize adjustments as necessary in order to realize all reasonably available, cost-effective energy efficiency savings. In ~~setting the amount of the charge and its allocation authorizing~~ a budget for an appointed entity using the Efficiency Fund, the Commission shall ~~determine an appropriate balance among the following objectives; provided, however, that particular emphasis shall be accorded to the first four of these objectives:~~ prioritize the reduction of greenhouse gases and seek to balance the other following objectives:

(i) reducing Vermont's total energy demand, consumption, and expenditures;

(ii) reducing the size of future power purchases; ~~reducing the generation of greenhouse gases~~

(iii) equitable distribution of benefits using geographic and economic indicators;

(iv) limiting the need to upgrade the State's transmission and distribution infrastructure;

(v) minimizing the costs of electricity;

(vi) reducing Vermont's total energy demand, consumption, and expenditures;

(vii) providing efficiency and conservation as a part of a comprehensive resource supply strategy that includes implementation of electrification;

(viii) providing the opportunity for all Vermonters to participate in efficiency and conservation programs; and

(ix) targeting efficiency and conservation efforts to locations, markets, or customers where they may provide the greatest value.

~~(C)~~(B) The Commission, by rule or order, shall establish a process by which a customer who pays an average annual energy efficiency charge under this subdivision ~~(3)~~(5) of at least $5,000.00 may apply to the Commission to self-administer energy efficiency through an energy savings account or customer credit program that shall contain up to 75 percent and 90 percent, respectively of the customer's energy efficiency charge payments as determined by the Commission. The remaining portion of the charge shall be used for administrative, measurement, verification, and evaluation costs and for systemwide energy benefits. Customer energy efficiency funds may be approved for use by the Commission for one or more of the following: electric energy efficiency projects and ~~non-electric~~ nonelectric efficiency projects, which may include thermal and process fuel efficiency, flexible load management, combined heat and power systems, demand management, energy productivity, and energy storage. These funds shall not be used for the purchase or installation of new equipment capable of combusting fossil fuels. The Commission in its rules or order shall establish criteria for each program and approval of these applications, establish application and enrollment periods, establish participant requirements, and establish the methodology for evaluation, measurement, and verification for programs. The total amount of customer energy efficiency funds that can be placed into energy savings

accounts or the customer credit program annually is $2,000,000.00 and $1,000,000.00 respectively.

~~(D) The Commission may authorize the use of funds raised through an energy efficiency charge on electric ratepayers to reduce the use of fossil fuels for space heating by supporting electric technologies that may increase electric consumption, such as air source or geothermal heat pumps if, after investigation, it finds that deployment of the technology:~~

~~(i) will be beneficial to electric ratepayers as a whole;~~

~~(ii) will result in cost-effective energy savings to the end-user and to the State as a whole;~~

~~(iii) will result in a net reduction in State energy consumption and greenhouse gas emissions on a life-cycle basis and will not have a detrimental impact on the environment through other means such as release of refrigerants or disposal. In making a finding under this subdivision, the Commission shall consider the use of the technology at all times of year and any likely new electricity demand created by such use;~~

~~(iv) will be part of a comprehensive energy efficiency and conservation program that meets the requirements of subsections (d)-(g) of this section and that makes support for the technology contingent on the energy performance of the building in which the technology is to be installed. The building's energy performance shall achieve or shall be improved to achieve an energy performance level that is approved by the Commission and that is consistent with meeting or exceeding the goals of 10 V.S.A. § 581 (building efficiency);~~

~~(v) among the product models of the technology that are suitable for use in Vermont, will employ the product models that are the most efficient available;~~

~~(vi) will be promoted in conjunction with demand management strategies offered by the customer's distribution utility to address any increase in peak electric consumption that may be caused by the deployment;~~

~~(vii) will be coordinated between the energy efficiency and distribution utilities, consistent with subdivision (f)(5) of this section; and~~

~~(viii) will be supported by an appropriate allocation of funds among the funding sources described in this subsection (d) and subsection (e) of this section. In the case of measures used to increase the energy performance of a building in which the technology is to be installed, the Commission shall assume installation of the technology in the building and then determine the allocation according to the proportion of the benefits~~

~~provided to the regulated fuel and unregulated fuel sectors. In this subdivision (viii), "regulated fuel" and "unregulated fuel" shall have the same meaning as under subsection (e) of this section.~~

~~(4)~~(6) Contract or order of appointment. Appointment of an entity under subdivision (2) of this subsection may be by contract or by an order of appointment. An appointment, whether by order of appointment or by contract, may only be issued after notice and opportunity for hearing. An order of appointment shall be for a limited duration not to exceed 12 years, although an entity may be reappointed by order or contract. An order of appointment may include any conditions and requirements that the Commission deems appropriate to promote the public good. For good cause, after notice and opportunity for hearing, the Commission may amend or revoke an order of appointment.

~~(5)~~(7) Appointed entity; supervision. Any entity appointed by order of appointment under subdivisions (2) and ~~(4)~~(6) of this subsection that is not an electric or gas utility already regulated under this title shall not be considered to be a company as defined under section 201 of this title but shall be subject to the provisions of sections 18–21, 30–32, 205–208~~,~~; subsection 209(a)~~,~~; sections 219~~,~~ and 221~~,~~; and subsection 231(b) of this title, to the same extent as a company as defined under section 201 of this title. The Commission and the Department of Public Service shall have jurisdiction under those sections over the entity, its directors, receivers, trustees, lessees, or other persons or companies owning or operating the entity and of all plants, equipment, and property of that entity used in or about the business carried on by it in this State as covered and included in this section. This jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department each may, when they deem the public good requires, examine the plants, equipment, and property of any entity appointed by order of appointment under subdivisions (2) and ~~(4)~~(6) of this subsection.

(8) Provision of equity and justice in services; requirements. Any appointed entity shall ensure an equitable and just provision of services.

(A) Not less than 25 percent of the annual budget shall be targeted for residential services for customers with low to moderate income. Services shall include the provision of weatherization services and other efficiency measures for the purpose of reducing a household's total energy costs and total energy burden.

(B) Not less than 12.5 percent of the annual budget shall be targeted for small businesses and not-for-profit organizations.

(C) The cost of providing services under this subdivision (8) shall be excluded from the calculation of cost-effectiveness for the appointed entity's portfolio of services.

(D) On or before September 1, 2026, the appointed entity shall propose and the Commission shall evaluate the appropriateness of a statewide low-income energy efficiency rate for regulated fuels. The Commission may consider the technical feasibility of implementation before approving such a rate. For a distribution utility that is also an appointed entity, and has a Commission-approved discounted low-income rate, that appointed entity may elect to apply its Commission-approved discounted low-income rate criteria to the energy efficiency charge in lieu of adopting a statewide low-income energy efficiency rate.

(e) Thermal energy and process fuel efficiency funding.

(1) ~~Each of the following shall be used to deliver thermal energy and process fuel energy efficiency services in accordance with this section for unregulated fuels to Vermont consumers of such fuels. In addition, the~~ The Commission may authorize an entity appointed to deliver such services under subdivision (d)(2)(B) of this section to use monies subject to this subsection for the engineering, design, and construction of facilities for the conversion of thermal energy customers using fossil fuels to district heat if the majority of the district's energy is from biomass sources, the district's distribution system is highly energy efficient, and such conversion is cost effective.

~~(A) Net revenues above costs associated with payments from the New England Independent System Operator (ISO-NE) for capacity savings resulting from the activities of the energy efficiency utility designated under subdivision (2)(A) of this subsection (e) that are not transferred to the State PACE Reserve Fund under 24 V.S.A. § 3270(c). These revenues shall be deposited into the Electric Efficiency Fund established by this section. In delivering services with respect to heating systems using the revenues subject to this subdivision (A), the entity shall give priority to incentives for the installation of high efficiency biomass heating systems and shall have a goal of offering an incentive that is equal to 25 percent of the installed cost of such a system. Provision of an incentive under this subdivision (A) for a biomass heating system shall not be contingent on the making of other energy efficiency improvements at the property on which the system will be installed.~~

~~(B) Net revenues above costs from the sale of carbon credits under the cap and trade program established under section 255 of this title, which shall be deposited into the Electric Efficiency Fund established by this section.~~

~~(C) Any other monies that are appropriated to or deposited in the Electric Efficiency Fund for the delivery of thermal energy and process fuel energy efficiency services.~~

(2) ~~If a program combines regulated fuel efficiency services with unregulated fuel efficiency services supported by funds under this section, the Commission shall allocate the costs of the program among the funding sources for the regulated and unregulated fuel sectors in proportion to the benefits provided to each sector.~~

~~(3)~~ In this subsection:

(A) "Biomass" means organic nonfossil material constituting a source of renewable energy within the meaning of section 8002 of this title.

(B) "District heat" means a system through which steam or hot water from a central plant is piped into buildings to be used as a source of thermal energy.

(C) "Efficiency services" includes the establishment of a statewide information clearinghouse under subsection (g) of this section.

(D) "Fossil fuel" means an energy source formed in the earth's crust from decayed organic material. The common fossil fuels are petroleum, coal, and natural gas. A fossil fuel may be a regulated or unregulated fuel.

(E) "Regulated fuels" means electricity and natural gas delivered by a regulated utility.

(F) "Unregulated fuels" means fuels used by thermal energy and process fuel customers other than electricity and natural gas delivered by a regulated utility.

(f) Goals and criteria; all energy efficiency programs. With respect to all energy efficiency programs approved under this section, the Commission shall:

(1) Ensure that all retail consumers, regardless of retail electricity, gas, or heating or process fuel provider, will have an opportunity to participate in and benefit from a comprehensive set of cost-effective energy efficiency and electrification programs and initiatives designed to overcome barriers to participation.

(2) Require that continued or improved efficiencies be made in the production, delivery, and use of energy efficiency services, including the use

of compensation mechanisms for any energy efficiency entity appointed under subdivision (d)(2) of this section that are based upon verified greenhouse gas emission reductions, savings in energy usage and demand, and other performance targets specified by the Commission. The linkage between compensation and verified savings in energy usage and demand (and other performance targets) shall be reviewed and adjusted not less than triennially by the Commission.

* * *

(g) Thermal energy and process fuel efficiency programs; additional criteria. With respect to energy efficiency programs delivered under this section to thermal energy and process fuel customers, the Commission shall:

(1) Ensure that programs are delivered ~~on a whole-buildings basis~~ to help meet the State's ~~building~~ efficiency goals established by 10 V.S.A. § 581 and to reduce greenhouse gas emissions ~~from thermal energy and process fuel use in Vermont~~.

(2) ~~Require the establishment of a statewide information clearinghouse to enable effective access for customers to and effective coordination across programs. The clearinghouse shall serve as a portal for customers to access thermal energy and process fuel efficiency services and for coordination among State, regional, and local entities involved in the planning or delivery of such services, making referrals as appropriate to service providers and to entities having information on associated environmental issues such as the presence of asbestos in existing insulation.~~

~~(3) In consultation with the Agency of Natural Resources, establish annual interim goals starting in 2014 to meet the 2017 and 2020 goals for improving the energy fitness of housing stock stated in 10 V.S.A. § 581(1).~~

~~(4)~~ Ensure the monitoring of the State's progress in meeting the goals of 10 V.S.A. § 581(1). This monitoring shall be performed according to a standard methodology and on a periodic basis that is not less than annual.

* * *

* * * Clean Heat Standard * * *

Sec. 2. REPEAL

30 V.S.A. chapter 94 is repealed.

Sec. 3. 30 V.S.A. § 35 is added to read:

§ 35. HEATING FUEL SELLER REGISTRY

(a) Each entity that sells heating fuel for bulk delivery in Vermont shall register by June 30 of each year with the Department. As informed by the report required under Sec. 6 of this act, the Department shall maintain, and update annually, the list of registered entities on its website. The data collected in this registry may be used for multiple purposes including for calculations related to greenhouse gas emissions in the State; verification of fuel sales data collected by the Department of Taxes; regional and municipal energy planning; and professional development and notification purposes.

(b) The Department shall require registration information to include legal name; doing business as name, if applicable; municipality; state; types of heating fuel sold; and the monthly retail sale of gallons of heating oil, propane, kerosene, and other dyed diesel delivered in the State in the calendar year immediately preceding the calendar year in which the entity is registering with the Department, separated by type, that was purchased by the submitting entity and the name and location of the entity from which it was purchased.

(c) Each year, and not later than 30 days following the annual registration deadline, the Department shall share complete registration information of registered entities with the Agency of Natural Resources for purposes of updating the Vermont Greenhouse Gas Emissions Inventory and Forecast.

Sec. 4. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

* * *

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(23) To the ~~Public Utility Commission and the~~ Department of Public Service, provided the disclosure relates to the fuel tax under 33 V.S.A. chapter 25 and is used for the purposes of auditing compliance with the ~~Clean Heat Standard under 30 V.S.A. chapter 94~~ heating fuel seller registry of 30 V.S.A. § 35. The Commissioner shall, at a minimum, provide the names of any new businesses selling heating fuel in any given year and the names of any businesses that are no longer selling heating fuel.

* * *

Sec. 5. 33 V.S.A. § 2504 is added to read:

§ 2504. FUEL TAX REPORT

On or before January 15 annually, the Commissioner of Taxes shall publish a report on the fuel tax collected pursuant to section 2503 of this chapter. The report shall include the aggregated data broken out by type of the volumes and types of heating fuel sold annually in Vermont, and the number of entities that paid. The provisions of 2 V.S.A. § 20(d) shall not apply to this report.

Sec. 6. REPORT; DELIVERY OF FOSSIL FUELS

On or before January 15, 2026, the Department of Public Service, after consultation with the Vermont Fuel Dealers Association, shall report to the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Digital Infrastructure recommendations on the best way to collect data on heating fuel sellers and heating fuel delivery on a town-by-town basis, including the volume and types of fossil heating fuel used. The collection of this data would be to support the enhance energy planning conducted by regional planning commissions and municipalities pursuant to 24 V.S.A. § 4352.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2025, except for Secs. 3 (30 V.S.A. § 35) and 4 (32 V.S.A. § 3102) which shall take effect on January 1, 2027.

(Committee vote: 4-1-0)

S. 71.

An act relating to consumer data privacy and online surveillance.

Reported favorably with recommendation of amendment by Senator Plunkett for the Committee on Institutions.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 61A is added to read:

CHAPTER 61A. VERMONT DATA PRIVACY ACT

§ 2415. DEFINITIONS

As used in this chapter:

(1) "Abortion" means terminating a pregnancy for any purpose other than producing a live birth.

(2)(A) "Affiliate" means a legal entity that shares common branding with another legal entity or controls, is controlled by, or is under common control with another legal entity.

(B) As used in subdivision (A) of this subdivision (2), "control" or "controlled" means:

(i) ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company;

(ii) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(iii) the power to exercise controlling influence over the management of a company.

(3) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights afforded under subdivisions 2418(a)(1)–(4) of this title is being made by, or on behalf of, the consumer who is entitled to exercise the consumer rights with respect to the personal data at issue.

(4)(A) "Biometric data" means personal data generated by automatic measurements of an individual's unique biological patterns or characteristics that are used to identify a specific individual.

(B) "Biometric data" does not include:

(i) a digital or physical photograph;

(ii) an audio or video recording; or

(iii) any data generated from a digital or physical photograph, or an audio or video recording, unless such data is generated to identify a specific individual.

(5) "Business associate" has the same meaning as in HIPAA.

(6) "Child" has the same meaning as in COPPA.

(7)(A) "Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to allow the processing of personal data relating to the consumer.

(B) "Consent" may include a written statement, including by electronic means, or any other unambiguous affirmative action.

(C) "Consent" does not include:

(i) acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information;

(ii) hovering over, muting, pausing, or closing a given piece of content; or

(iii) agreement obtained through the use of dark patterns.

(8)(A) "Consumer" means an individual who is a resident of the State.

(B) "Consumer" does not include an individual acting in a commercial or employment context or as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency whose communications or transactions with the controller occur solely within the context of that individual's role with the company, partnership, sole proprietorship, nonprofit, or government agency.

(9) "Consumer health data" means any personal data that a controller uses to identify a consumer's physical or mental health condition or diagnosis, including gender-affirming health data and reproductive or sexual health data.

(10) "Consumer health data controller" means any controller that, alone or jointly with others, determines the purpose and means of processing consumer health data.

(11) "Controller" means a person who, alone or jointly with others, determines the purpose and means of processing personal data.

(12) "COPPA" means the Children's Online Privacy Protection Act of 1998, 15 U.S.C. § 6501–6506, and any regulations, rules, guidance, and exemptions adopted pursuant to the act, as the act and regulations, rules, guidance, and exemptions may be amended.

(13) "Covered entity" has the same meaning as in HIPAA.

(14) "Dark pattern" means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice and includes any practice the Federal Trade Commission refers to as a "dark pattern."

(15) "Decisions that produce legal or similarly significant effects concerning the consumer" means decisions made by the controller that result in the provision or denial by the controller of financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, health care services, or access to essential goods or services.

(16) "De-identified data" means data that does not identify and cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable individual, or a device linked to the individual, if the controller that possesses the data:

(A) takes reasonable measures to ensure that the data cannot be associated with an individual;

(B) publicly commits to process the data only in a de-identified fashion and not attempt to re-identify the data; and

(C) contractually obligates any recipients of the data to satisfy the criteria set forth in subdivisions (A) and (B) of this subdivision (16).

(17) "Gender-affirming health care services" has the same meaning as in 1 V.S.A. § 150.

(18) "Gender-affirming health data" means any personal data concerning a past, present, or future effort made by a consumer to seek, or a consumer's receipt of, gender-affirming health care services.

(19) "Geofence" means any technology that uses global positioning coordinates, cell tower connectivity, cellular data, radio frequency identification, wireless fidelity technology data, or any other form of location detection, or any combination of such coordinates, connectivity, data, identification, or other form of location detection, to establish a virtual boundary.

(20) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, as may be amended.

(21) "Identified or identifiable individual" means an individual who can be readily identified, directly or indirectly.

(22) "Institution of higher education" means any individual who, or school, board, association, limited liability company or corporation that, is licensed or accredited to offer one or more programs of higher learning leading to one or more degrees.

(23) "Mental health facility" means any health care facility in which at least 70 percent of the health care services provided in the facility are mental health services.

(24) "Nonprofit organization" means any organization that is qualified for tax exempt status under I.R.C. § 501(c)(3), 501(c)(4), 501(c)(6), or 501(c)(12), or any corresponding internal revenue code of the United States, as may be amended,

(25) "Person" means an individual, association, company, limited liability company, corporation, partnership, sole proprietorship, trust, or other legal entity.

(26)(A) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable individual.

(B) "Personal data" does not include de-identified data or publicly available information.

(27)(A) "Precise geolocation data" means information derived from technology, including global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of an individual with precision and accuracy within a radius of 1,750 feet.

(B) "Precise geolocation data" does not include:

(i) the content of communications;

(ii) data generated by or connected to an advanced utility metering infrastructure system; or

(iii) data generated by equipment used by a utility company.

(28) "Process" or "processing" means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(29) "Processor" means a person who processes personal data on behalf of a controller.

(30) "Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable individual's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(31) "Protected health information" has the same meaning as in HIPAA.

(32) "Pseudonymous data" means personal data that cannot be attributed to a specific individual without the use of additional information, provided the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable individual.

(33) "Publicly available information" means information that:

(A) is lawfully made available through federal, state, or local government records or widely distributed media; or

(B) a controller has a reasonable basis to believe that the consumer has lawfully made available to the general public.

(34) "Reproductive or sexual health care" means any health care-related services or products rendered or provided concerning a consumer's reproductive system or sexual well-being, including any such service or product rendered or provided concerning:

(A) an individual health condition, status, disease, diagnosis, diagnostic test or treatment;

(B) a social, psychological, behavioral, or medical intervention;

(C) a surgery or procedure, including an abortion;

(D) a use or purchase of a medication, including a medication used or purchased for the purposes of an abortion, a bodily function, vital sign, or symptom;

(E) a measurement of a bodily function, vital sign, or symptom; or

(F) an abortion, including medical or nonmedical services, products, diagnostics, counseling, or follow-up services for an abortion.

(35) "Reproductive or sexual health data" means any personal data concerning an effort made by a consumer to seek, or a consumer's receipt of, reproductive or sexual health care.

(36) "Reproductive or sexual health facility" means any health care facility in which at least 70 percent of the health care-related services or products rendered or provided in the facility are reproductive or sexual health care.

(37)(A) "Sale of personal data" means the exchange of a consumer's personal data by the controller to a third party for monetary or other valuable consideration.

(B) "Sale of personal data" does not include:

(i) the disclosure of personal data to a processor that processes the personal data on behalf of the controller;

(ii) the disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;

(iii) the disclosure or transfer of personal data to an affiliate of the controller;

(iv) the disclosure of personal data where the consumer directs the controller to disclose the personal data or intentionally uses the controller to interact with a third party;

(v) the disclosure of personal data that the consumer:

(I) intentionally made available to the general public via a channel of mass media; and

(II) did not restrict to a specific audience; or

(vi) the disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction, or a proposed merger, acquisition, bankruptcy, or other transaction, in which the third party assumes control of all or part of the controller's assets.

(38) "Sensitive data" means personal data that includes:

(A) data revealing racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sex life, sexual orientation, or citizenship or immigration status;

(B) consumer health data;

(C) the processing of genetic or biometric data for the purpose of uniquely identifying an individual;

(D) personal data collected from a known child;

(E) data concerning an individual's status as a victim of crime; and

(F) an individual's precise geolocation data.

(39)(A) "Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained or inferred from that consumer's activities over time and across nonaffiliated websites or online applications to predict the consumer's preferences or interests.

(B) "Targeted advertising" does not include:

(i) an advertisement based on activities within the controller's own commonly branded website or online application;

(ii) an advertisement based on the context of a consumer's current search query, visit to a website, or use of an online application;

(iii) an advertisement directed to a consumer in response to the consumer's request for information or feedback; or

(iv) processing personal data solely to measure or report advertising frequency, performance, or reach.

(40) "Third party" means a person, public authority, agency, or body, other than the consumer, controller, or processor or an affiliate of the processor or the controller.

(41) "Trade secret" has the same meaning as in section 4601 of this title.

§ 2416. APPLICABILITY

(a) Except as provided in subsection (b) of this section, this chapter applies to a person that conducts business in this State or a person that produces products or services that are targeted to residents of this State and that during the preceding calendar year:

(1) controlled or processed the personal data of not fewer than 100,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or

(2) controlled or processed the personal data of not fewer than 25,000 consumers and derived more than 25 percent of the person's gross revenue from the sale of personal data.

(b) Section 2426 of this title and the provisions of this chapter concerning consumer health data and consumer health data controllers apply to a person that conducts business in this State or a person that produces products or services that are targeted to residents of this State.

§ 2417. EXEMPTIONS

(a) Except as provided in subsection (c) of this section, this chapter shall not apply to any:

(1) body, authority, board, bureau, commission, district or agency of this State or of any political subdivision of this State;

(2) person who has entered into a contract with an entity described in subdivision (1) of this subsection to process consumer health data on behalf of the entity;

(3) nonprofit organization;

(4) institution of higher education;

(5) national securities association that is registered under 15 U.S.C. 78o-3 of the Securities Exchange Act of 1934, as may be amended;

(6) financial institution or data subject to Title V of the Gramm-Leach-Bliley Act, Pub. L. No. 106-102, and regulations adopted to implement that act;

(7) covered entity or business associate, as defined in 45 C.F.R. § 160.103;

(8) tribal nation government organization; or

(9) air carrier, as:

(A) defined in 49 U.S.C. § 40102, as may be amended; and

(B) regulated under the Federal Aviation Act of 1958, 49 U.S.C. § 40101 et seq. and the Airline Deregulation Act of 1978, 49 U.S.C. § 41713, as may be amended.

(b) The following information, data, and activities are exempt from this chapter:

(1) protected health information under HIPAA;

(2) patient identifying information that is collected and processed in accordance with 42 C.F.R. Part 2 (confidentiality of substance use disorder patient records);

(3) identifiable private information:

(A) for purposes of the Federal Policy for the Protection of Human Subjects, codified as 45 C.F.R. Part 46 (HHS protection of human subjects) and in various other federal regulations; and

(B) that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use;

(4) information that identifies a consumer in connection with the protection of human subjects under 21 C.F.R. Parts 6, 50, and 56, or personal data used or shared in research, as defined in 45 C.F.R. § 164.501, that is conducted in accordance with the standards set forth in this subdivision and in subdivision (3) of this subsection, or other research conducted in accordance with applicable law;

(5) information or documents created for the purposes of the Healthcare Quality Improvement Act of 1986, 42 U.S.C. §§ 11101–11152, and regulations adopted to implement that act;

(6) patient safety work product that is created for purposes of improving patient safety under 42 C.F.R. Part 3 (patient safety organizations and patient safety work product);

(7) information derived from any of the health care-related information listed in this subsection that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA;

(8) information originating from and intermingled to be indistinguishable with, or information treated in the same manner as, information exempt under this subsection that is maintained by a covered

entity or business associate, program, or qualified service organization, as specified in 42 U.S.C. § 290dd-2, as may be amended;

(9) information used for public health activities and purposes as authorized by HIPAA, community health activities, and population health activities;

(10) the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., as may be amended;

(11) personal data collected, processed, sold, or disclosed under and in compliance with:

(A) the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721–2725; and

(B) the Farm Credit Act, Pub. L. No. 92-181, as may be amended;

(12) personal data regulated by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as may be amended;

(13) data processed or maintained:

(A) in the course of an individual applying to, employed by, or acting as an agent or independent contractor of a controller, processor, consumer health data controller, or third party, to the extent that the data is collected and used within the context of that role;

(B) as the emergency contact information of a consumer pursuant to this chapter, used for emergency contact purposes, or

(C) that is necessary to retain to administer benefits for another individual relating to the individual who is the subject of the information pursuant to subdivision (1) of this subsection (b) and used for the purposes of administering such benefits; and

(14) personal data collected, processed, sold, or disclosed in relation to price, route, or service, as such terms are used in the Federal Aviation Act of 1958, 49 U.S.C. § 40101 et seq., as may be amended, and the Airline Deregulation Act of 1978, 49 U.S.C.§ 41713, as may be amended.

(c) Controllers, processors, and consumer health data controllers that comply with the verifiable parental consent requirements of COPPA shall be deemed compliant with any obligation to obtain parental consent pursuant to this chapter.

§ 2418. CONSUMER RIGHTS; COMPLIANCE BY CONTROLLERS; APPEALS

(a) A consumer shall have the right to:

(1) confirm whether or not a controller is processing the consumer's personal data and access the personal data, unless the confirmation or access would require the controller to reveal a trade secret;

(2) correct inaccuracies in the consumer's personal data, taking into account the nature of the personal data and the purposes of the processing of the consumer's personal data;

(3) delete personal data provided by, or obtained about, the consumer;

(4) obtain a copy of the consumer's personal data processed by the controller, in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means, provided the controller shall not be required to reveal any trade secret; and

(5) opt out of the processing of the personal data for purposes of:

(A) targeted advertising;

(B) the sale of personal data, except as provided in subsection 2420(b) of this title; or

(C) profiling in furtherance of solely automated decisions that produce legal or similarly significant effects concerning the consumer.

(b)(1) A consumer may exercise rights under this section by a secure and reliable means established by the controller and described to the consumer in the controller's privacy notice.

(2) A consumer may designate an authorized agent in accordance with section 2419 of this title to exercise the rights of the consumer to opt out of the processing of the consumer's personal data for purposes of subdivision (a)(5) of this section on behalf of the consumer.

(3) In the case of processing personal data of a known child, the parent or legal guardian may exercise the consumer rights on the child's behalf.

(4) In the case of processing personal data concerning a consumer subject to a guardianship, conservatorship, or other protective arrangement, the guardian or the conservator of the consumer may exercise the rights on the consumer's behalf.

(c) Except as otherwise provided in this chapter, a controller shall comply with a request by a consumer to exercise the consumer rights authorized pursuant to this chapter as follows:

(1)(A) A controller shall respond to the consumer without undue delay, but not later than 45 days after receipt of the request.

(B) The controller may extend the response period by 45 additional days when reasonably necessary, considering the complexity and number of the consumer's requests, provided the controller informs the consumer of the extension within the initial 45-day response period and of the reason for the extension.

(2) If a controller declines to take action regarding the consumer's request, the controller shall inform the consumer without undue delay, but not later than 45 days after receipt of the request, of the justification for declining to take action and instructions for how to appeal the decision.

(3)(A) Information provided in response to a consumer request shall be provided by a controller, free of charge, once per consumer during any 12-month period.

(B) If requests from a consumer are manifestly unfounded, excessive, or repetitive, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request.

(C) The controller bears the burden of demonstrating the manifestly unfounded, excessive, or repetitive nature of the request.

(4)(A) If a controller is unable to authenticate a request to exercise any of the rights afforded under subdivisions (a)(1)–(4) of this section using commercially reasonable efforts, the controller shall not be required to comply with a request to initiate an action pursuant to this section and shall provide notice to the consumer that the controller is unable to authenticate the request to exercise the right or rights until the consumer provides additional information reasonably necessary to authenticate the consumer and the consumer's request to exercise the right or rights.

(B) A controller shall not be required to authenticate an opt-out request, but a controller may deny an opt-out request if the controller has a good faith, reasonable, and documented belief that the request is fraudulent.

(C) If a controller denies an opt-out request because the controller believes the request is fraudulent, the controller shall send a notice to the person who made the request disclosing that the controller believes the request is fraudulent, why the controller believes the request is fraudulent, and that the controller shall not comply with the request.

(5) A controller that has obtained personal data about a consumer from a source other than the consumer shall be deemed in compliance with a consumer's request to delete the data pursuant to subdivision (a)(3) of this section by:

(A) retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the consumer's personal data remains deleted from the controller's records and not using the retained data for any other purpose pursuant to the provisions of this chapter; or

(B) opting the consumer out of the processing of the personal data for any purpose except for those exempted pursuant to the provisions of this chapter.

(d)(1) A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision.

(2) The appeal process shall be conspicuously available and similar to the process for submitting requests to initiate action pursuant to this section.

(3) Not later than 60 days after receipt of an appeal, a controller shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions.

(4) If the appeal is denied, the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the Attorney General to submit a complaint.

§ 2419. AUTHORIZED AGENTS AND CONSUMER OPT-OUT

(a) A consumer may designate another person to serve as the consumer's authorized agent, and act on the consumer's behalf, to opt out of the processing of the consumer's personal data for one or more of the purposes specified in subdivision 2418(a)(5) of this title.

(b) The consumer may designate an authorized agent by way of, among other things, a technology, including an internet link or a browser setting, browser extension, or global device setting, indicating the consumer's intent to opt out of the processing.

(c) A controller shall comply with an opt-out request received from an authorized agent if the controller is able to verify, with commercially reasonable effort, the identity of the consumer and the authorized agent's authority to act on the consumer's behalf.

§ 2420. CONTROLLERS' DUTIES; SALE OF PERSONAL DATA TO THIRD PARTIES; NOTICE AND DISCLOSURE TO CONSUMERS; CONSUMER OPT-OUT

(a) A controller:

(1) shall limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which the data is processed, as disclosed to the consumer;

(2) except as otherwise provided in this chapter, shall not process personal data for purposes that are neither reasonably necessary to, nor compatible with, the disclosed purposes for which the personal data is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent;

(3) shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data appropriate to the volume and nature of the personal data at issue;

(4) shall not process sensitive data concerning a consumer without obtaining the consumer's consent or, in the case of the processing of sensitive data concerning a known child, without processing the data in accordance with COPPA;

(5) shall not process personal data in violation of the laws of this State and federal laws that prohibit unlawful discrimination against consumers;

(6) shall provide an effective mechanism for a consumer to revoke the consumer's consent under this section that is at least as easy as the mechanism by which the consumer provided the consumer's consent and, upon revocation of the consent, cease to process the data as soon as practicable, but not later than 15 days after the receipt of the request;

(7) shall not process the personal data of a consumer for purposes of targeted advertising, or sell the consumer's personal data without the consumer's consent, under circumstances where a controller has actual knowledge, and willfully disregards, that the consumer is at least 13 years of age but younger than 16 years of age; and

(8) shall not discriminate against a consumer for exercising any of the consumer rights contained in this chapter, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods or services to the consumer.

(b) Subsection (a) of this section shall not be construed to require a controller to provide a product or service that requires the personal data of a consumer that the controller does not collect or maintain, or prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee if the offering is in connection with a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program.

(c) A controller shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

(1) the categories of personal data processed by the controller;

(2) the purpose for processing personal data;

(3) how consumers may exercise their consumer rights, including how a consumer may appeal a controller's decision with regard to the consumer's request;

(4) the categories of personal data that the controller shares with third parties, if any;

(5) the categories of third parties, if any, with which the controller shares personal data; and

(6) an active email address or other online mechanism that the consumer may use to contact the controller.

(d) If a controller sells personal data to third parties or processes personal data for targeted advertising, the controller shall clearly and conspicuously disclose the processing, as well as the manner in which a consumer may exercise the right to opt out of the processing.

(e)(1) A controller shall establish, and shall describe in a privacy notice, one or more secure and reliable means for consumers to submit a request to exercise their consumer rights pursuant to this chapter.

(2) The means shall take into account the ways in which consumers normally interact with the controller, the need for secure and reliable communication of the requests, and the ability of the controller to verify the identity of the consumer making the request.

(3) A controller shall not require a consumer to create a new account in order to exercise consumer rights but may require a consumer to use an existing account.

(4)(A) The means shall include:

(i) providing a clear and conspicuous link on the controller's website to an web page that enables a consumer, or an agent of the consumer, to opt out of the targeted advertising or sale of the consumer's personal data; and

(ii) not later than January 1, 2026, allowing a consumer to opt out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of the personal data, through an opt-out preference signal sent to the controller with the consumer's consent indicating the consumer's intent to opt out of any the processing or sale, by a platform, technology, or other mechanism that shall:

(I) not unfairly disadvantage another controller;

(II) not make use of a default setting, but rather require the consumer to make an affirmative, freely given, and unambiguous choice to opt out of any processing of the consumer's personal data pursuant to this chapter;

(III) be consumer-friendly and easy to use by the average consumer;

(IV) be as consistent as possible with any other similar platform, technology, or mechanism required by any federal or State law or regulation; and

(V) enable the controller to accurately determine whether the consumer is a resident of this State and whether the consumer has made a legitimate request to opt out of any sale of the consumer's personal data or targeted advertising.

(B) If a consumer's decision to opt out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of the personal data, through an opt-out preference signal sent in accordance with the provisions of subdivision (A) of this subdivision (e)(4) conflicts with the consumer's existing controller-specific privacy setting or voluntary participation in a controller's bona fide loyalty, rewards, premium features, discounts, or club card program, the controller shall comply with the consumer's opt-out preference signal but may notify the consumer of the conflict and provide to the consumer the choice to confirm the controller-specific privacy setting or participation in the program.

(5) If a controller responds to consumer opt-out requests received pursuant to subdivision (4)(A) of this subsection by informing the consumer of a charge for the use of any product or service, the controller shall present the terms of any financial incentive offered pursuant to subsection (b) of this section for the retention, use, sale, or sharing of the consumer's personal data.

§ 2421. PROCESSORS' DUTIES; CONTRACTS BETWEEN CONTROLLERS AND PROCESSORS

(a) A processor shall adhere to the instructions of a controller and shall assist the controller in meeting the controller's obligations under this chapter, including:

(1) taking into account the nature of processing and the information available to the processor, by appropriate technical and organizational measures, to the extent reasonably practicable, to fulfill the controller's obligation to respond to consumer rights requests;

(2) taking into account the nature of processing and the information available to the processor, by assisting the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a data broker security breach or security breach, as defined in section 2430 of this title, of the system of the processor, in order to meet the controller's obligations; and

(3) providing necessary information to enable the controller to conduct and document data protection assessments.

(b)(1) A contract between a controller and a processor shall govern the processor's data processing procedures with respect to processing performed on behalf of the controller.

(2) The contract shall be binding and clearly set forth instructions for processing data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties.

(3) The contract shall require that the processor:

(A) ensure that each person processing personal data is subject to a duty of confidentiality with respect to the data;

(B) at the controller's direction, delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(C) upon the reasonable request of the controller, make available to the controller all information in its possession necessary to demonstrate the processor's compliance with the obligations in this chapter;

(D) after providing the controller an opportunity to object, engage any subcontractor pursuant to a written contract that requires the subcontractor to meet the obligations of the processor with respect to the personal data; and

(E) make available to the controller upon the reasonable request of the controller, all information in the processor's possession necessary to demonstrate the processor's compliance with this chapter.

(4) A processor shall provide a report of an assessment to the controller upon request.

(c) This section shall not be construed to relieve a controller or processor from the liabilities imposed on the controller or processor by virtue of the controller's or processor's role in the processing relationship, as described in this chapter.

(d)(1) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data is to be processed.

(2) A person who is not limited in the person's processing of personal data pursuant to a controller's instructions, or who fails to adhere to the instructions, is a controller and not a processor with respect to a specific processing of data.

(3) A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor.

(4) If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, the processor is a controller with respect to the processing and may be subject to an enforcement action under section 2425 of this title.

§ 2422. CONTROLLERS' DATA PROTECTION ASSESSMENTS; DISCLOSURE TO ATTORNEY GENERAL

(a) A controller shall conduct and document a data protection assessment for each of the controller's processing activities that presents a heightened risk of harm to a consumer, which for the purposes of this section includes:

(1) the processing of personal data for the purposes of targeted advertising;

(2) the sale of personal data;

(3) the processing of personal data for the purposes of profiling, where the profiling presents a reasonably foreseeable risk of:

(A) unfair or deceptive treatment of, or unlawful disparate impact on, consumers;

(B) financial, physical, or reputational injury to consumers;

(C) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where the intrusion would be offensive to a reasonable person; or

(D) other substantial injury to consumers; and

(4) the processing of sensitive data.

(b)(1) Data protection assessments conducted pursuant to subsection (a) of this section shall identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with the processing, as mitigated by safeguards that can be employed by the controller to reduce the risks.

(2) The controller shall factor into any data protection assessment the use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed.

(c)(1) The Attorney General may require that a controller disclose any data protection assessment that is relevant to an investigation conducted by the Attorney General, and the controller shall make the data protection assessment available to the Attorney General.

(2) The Attorney General may evaluate the data protection assessment for compliance with the responsibilities set forth in this chapter.

(3) Data protection assessments shall be confidential and shall be exempt from disclosure and copying under the Public Records Act.

(4) To the extent any information contained in a data protection assessment disclosed to the Attorney General includes information subject to attorney-client privilege or work product protection, the disclosure shall not constitute a waiver of the privilege or protection.

(d) A single data protection assessment may address a comparable set of processing operations that include similar activities.

(e) If a controller conducts a data protection assessment for the purpose of complying with another applicable law or regulation, the data protection

assessment shall be deemed to satisfy the requirements established in this section if the data protection assessment is reasonably similar in scope and effect to the data protection assessment that would otherwise be conducted pursuant to this section.

(f) Data protection assessment requirements shall apply to processing activities created or generated after July 1, 2025 and are not retroactive.

§ 2423. DE-IDENTIFIED AND PSEUDONYMOUS DATA; CONTROLLERS' DUTIES; EXCEPTIONS; APPLICABILITY OF CONSUMERS' RIGHTS; DISCLOSURE AND OVERSIGHT

(a) A controller in possession of de-identified data shall:

(1) take reasonable measures to ensure that the data cannot be associated with an individual;

(2) publicly commit to maintaining and using de-identified data without attempting to re-identify the data; and

(3) contractually obligate any recipients of the de-identified data to comply with the provisions of this chapter.

(b) This chapter shall not be construed to:

(1) require a controller or processor to re-identify de-identified data or pseudonymous data; or

(2) maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be capable of associating an authenticated consumer request with personal data.

(c) This chapter shall not be construed to require a controller or processor to comply with an authenticated consumer rights request if the controller:

(1) is not reasonably capable of associating the request with the personal data or it would be unreasonably burdensome for the controller to associate the request with the personal data;

(2) does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and

(3) does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section.

(d) The rights afforded under subdivisions 2418(a)(1)–(4) of this title shall not apply to pseudonymous data in cases where the controller is able to

demonstrate that any information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing the information.

(e) A controller that discloses pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address any breaches of those contractual commitments.

§ 2424. CONSTRUCTION OF CONTROLLERS' AND PROCESSORS' DUTIES

(a) This chapter shall not be construed to restrict a controller's, processor's, or consumer health data controller's ability to:

(1) comply with federal, state, or municipal laws, ordinances, or regulations;

(2) comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, municipal, or other governmental authorities;

(3) cooperate with law enforcement agencies concerning conduct or activity that the controller, processor, or consumer health data controller reasonably and in good faith believes may violate federal, state, or municipal laws, ordinances, or regulations;

(4) investigate, establish, exercise, prepare for, or defend legal claims;

(5) provide a product or service specifically requested by a consumer;

(6) perform under a contract to which a consumer is a party, including fulfilling the terms of a written warranty;

(7) take steps at the request of a consumer prior to entering into a contract;

(8) take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or another individual, and where the processing cannot be manifestly based on another legal basis;

(9) prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious, or deceptive activities or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for the action;

(10) engage in public or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy

laws and is approved, monitored, and governed by an institutional review board that determines, or similar independent oversight entities that determine:

(A) whether the deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller;

(B) the expected benefits of the research outweigh the privacy risks; and

(C) whether the controller or consumer health data controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with re-identification;

(11) assist another controller, processor, consumer health data controller, or third party with any of the obligations under this chapter; or

(12) process personal data for reasons of public interest in the area of public health, community health, or population health, but solely to the extent that the processing is:

(A) subject to suitable and specific measures to safeguard the rights of the consumer whose personal data is being processed; and

(B) under the responsibility of a professional subject to confidentiality obligations under federal, state, or local law.

(b) The obligations imposed on controllers, processors, or consumer health data controllers under this chapter shall not restrict a controller's, processor's, or consumer health data controller's ability to collect, use, or retain data for internal use to:

(1) conduct internal research to develop, improve, or repair products, services, or technology;

(2) effectuate a product recall;

(3) identify and repair technical errors that impair existing or intended functionality; or

(4) perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or consumer health data controller, or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically requested by a consumer or the performance of a contract to which the consumer is a party.

(c)(1) The obligations imposed on controllers, processors, or consumer health data controllers under this chapter shall not apply where compliance by

the controller, processor, or consumer health data controller with this chapter would violate an evidentiary privilege under the laws of this State.

(2) This chapter shall not be construed to prevent a controller, processor, or consumer health data controller from providing personal data concerning a consumer to a person covered by an evidentiary privilege under the laws of the State as part of a privileged communication.

(d)(1) A controller, processor, or consumer health data controller that discloses personal data to a processor or third-party controller pursuant to this chapter shall not be deemed to have violated this chapter if the processor or third-party controller that receives and processes the personal data violates this chapter, provided, at the time the disclosing controller, processor, or consumer health data controller disclosed the personal data, the disclosing controller, processor, or consumer health data controller did not have actual knowledge that the receiving processor or third-party controller would violate this chapter.

(2) A third-party controller or processor receiving personal data from a controller, processor, or consumer health data controller in compliance with this chapter is not in violation of this chapter for the transgressions of the controller, processor, or consumer health data controller from which the third-party controller or processor receives the personal data.

(e) This chapter shall not be construed to:

(1) impose any obligation on a controller or processor that adversely affects the rights or freedoms of any person, including the rights of any person:

(A) to freedom of speech or freedom of the press guaranteed in the First Amendment to the United States Constitution; or

(B) under 12 V.S.A. § 1615;

(2) apply to any person's processing of personal data in the course of the person's purely personal or household activities; or

(3) require an independent school as defined in 16 V.S.A. § 11(a)(8) or a private institution of higher education, as defined in 20 U.S.C. § 1001 et seq., to delete personal data or opt out of processing of personal data that would unreasonably interfere with the provision of education services by or the ordinary operation of the school or institution.

(f)(1) Personal data processed by a controller or consumer health data controller pursuant to this section may be processed to the extent that the processing is:

(A) reasonably necessary and proportionate to the purposes listed in this section; and

(B) adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section.

(2)(A) Personal data collected, used, or retained pursuant to subsection (b) of this section shall, where applicable, take into account the nature and purpose or purposes of the collection, use, or retention.

(B) The data shall be subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data and to reduce reasonably foreseeable risks of harm to consumers relating to the collection, use, or retention of personal data.

(g) If a controller or consumer health data controller processes personal data pursuant to an exemption in this section, the controller or consumer health data controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (f) of this section.

(h) Processing personal data for the purposes expressly identified in this section shall not solely make a legal entity a controller or consumer health data controller with respect to the processing.

§ 2425. ENFORCEMENT BY ATTORNEY GENERAL; NOTICE OF VIOLATION; CURE PERIOD; REPORT; PENALTY

(a) The Attorney General shall have exclusive authority to enforce violations of this chapter.

(b)(1) During the period beginning on July 1, 2025 and ending on December 31, 2026, the Attorney General shall, prior to initiating any action for a violation of any provision of this chapter, issue a notice of violation to the controller or consumer health data controller if the Attorney General determines that a cure is possible.

(2) If the controller or consumer health data controller fails to cure the violation within 60 days after receipt of the notice of violation, the Attorney General may bring an action pursuant to this section.

(3) Annually, on or before February 1, the Attorney General shall submit a report to the General Assembly disclosing:

(A) the number of notices of violation the Attorney General has issued;

(B) the nature of each violation;

(C) the number of violations that were cured during the available cure period; and

(D) any other matter the Attorney General deems relevant for the purposes of the report.

(c) Beginning on January 1, 2027, the Attorney General may, in determining whether to grant a controller or processor the opportunity to cure an alleged violation described in subsection (b) of this section, consider:

(1) the number of violations;

(2) the size and complexity of the controller or processor;

(3) the nature and extent of the controller's or processor's processing activities;

(4) the substantial likelihood of injury to the public;

(5) the safety of persons or property;

(6) whether the alleged violation was likely caused by human or technical error; and

(7) the sensitivity of the data.

(d) This chapter shall not be construed as providing the basis for, or be subject to, a private right of action for violations of this chapter or any other law.

(e) Subjection to the exception in subsection (f) of this section, a violation of the requirements of this chapter shall constitute an unfair and deceptive act in commerce in violation of section 2453 of this title and shall be enforced solely by the Attorney General, provided that a consumer private right of action under subsection 2461(b) of this title shall not apply to the violation.

(f) The Attorney General shall provide guidance to controllers and processors for compliance with the terms of the Vermont Data Privacy Act. Any processor or controller that, in the opinion of the Attorney General, materially complies with the guidance provided by the Attorney General shall not constitute an unfair and deceptive act in commerce.

§ 2426. CONSUMER HEALTH DATA PRIVACY

(a) Except as provided in subsections (b) and (c) of this section and subsections 2417(b) and (c) of this title, no person shall:

(1) provide any employee or contractor with access to consumer health data unless the employee or contractor is subject to a contractual or statutory duty of confidentiality;

(2) provide any processor with access to consumer health data unless the person and processor comply with section 2421 of this title;

(3) use a geofence to establish a virtual boundary that is within 1,750 feet of any health care facility, including any mental health facility or reproductive or sexual health facility, for the purpose of identifying, tracking, collecting data from, or sending any notification to a consumer regarding the consumer's consumer health data; or

(4) sell, or offer to sell, consumer health data without first obtaining the consumer's consent.

(b) Notwithstanding section 2416 of this title, subsection (a) of this section, and the provisions of sections 2415–2425 of this title, inclusive, concerning consumer health data and consumer health data controllers, apply to persons that conduct business in this state and persons that produce products or services that are targeted to residents of this state.

(c) Subsection (a) of this section shall not apply to any:

(1) body, authority, board, bureau, commission, district or agency of this State or of any political subdivision of this State;

(2) person who has entered into a contract with an entity described in subdivision (1) of this subsection to process consumer health data on behalf of the entity;

(3) institution of higher education;

(4) national securities association that is registered under 15 U.S.C. 78o-3 of the Securities Exchange Act of 1934, as may be amended;

(5) financial institution or data subject to Title V of the Gramm-Leach-Bliley Act, Pub. L. No. 106-102, and regulations adopted to implement that act;

(6) covered entity or business associate, as defined in 45 C.F.R. § 160.103;

(7) tribal nation government organization; or

(8) air carrier, as:

(A) defined in 49 U.S.C. § 40102, as may be amended; and

(B) regulated under the Federal Aviation Act of 1958, 49 U.S.C. § 40101 et seq. and the Airline Deregulation Act of 1978, 49 U.S.C. § 41713, as may be amended.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

(Committee vote: 5-0-0)

S. 109.

An act relating to miscellaneous judiciary procedures.

Reported favorably with recommendation of amendment by Senator Mattos for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 164 is amended to read:

§ 164. ADULT COURT DIVERSION PROGRAM

(a) Purpose.

(1) The Attorney General shall develop and administer an adult court diversion program, for both pre-charge and post-charge referrals, available in all counties.

(2) The program shall be designed to provide a restorative option for persons alleged to have caused harm in violation of a criminal statute or who have been charged with violating a criminal statute as well as for victims or those acting on a victim's behalf who have been allegedly harmed by the ~~responsible party~~ person referred to the program. The diversion program can accept referrals to the program as follows:

* * *

(c) Adult diversion program policy and referral requirements.

* * *

(3) Adult post-charge diversion requirements. Each State's Attorney, in cooperation with the Office of the Attorney General and the adult post-charge diversion program, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion. All adult post-charge diversion programs receiving financial assistance from the Attorney General shall adhere to the following:

(A) The post-charge diversion program for adults shall only accept persons against whom charges have been filed and the court has found probable cause, but are not adjudicated.

(B) A prosecutor may refer a person to diversion either before or after arraignment and shall notify in writing the diversion program and the court of the prosecutor's ~~of the~~ referral to diversion.

* * *

Sec. 2. 4 V.S.A. § 71 is amended to read:

§ 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

(a) ~~There shall be 34 Superior judges, whose term of office shall,~~ The number of Superior Judges shall be as determined by the General Assembly. The term of office of a Superior Judge shall, except in the case of an appointment to fill a vacancy or unexpired term, begin on April 1 in the year of their appointment or retention and continue for six years.

* * *

Sec. 3. 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:

* * *

(4) Violations of 7 V.S.A. § 1005, relating to possession and procurement of tobacco products by a person under 21 years of age.

* * *

Sec. 4. 4 V.S.A. § 1106 is amended to read:

§ 1106. HEARING

* * *

(d) ~~A~~ Unless otherwise provided by law, a law enforcement officer may void or amend a complaint issued by that officer by so marking the complaint and returning it to the Bureau, regardless of whether the amended complaint is a lesser included violation. At the hearing, a law enforcement officer may, unless otherwise provided by law, void or amend a complaint issued by that officer in the discretion of that officer.

* * *

Sec. 5. 7 V.S.A. § 1005(c) is amended to read:

(c) A person under 21 years of age who misrepresents ~~his or her~~ the person's age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be ~~fined~~ subject to a civil penalty of not more than $50.00 or provide up to 10 hours of community service, or both.

Sec. 6. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

(a) The Court shall not permit public access via the ~~Internet~~ internet to criminal, family, or probate case records. The Court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, ~~Internet~~ internet access to criminal case records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.

(b) Notwithstanding subsection (a) of this section, the Court shall provide licensed Vermont attorneys in good standing with access via the internet, through the Judiciary's Public Portal website or otherwise, to nonconfidential criminal, family, and probate case records.

(c) This section shall not be construed to prohibit the Court from providing electronic access to:

(1) court schedules of the Superior Court or opinions of the Criminal Division of the Superior Court;

(2) State agencies in accordance with data dissemination contracts entered into under Rule 12 of the Vermont Rules for Public Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.

Sec. 7. 12 V.S.A. § 4937 is amended to read:

§ 4937. ATTORNEY'S FEES

When a mortgage contains an agreement on the part of the mortgagor to pay the mortgagee, in the event of foreclosure, the attorney's fees incident thereto, and claim is made therefor in the complaint, ~~upon hearing,~~ the court in which the complaint is brought shall allow such fee as in its judgment is just.

Sec. 8. 13 V.S.A. § 4013 is amended to read:

§ 4013. ZIP GUNS~~; SWITCHBLADE KNIVES~~

A person who possesses, sells, or offers for sale a weapon commonly known as a "zip" gun~~, or a weapon commonly known as a switchblade knife, the blade of which is three inches or more in length,~~ shall be imprisoned not more than 90 days or fined not more than $100.00, or both.

Sec. 9. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS

The court shall order the expungement of criminal history records of convictions of 13 V.S.A. § 4013 for possessing, selling, or offering for sale a switchblade knife that occurred prior to July 1, 2025. The process and effect

for expungement of these records shall be as provided for in 13 V.S.A. § 7606 and shall be completed by the court and all entities subject to the order not later than July 1, 2026.

Sec. 10. 13 V.S.A. § 5351(7) is amended to read:

(7) "Victim" means:

(A) a person who sustains injury or death as a direct result of the commission or attempted commission of a crime;

(B) an intervenor who is physically injured or killed in an attempt to assist the person described in subdivision (A) of this subdivision (7) or the police;

(C) a surviving immediate family member of a homicide victim, including a spouse, domestic partner, parent, sibling, child, grandparent, or other survivor who may suffer severe emotional harm as a result of the victim's death as determined on a case-by-case basis in the discretion of the Board; or

(D) a resident of this State who is injured or killed as the result of a crime committed outside the United States.

Sec. 11. 13 V.S.A. § 7282 is amended to read:

§ 7282. SURCHARGE

* * *

(c) ~~SIU surcharge.~~ In addition to any penalty or fine imposed by the court for a criminal offense committed after July 1, 2009, the clerk of the court shall levy an additional surcharge of $100.00 to be deposited in the General Fund, in support of the Specialized Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to pay for the costs of Specialized Investigative Units.

Sec. 12. 12 V.S.A. § 5135(b) is amended to read:

(b) A defendant who attends a hearing held under section 5133 or 5134 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. ~~However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency.~~ The clerk shall mail a copy of the order to the defendant at the defendant's last known address.

Sec. 13. 14 V.S.A. § 2 is amended to read:

§ 2. DEPOSIT OF WILL FOR SAFEKEEPING; DELIVERY; FINAL DISPOSITION

(a) A will may be deposited for safekeeping in the Probate Division of the Superior Court for the district in which the testator resides on payment to the court of the applicable fee required by ~~32 V.S.A. § 1434(a)(17)~~ 32 V.S.A. § 1434(a)(18). The register shall give to the testator a receipt, shall safely keep each will so deposited, and shall keep an index of the wills so deposited.

* * *

Sec. 14. 14 V.S.A. § 3068 is amended to read:

§ 3068. HEARING

* * *

(e)(1) If upon completion of the hearing and consideration of the record the court finds that the respondent is not a person in need of guardianship, it shall dismiss the petition and seal the records of the proceeding.

(2) If a motion to withdraw the petition is made before the final hearing, the court shall dismiss the petition and seal the records of the proceeding.

(f) If upon completion of the hearing and consideration of the record the court finds that the petitioner has proved by clear and convincing evidence that the respondent is a person in need of guardianship or will be a person in need of guardianship on attaining 18 years of age, it shall enter judgment specifying the powers of the guardian pursuant to sections 3069 and 3070 of this title and the duties of the guardian pursuant to section 3071 of this title.

(g) Any party to the proceeding before the court may appeal the court's decision in the manner provided in section 3080 of this title.

Sec. 15. 14 V.S.A. § 4051 is amended to read:

§ 4051. STATUTORY FORM POWER OF ATTORNEY

A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter.

VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT INFORMATION

* * *

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

( ) An agent who is not an ancestor, spouse, or descendant may exercise authority under this power of attorney to create in the agent or in an individual to whom the agent owes a legal obligation of support an interest in my property whether by gift, rights of survivorship, beneficiary designation, disclaimer, or otherwise

( ) Create, amend, revoke, or terminate an inter vivos, family, living, irrevocable, or revocable trust

( ) Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411

( ) Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any special instructions in this power of attorney

~~( ) Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411~~

( ) Create, amend, or change rights of survivorship

( ) Create, amend, or change a beneficiary designation

( ) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

( ) Exercise fiduciary powers that the principal has authority to delegate

( ) Authorize another person to exercise the authority granted under this power of attorney

( ) Disclaim or refuse an interest in property, including a power of appointment

( ) Exercise authority with respect to elective share under 14 V.S.A. § 319

( ) Exercise waiver rights under 14 V.S.A. § 323

( ) Exercise authority over the content and catalogue of electronic communications and digital assets under 14 V.S.A. chapter 125 (Vermont Revised Uniform Fiduciary Access to Digital Assets Act)

( ) Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks

( ) Convey, or revoke or revise a grantee designation, by enhanced life estate deed pursuant to 27 V.S.A. chapter 6 or under common law.

* * *

Sec. 16. 14A V.S.A. § 1316 is amended to read:

§ 1316. OFFICE OF TRUST DIRECTOR

Unless the terms of a trust provide otherwise, the rules applicable to a trustee apply to a trust director regarding the following matters:

(1) acceptance under section 701 of this title;

(2) giving of bond to secure performance under section 702 of this title;

(3) reasonable compensation under section 708 of this title;

(4) resignation under section 705 of this title;

(5) removal under section 706 of this title; and

(6) vacancy and appointment of successor under section 704 of this title.

Sec. 17. 33 V.S.A. § 5204(b)(2)(A) is amended to read:

(2)(A)(i) The Family Division of the Superior Court shall hold a hearing under subsection (c) of this section to determine whether jurisdiction should be transferred to the Criminal Division under subsection (a) of this section if the delinquent act set forth in the petition is:

(I) [Repealed.]

(II) human trafficking or aggravated human trafficking in violation of 13 V.S.A. § 2652 or 2653;

(III) defacing a firearm's serial number in violation of ~~13 V.S.A. § 4024~~ 13 V.S.A. § 4026; or

(IV) straw purchasing of firearm in violation of 13 V.S.A. § 4025; and

(ii) the child had attained 16 years of age but not 19 years of age at the time the act was alleged to have occurred.

Sec. 18. 33 V.S.A. § 5225 is amended to read:

§ 5225. PRELIMINARY HEARING; RISK ASSESSMENT

(a) Preliminary hearing. A preliminary hearing shall be held at the time and date specified on the citation or as otherwise ordered by the court. If a child is taken into custody prior to the preliminary hearing, the preliminary

hearing shall be at the time of the temporary care hearing. Counsel for the child shall be assigned prior to the preliminary hearing.

(b) Risk and needs screening.

(1) Prior to the preliminary hearing, the child shall be afforded an opportunity to undergo a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and need screenings for children alleged to have committed delinquent acts.

(2) If the child participates in such a screening, the Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney. The State's Attorney shall consider the results of the risk and needs screening in determining whether to file a charge. In lieu of filing a charge, the State's Attorney may refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include pre-charge diversion pursuant to 3 V.S.A. § 163, a community justice center, or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subsection shall not require the State's Attorney to file a charge. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

* * *

Sec. 19. 27 V.S.A. § 348 is amended to read:

§ 348. INSTRUMENTS CONCERNING REAL PROPERTY VALIDATED

(a) When an instrument of writing shall have been on record in the office of the clerk in the proper town for a period of 15 years, and there is a defect in the instrument because it omitted to state any consideration or was not sealed, witnessed, acknowledged, validly acknowledged, or because a license to sell was not issued or is defective, the instrument shall, from and after the expiration of 15 years from the filing thereof for record, be valid. Nothing in this section shall be construed to affect any rights acquired by grantees, assignees, or encumbrancers under the instruments described in the preceding sentence, nor shall this section apply to conveyances or other instruments of writing, the validity of which is brought in question in any suit now pending in any courts of the State.

* * *

(d) A release, discharge, or assignment of mortgage interest executed by a commercial lender with respect to a one- to four-family residential real property, including a residential unit in a condominium or in a common interest community as defined in Title 27A, that recites authority to act on behalf of the record holder of the mortgage under a power of attorney but where the power of attorney is not of record shall have the same effect as if executed by the record holder of the mortgage unless, within three years after the instrument is recorded, an action challenging the release, discharge, or assignment is commenced and a copy of the complaint is recorded in the land records of the town where the release, discharge, or assignment is recorded. This subsection shall not apply to releases, discharges, or assignments obtained by fraud or forgery.

(e) A power of attorney made for the purpose of conveying, leasing, mortgaging, or affecting any interest in real property that has been acknowledged and signed in the presence of at least one witness shall be valid, notwithstanding its failure to comply with 14 V.S.A. § 3503 or the requirements of the Emergency Administrative Rules for Remote Notarial Acts adopted by the Vermont Secretary of State, unless within three years after recording, an action challenging its validity is commenced and a copy of the complaint is recorded in the land records of the town where the power of attorney is recorded. This subsection shall not apply to a power of attorney obtained by fraud or forgery.

(f) Notwithstanding section 305 of this title, a deed, mortgage, lease, or other instrument executed for the purpose of conveying or encumbering real property executed by a person purporting to act as the agent or attorney-in-fact for the party named in the deed, mortgage, lease, or other instrument that has been recorded for at least 15 years in the land records where the real property is located shall be valid even if no power of attorney authorizing and empowering an agent or attorney-in-fact appears of record, unless, within 15 years after recording, an action challenging the validity of the deed, mortgage, lease, or other instrument is commenced and a copy of the complaint is recorded in the land records of the town where the property is located.

Sec. 20. 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

* * *

(c) The officers of the Judicial Branch named in this subsection shall be entitled to annual salaries as follows:

	Annual Salary as of July 14, 2024	Annual Salary as of July 13, 2025
(1) Chief Justice of Supreme Court	$214,024	$225,581
(2) Each Associate Justice	$204,264	$215,294
(3) ~~Administrative~~ Chief Superior Judge	$204,264	$215,294
(4) Each Superior Judge	$194,185	$204,671
(5) [Repealed.]		
(6) Each Magistrate	$146,413	$154,319
(7) Each Judicial Bureau hearing officer	$146,413	$154,319

* * *

Sec. 21. 2023 Acts and Resolves No. 27, Sec. 5 (forensic facility report) is amended to read:

Sec. 5. [Deleted.]

Sec. 22. 2023 Acts and Resolves No. 40, Sec. 4 is amended to read:

Sec. 4. REPEALS

* * *

(c) 28 V.S.A. § 126 (Coordinated Justice Reform Advisory Council) is repealed on ~~July 1, 2028~~ July 1, 2025.

Sec. 23. REPEAL

2019 Acts and Resolves No. 6, Secs. 99 and 100 (amendments to 18 V.S.A. §§ 4810(d)–(j) and 4811 that prohibited public inebriates from being incarcerated in a Department of Corrections' facility) are repealed.

Sec 24. 2019 Acts and Resolves No. 6, Sec. 105 is amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(c) ~~Secs. 99 and 100 (amending 18 V.S.A. §§ 4910 and 4811) shall take effect on July 1, 2025.~~ [Deleted.]

* * *

Sec. 25. FIREARM SURRENDER ORDER COMPLIANCE WORKING GROUP; REPORT

(a) The Office of the Attorney General shall convene a Firearm Surrender Order Compliance Working Group to develop a uniform process to ensure compliance with court orders to surrender firearms. The Working Group shall study what statutory or policy changes are needed to create a uniform process to monitor compliance, support entities charged with storing surrendered firearms, and identify a stable and reliable funding source for any additional resources needed to monitor compliance.

(b) The Working Group shall include any stakeholders deemed necessary by the Attorney General, and shall include:

(1) the Commissioner of Public Safety or designee;

(2) a member of the Vermont State Police, appointed by the Commissioner of Public Safety;

(3) the Commissioner of Corrections or designee;

(4) the Chief Superior Court Judge or designee;

(5) two family law practitioners, appointed by the Vermont Bar Association;

(6) the Defender General or designee;

(7) one State's Attorney or designee, appointed by the Department of State's Attorneys and Sheriffs;

(8) a member, appointed by the Vermont Network Against Domestic and Sexual Violence;

(9) a member, appointed by the Vermont Council on Domestic Violence;

(10) a member, appointed by the Vermont Center for Crime Victim Services;

(11) a member who is a federal firearms licensee, appointed by the State Police representative overseeing the current firearms storage program for the Department of Public Safety;

(12) a member, appointed by the Vermont Office of the Bureau of Alcohol Tobacco and Firearms;

(13) a member, appointed by the Vermont Medical Society;

(14) the Commissioner of Mental Health or designee;

(15) a sheriff, appointed by the Department of State's Attorneys and Sheriffs; and

(16) a police chief, appointed by the Vermont Association of Chiefs of Police.

(c) Report. On or before November 15, 2025, the Working Group shall report its recommendations to the House and Senate Committees on Judiciary and to the Joint Legislative Justice Oversight Committee. The report shall include:

(1) a workable statewide compliance model that is adaptable to both the Family and Criminal Divisions of the Superior Courts and that ensures accountability of respondents and defendants while addressing safety needs of the plaintiffs and victims; and

(2) recommendations for any legislative changes necessary to support the model.

Sec. 26. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 1 shall take effect on July 2, 2025.

(Committee vote: 5-0-0)

Proposed Amendment to the Vermont Constitution

Pursuant to Rule 83 of the Senate Rules, notice is hereby given that proposed amendments to the Constitution, set forth below, will be read the third time and acted upon, on the seventh legislative day commencing March 11, 2025. At that time, the following question shall be presented: "Shall the Senate concur in the proposal and request the concurrence of the House?"

PROPOSAL 3

(Fifth day on Notice Calendar pursuant to Rule 83)

Subject: Declaration of Rights; right to collectively bargain

PENDING ACTION: Third reading of the proposal (second biennium)

PROPOSAL 3

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that the citizens of the State have a right to collectively bargain.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:

Article 23. [Right to collectively bargain]

That employees have a right to organize or join a labor organization for the purpose of collectively bargaining with their employer through an exclusive representative of their choosing for the purpose of negotiating wages, hours, and working conditions and to protect their economic welfare and safety in the workplace. Therefore, no law shall be adopted that interferes with, negates, or diminishes the right of employees to collectively bargain with respect to wages, hours, and other terms and conditions of employment and workplace safety, or that prohibits the application or execution of an agreement between an employer and a labor organization representing the employer's employees that requires membership in the labor organization as a condition of employment.

Sec. 3. EFFECTIVE DATE

The amendment set forth in this proposal shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore,* for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission, underlined below, shall be fully and separately acted upon.

Andrew Collier of Westford - Commissioner of the Department of Motor Vehicles - By Senator Brennan for the Committee on Transportation (February 19, 2025)

Anson Tebbetts of Cabot - Secretary of Agriculture - By Senator Collamore for the Committee on Agriculture (March 13, 2025)

William Shouldice, IV of Stowe - Commissioner of the Department of Tax - By Senator Cummings for the Committee on Finance (March 19, 2025)

David Snedeker of St. Johnsbury - Member of the State Infrastructure Bank Board - Sen. Beck for the Committee on Finance (March 19, 2025)

Ted Foster of Vergennes - Member of the Vermont Economic Development Authority - Sen. Hardy for the Committee on Finance - (March 19, 2025)

NOTICE OF JOINT ASSEMBLY

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

FOR INFORMATION ONLY

CROSSOVER DATES

The Joint Rules Committee established the following crossover deadlines:

(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.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

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)

CONSTITUTIONAL AMENDMENT

The 2025-2026 Biennium is the Third Reading of a proposal of amendment. They were read the second time during the 2023-2024 Biennium.

The proposal is on the Notice Calendar for six (6) days and will be up for action for Third Reading on the seventh day.

Each proposal is acted upon separately. Senate Rule 83.

At Third Reading:

1. The vote on any constitutional proposal is by roll call. Senate Rule 83.
2. The questions is: "Shall the Senate concur in Proposal 3, and request the concurrence of the House? Senate Rule 83.

3. For this question to pass, 16 members of the Senate must vote in the affirmative. The Vermont Constitution requires an affirmative vote of a majority of the members of the Senate. Vermont Constitution §72.

There are no amendments at Third Reading of a constitutional amendment.