

# Journal of the House

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Wednesday, May 28, 2025

At ten o'clock in the forenoon, the Speaker called the House to order.

## Devotional Exercises

A moment of silence was observed in lieu of a devotion.

## Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Jaye Pershing Johnson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 27th day of May, 2025, he signed bills originating in the House of the following titles:

- H. 167      An act relating to establishing the Vermonters Feeding Vermonters Grant at the Agency of Agriculture, Food and Markets**
- H. 339      An act relating to removing the repeal of 7 V.S.A. § 230**
- H. 364      An act relating to approval of the annexation of property by the Village of Swanton**
- H. 396      An act relating to the creation of the Mollie Beattie Distinguished Service Award**
- H. 481      An act relating to stormwater management**

## Message from the Senate No. 68

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

- S. 59.    An act relating to amendments to Vermont's Open Meeting Law.**  
And has concurred therein.

The Senate has considered a bill originating in the House of the following title:

**H. 50.** An act relating to identifying underutilized State buildings and land.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

**H. 91.** An act relating to the Vermont Homeless Emergency Assistance and Responsive Transition to Housing Program.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Lyons  
Senator Gulick  
Senator Vyhovsky

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

**H. 454.** An act relating to transforming Vermont's education governance, quality, and finance systems.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Bongartz  
Senator Cummings  
Senator Beck

### **House Resolution Placed on Calendar**

#### **H.R. 9**

Offered by Representatives Burrows of West Windsor, Chapin of East Montpelier, LaMont of Morristown, Carris-Duncan of Whitingham, Casey of Montpelier, Coffin of Cavendish, Cole of Hartford, Cordes of Bristol, Dodge of Essex, Durfee of Shaftsbury, Graning of Jericho, Greer of Bennington, Harple of Glover, Harrison of Chittenden, Headrick of Burlington, Howard of Rutland City, Kleppner of Burlington, Krasnow of South Burlington, Labor of Morgan, McCann of Montpelier, McGill of Bridport, Mrowicki of Putney, Pezzo of Colchester, Priestley of Bradford, Rachelson of Burlington, Stevens of Waterbury, Sweeney of Shelburne, Tomlinson of Winooski, Torre of Moretown, and Wood of Waterbury

House resolution urging that all State agencies, departments, and offices protect the civil rights, medical confidentiality, and all aspects of personal privacy of Vermonters who have been diagnosed with autism in light of the Secretary of the U.S. Health and Human Services' recently announced plans to establish an autism research database and other databases related to autism

*Whereas*, the State of Vermont is fully committed to ensuring the enforcement of the rights of individuals with disabilities and the provision of inclusive services and person-centered systems of care, and

*Whereas*, individuals with autism contribute their talents, perspectives, and problem-solving abilities to strengthen Vermont's workforce; enrich families and communities; and advance innovation in science, technology, the arts, and beyond, and

*Whereas*, autism is a neurological difference, not a disease or an epidemic, and

*Whereas*, the rising autism identification rates, which trained clinicians and health care professionals are documenting, are attributable to improved diagnostic practices, greater awareness of autism, and expanded access to screening tools, and

*Whereas*, individuals with disabilities, including individuals with autism, are too often stigmatized and underestimated, and public policy should never diminish the diverse strengths and potential of these Vermonters, and

*Whereas*, the Secretary of the U.S. Department of Health and Human Services, Robert F. Kennedy Jr., has announced plans to establish a federal research database intended to be used to investigate the root causes of autism, and

*Whereas*, this new database will be a compilation of information derived from individuals' insurance claims; electronic medical records; and wearable devices, such as smart watches, and

*Whereas*, although this new database is no longer characterized as an "autism registry," as Secretary Kennedy and National Institutes of Health Director, Dr. Jay Bhattacharya, had previously announced, and despite public promises of personal and medical privacy, significant concerns remain regarding the potential use of Vermonters' sensitive, personally identifiable health care information without their specific and informed consent, and

*Whereas*, the Governor of the State of Illinois has issued Executive Order 2025-02 (the EO) to ensure that Illinois state officials fully comply with all applicable state and federal legal privacy protections in matters affecting the collection and use of information of persons being tested for, or who have been

diagnosed with, autism, or in any database that now or may in the future exist that includes personal information related to autism; that the information not be collected, unless done so is strictly necessary for authorized purposes; and that the information not be disclosed outside state government except if one of the conditions listed in the EO is met, and

*Whereas*, it is imperative that Vermont officials are similarly vigilant in their protection of personal data being collected for any type of analysis or assessment related to autism, *now therefore be it*

***Resolved by the House of Representatives:***

That this legislative body urges that all State agencies, departments, and offices do everything in their power to protect the civil rights, medical confidentiality, and all aspects of personal privacy of Vermonters who have been diagnosed with autism, *and be it further*

***Resolved:*** That the Clerk of the House be directed to send a copy of this resolution to the U.S. Secretary of Health and Human Services, the Director of the National Institutes of Health, the Vermont Congressional Delegation, the Vermont Secretary of Human Services, the Vermont Human Rights Commission, and the Governor.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

**Senate Proposal of Amendment Concurred in**

**H. 231**

The Senate proposed to the House to amend House bill, entitled

An act relating to technical corrections to fish and wildlife statutes

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 4001. DEFINITIONS

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

\* \* \*

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

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

\* \* \*

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

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

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

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

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

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

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

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

(2) Ten points shall be assessed for:

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

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

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

(MM) § 4827a. Feeding a black bear

(NN) § 4826. Taking deer doing damage

(OO) § 22a. Taking turkey doing damage

(PP) § 35. Taking moose doing damage

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

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

\* \* \*

(3) Twenty points shall be assessed for:

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

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

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

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

(DD) § 4706. Snaring animals

\* \* \*

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

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

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

(b)(1) A person shall not carry or possess while in or on a vehicle propelled by mechanical power or drawn by a vehicle propelled by mechanical power within the right-of-way of a public highway any of the following:

(A) a rifle, air rifle, arrow rifle, pre-charged pneumatic rifle, or shotgun containing a loaded cartridge or, shell, or other projectile in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, or;

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

(C) unless it is uncocked, a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled craft or any vehicle drawn by a motor-propelled vehicle except as permitted under subsection (e) of this section.

(2) A person who possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or drawn by a vehicle propelled by mechanical power within a right-of-way of a public highway shall upon demand of an

enforcement officer exhibit the firearm for examination to determine compliance with this section.

(3) As used in this subsection:

(A) “Air rifle” means a .22 or larger caliber device that fires a bullet solely by the use of unignited compressed gas as the propellant.

(B) “Arrow rifle” means a device that fires an arrow or bolt solely by the use of unignited compressed gas as the propellant.

(C) “Pre-charged pneumatic rifle” means an air rifle or arrow rifle for which the propellant is supplied or introduced by means of a source that is physically separate from the air gun or arrow gun.

\* \* \*

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

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

\* \* \*

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

§ 1102. JUDICIAL BUREAU; JURISDICTION

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

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

\* \* \*

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

Sec. 7. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

(a) Vermont residents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:



\* \* \*

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

\* \* \*

(2) A person who is legally blind who is a Vermont resident may receive a free permanent fishing license upon submittal of proper proof of blindness as the Commissioner shall require. A person who is legally blind who is a resident in a state that provides a reciprocal privilege for Vermont residents may receive a free one-year fishing license.

(3) A Vermont resident with paraplegia as defined in subdivision 4001(30) of this title or a permanent, severe, physical mobility disability certified by a physician may receive a free permanent fishing license or, if the person qualifies for a hunting license, a free combination hunting and fishing license. A person with paraplegia or a person certified by a physician to have permanent, severe, physical mobility disability who is a resident of a state that provides a reciprocal privilege for Vermont residents may receive a free one-year fishing license or, if the person qualifies for a hunting license, a free one-year combination fishing and hunting license.

(4) A Vermont resident who is a veteran of the U.S. Armed Forces and who is, or ever has been, 60 percent disabled as a result of a service-connected disability may receive a free fishing, hunting, or combination hunting and fishing license that shall include all big game licenses, except for a moose license, upon presentation of a certificate issued by the veterans' administration so certifying. A resident of a state that provides a reciprocal privilege for Vermont veterans and who would qualify for a free license under this subdivision if the person were a Vermont resident may receive a free one-year fishing, hunting, or combination hunting and fishing license.

(5) A person participating in a fishing tournament for Special Olympics may receive a free fishing license valid for that event.

\* \* \*

(7) A certified citizen of a Native American Indian tribe that has been recognized by the State pursuant to 1 V.S.A. chapter 23 may receive free of charge one or all of the permanent fishing, hunting, or trapping licenses set forth in subdivisions (1)(A)–(D) of this subsection if qualified for the license and upon submission of a current and valid tribal identification card.

(8) A person with developmental disabilities who is a Vermont resident may receive a free permanent fishing license upon submission to the Commissioner of a statement signed by the person's treating health care

provider, as that term is defined in 18 V.S.A. § 9402, certifying that the person meets the definition of a person with development disabilities. “A person with developmental disabilities” has the same meaning as in 18 V.S.A. § 9302.

\* \* \*

(n) The Commissioner shall maintain an accounting of lost revenue due to the issuance of free licenses. The Commissioner annually on or before January 15 shall submit to the Senate Committees on Appropriations and on Finance and the House Committees on Appropriations and on Ways and Means an accounting of lost revenue from the previous calendar year due to the issuance of free licenses.

Sec. 8. 10 V.S.A. § 4251 is amended to read:

§ 4251. TAKING WILD ANIMALS AND FISH; LICENSE

(a) Except as provided in sections 4253 and 4254b of this title, a person shall not take wild animals or fish without first having procured a license therefor; provided, however, that a person under 15 years of age may take fish in accordance with this part and regulations of the Board, without first having procured a license therefor.

(b) The Commissioner of Fish and Wildlife may designate two days each calendar year as “free fishing days” for which no license shall be required. One day shall occur in the open water fishing season and one day shall occur during the ice fishing season.

(c) The Commissioner of Fish and Wildlife may designate Labor Day weekend each year as “free mentored fishing weekend,” during which up to four unlicensed anglers aged 15 years or older can fish with one licensed angler throughout this three-day period.

Sec. 9. 10 V.S.A. § 4613 is amended to read:

§ 4613. FISHING TOURNAMENTS

(a) No person or organization shall hold a fishing tournament on the waters of the State without first obtaining a permit from the Department of Fish and Wildlife. Tournaments held on the Connecticut River, excluding Moore and Comerford Reservoirs, that do not utilize an access area in Vermont are not required to obtain a permit from the Department of Fish and Wildlife.

(b) A fishing tournament means a contest in which anglers pay a fee to enter and in which the entrants compete for a prize based on the quality or size of the fish they catch. A contest may run multiple days, but the days must be consecutive for that contest to be considered a single event. A tournament that limits the entrants to people below 15 years of age or a tournament held as part

of a Special Olympics program shall be exempt from paying the fee required under subsection (d) of this section.

(c) The Commissioner shall adopt rules that establish the procedure for implementation of this section. The rules shall include a provision that an angler may not enter a fish that was caught and confined to an enclosed area prior to the beginning of the tournament.

(d) The Commissioner shall charge a fee of ~~\$50.00~~ based on the number of participants for each permit issued under this section and shall deposit the fee collected into the Fish and Wildlife Fund. Tournaments with up to 25 participants shall pay a fee of \$10.00; tournaments with 26 to 50 participants shall pay a fee of \$30.00; and tournaments with more than 50 participants shall pay a fee of \$100.00.

Sec. 10. 10 V.S.A. § 4518 is amended to read:

§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED SPECIES; SUSPENSION; VIOLATIONS

(a) ~~Whoever violates a provision of this part or orders or rules of the Board relating to taking, possessing, transporting, buying, or selling of big game; relating to threatened or endangered species; or relating to the trade in covered animal parts or products that constitutes a big game violation shall be fined not more than \$1,000.00 \$2,000.00 nor less than \$400.00 \$500.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than \$4,000.00 \$5,000.00 nor less than \$2,000.00 or imprisoned for not more than 60 180 days, or both.~~

(b) As used in this section, “big game violation” means:

(1) violations relating to taking, possessing, transporting, buying, or selling of big game;

(2) violations of chapter 123 of this title and the rules related to threatened and endangered species;

(3) violation of section 4280 of this title relating to criminal suspensions;

(4) violations of chapter 124 of this title relating to the trade in covered animal parts or products;

(5) interference with hunting, fishing, or trapping in violation of section 4708 of this title; or

(6) illegal commercial importation or possession of wild animals in violation of section 4709 of this title.

Sec. 11. 10 V.S.A. § 4552 is amended to read:

§ 4552. JURISDICTION; VENUE

The Vermont Criminal Division of the Superior Court shall have exclusive jurisdiction over fish and wildlife violations with the exception of violations related to section 4572 and chapters 123 and 124 of this title. Venue for adjudicating fish and wildlife violations shall be the unit of the Criminal Division of the Superior Court having jurisdiction over the geographical area where the offense is stated to have occurred.

Sec. 12. 10 V.S.A. § 4572 is amended to read:

§ 4572. DEFINITIONS

(a) As used in this subchapter, a minor fish and wildlife violation means:

(1) a violation of 10 V.S.A. § 4145 (violation of access and landing area rules);

(2) a violation of 10 V.S.A. § 4251 (taking wild animals and fish without a license);

(3) a violation of 10 V.S.A. § 4266 (failure to carry a license on person or failure to exhibit license);

(4) a violation of 10 V.S.A. § 4267 (false statements in license application; altering license; transferring license to another person; using another person's license; or guiding an unlicensed person);

(5) a violation of 10 V.S.A. § 4713 (tree or ground stands or blinds); or

(6) [Repealed.]

(7) a violation of a biological collection rule adopted by the Board under part 4 of this title; or

(8) except for big game offenses and under revocation offenses, any fish and wildlife violation as defined by 10 V.S.A. § 4551 and not otherwise listed in this section shall be charged as a minor violation, provided that:

(A) the offender has no prior history of fish and wildlife violations;

(B) no evidence was seized in relation to the violation;

(C) a criminal warrant was not used in relation to the

violation; and

(D) there is no possibility of forfeiture.

(b) “Bureau” means the Judicial Bureau as created in 4 V.S.A. § 1102.

Sec. 13. 10 V.S.A. § 4085 is added to read:

§ 4085. REPTILES AND AMPHIBIANS; TAKING; POSSESSION

(a) A person shall not intentionally take a reptile or amphibian in the State unless authorized by rules adopted under subsection (b) of this section.

(b) The Commissioner may establish requirements for the following by rule:

(1) the collection or possession for commercial use, export, or sale of reptiles and amphibians specified by the Commissioner;

(2) the taking of reptiles or amphibians that have been classified as common, widespread, and abundant, known as S5 ranked species, with stable or increasing populations indicated by data collected or compiled by the Department of Fish and Wildlife;

(3) the taking of a reptile or amphibian that due to population, risk to other native species, or risk to ecosystems has been identified as requiring a reduction in population; or

(4) under specified criteria, the taking, collection, or possession of a specified reptile or amphibian for scientific, educational, or noncommercial cultural or ceremonial purposes.

(c) Rules adopted by the Commissioner of Fish and Wildlife under this section shall be designed to maintain the best health, population, and utilization levels of the regulated reptile or amphibian.

Sec. 14. IMPORT, POSSESSION, AND SALE OF REPTILES AND AMPHIBIANS; ENDORSEMENTS

(a)(1) A person shall not import, possess, or sell in the State a pond slider turtle (*Trachemys scripta*), provided that:

(A) a person may continue to possess a turtle that was legally acquired as a pet prior to July 1, 2025 or that was legally acquired from a pet dealer or commercial collection permittee authorized to sell turtles under subdivision (1)(B) of this subsection; or

(B) a person with a valid pet dealer permit or commercial collection permit may possess and sell a turtle that the person can document they had possession of prior to July 1, 2025.

(2) A person is prohibited from releasing to the wild a pond slider retained as a pet under this subsection. A violation of the prohibition under this section shall be subject to enforcement as a fish and wildlife violation under Title 10 part 4.

(b) Subsection (a) of this section shall be repealed on the effective date of a rule adopted by the Commissioner of Fish and Wildlife under 10 V.S.A. § 4085 regulating the import, possession, or sale of the pond slider turtle (*Trachemys scripta*).

(c) When the Commissioner of Fish and Wildlife under 10 V.S.A. § 4085(b) authorizes the taking of a reptile or amphibian by hunting, a hunting license issued under 10 V.S.A. part 4 that authorizes the taking of reptiles and amphibians under the license shall include an endorsement indicating the authorized taking.

Sec. 15. 10 V.S.A. § 4709 is amended to read:

§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING  
OF WILD ANIMALS; POSSESSION OF WILD BOAR OR FERAL  
SWINE

(a) A person shall not bring into, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind, including reptiles, amphibians, or any manner of feral swine, without authorization from the Commissioner or ~~his or her~~ the Commissioner's designee. The importation permit may be granted under ~~such regulations therefor as~~ rules, requirements, or conditions that the Commissioner shall prescribe and only after the Commissioner has made such investigation and inspection of the birds or animals as ~~she or he~~ the Commissioner may deem necessary. The Department may dispose of unlawfully possessed or imported wildlife as it may judge best, and the State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) No person shall bring into the State from another country, state, or province wildlife illegally taken, transported, or possessed contrary to the laws governing the country, state, or province from which the wildlife originated.

(c) No person shall place a Vermont-issued tag on wildlife taken outside the State. No person shall report big game in Vermont when the wildlife is taken outside the State.

(d) Nothing in this section shall prohibit the Commissioner or duly authorized agents of the Department of Fish and Wildlife from bringing into the State for the purpose of planting, introducing, or stocking or from planting, introducing, or stocking in the State any wild bird or animal.

(e) Any person who violates this section may be subject to the penalties set forth in section 4518 of this title and also may be required to pay additional penalties based on reasonable mitigation and potential economic benefit associated with commercial trade.

(f) The Commissioner may bring an action in the unit of the Criminal Division of the Superior Court having jurisdiction over the geographical area where the offense is stated to have occurred, or the Environmental Division of the Superior Court, to compel reasonable mitigation and recover economic benefits for commercial collection and trade violations under this subsection.

(g) Applicants shall pay a permit fee of \$100.00.

~~(f)~~(h)(1) The Commissioner shall not issue a permit under this section for the importation or possession of the following live species, a hybrid or genetic variant of the following species, offspring of the following species, or offspring or a hybrid of a genetically engineered variant of the following species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral hog, old world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus scrofa* Linnaeus). A feral swine is:

\* \* \*

Sec. 16. 10 V.S.A. § 5403(a) is amended to read:

(a) Except as authorized under this chapter, a person shall not:

(1) take, possess, or transport wildlife or wild plants that are members of a threatened or endangered species; or

(2) destroy or adversely impact critical habitat;

(3) sell or offer for sale in intrastate commerce a threatened or endangered species;

(4) deliver, receive, carry, transport, or ship a threatened or endangered species in intrastate commerce; or

(5) import a threatened or endangered species into or export a threatened or endangered species from Vermont.

Sec. 17. 10 V.S.A. § 5408 is amended to read:

§ 5408. AUTHORIZED TAKINGS; INCIDENTAL TAKINGS;  
DESTRUCTION OF CRITICAL HABITAT

(a) Authorized taking. Notwithstanding any provision of this chapter, after obtaining the advice of the Endangered Species Committee, the Secretary may permit, under such terms and conditions as the Secretary may require as necessary to carry out the purposes of this chapter, the taking of a threatened

or endangered species, the destruction of or adverse impact on critical habitat, or any act otherwise prohibited by this chapter if done for any of the following purposes:

- (1) scientific purposes;
- (2) to enhance the propagation or survival of a threatened or endangered species;
- (3) zoological exhibition;
- (4) educational purposes;
- (5) noncommercial cultural or ceremonial purposes; or
- (6) special purposes consistent with the purposes of the federal Endangered Species Act.

(b) Incidental taking. After obtaining the advice of the Endangered Species Committee, the Secretary may permit, under such terms and conditions as necessary to carry out the purposes of this chapter, the incidental taking of a threatened or endangered species or the destruction of or adverse impact on critical habitat if:

- (1) the taking is necessary to conduct an otherwise lawful activity;
- (2) the taking is attendant or secondary to, and not the purpose of, the lawful activity;
- (3) the impact of the permitted incidental take is minimized; and
- (4) the incidental taking will not impair the conservation or recovery of any endangered species or threatened species.

\* \* \*

(k) Public notice. ~~Prior~~ Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, prior to issuing a permit for an incidental taking and prior to the initial issuance or amendment of a general permit under this section, the Secretary shall provide for public notice of not fewer than 30 days; opportunity for written comment; and opportunity to request a public informational hearing. The ~~Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, the~~ Secretary shall post permit applications, permit decisions, and the initial or amended general permits on the website of the Agency of Natural Resources. The ~~Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, the~~ Secretary also shall provide notice to interested



persons who request notice of permit applications, permit decisions, and proposed general permits or proposed amendments to general permits.

(l) General permits.

(1) The Secretary may issue general permits for activities that will not affect the continued survival or recovery of a threatened or endangered species.

\* \* \*

(6) ~~Prior~~ Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, prior to issuing an initial or amended general permit under this subsection, the Secretary shall:

(A) post a draft of the general permit on the Agency website;

(B) provide public notice of at least 30 days; and

(C) provide for written comments or a public hearing, or both.

(7) For applications for coverage under the terms of an issued general permit, the applicant shall provide notice on a form provided by the Secretary. The Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, the Secretary shall post notice of the application on the Agency website and shall provide an opportunity for written comment, regarding whether the application complies with the terms and conditions of the general permit, for ten 10 days following receipt of the application.

\* \* \*

Sec. 18. 10 V.S.A. § 5410 is amended to read:

§ 5410. LOCATION CONFIDENTIAL

(a) The Secretary shall not disclose information regarding the specific location of threatened or endangered species sites or habitats except ~~that the Secretary shall disclose information regarding the location of the threatened or endangered species to:~~

(1) to the owner of land upon which the species is located;

(2) to a potential buyer of land upon which the species is located who has a bona fide contract to buy the land and applies to the Secretary for disclosure of threatened or endangered species information; ~~or~~

(3) to qualified individuals or organizations, public agencies, and nonprofit organizations for scientific research or for preservation and planning purposes when the Secretary determines that the preservation of the species is not further endangered by the disclosure; or

(4) during regulatory processes with the exception of threatened or endangered species listed under subsection (b) of this section.

(b) The Secretary shall maintain a subset list of threatened and endangered species whose specific names shall not be included in regulatory planning. The subset list shall include threatened or endangered species for which the species names and locations shall not be disclosed because of the risk that the species will be significantly harmed by unauthorized take, such as illegal collection, commercial trade, human-caused mortality, or destruction of habitat. The list shall be based on the rarity of the species, known collection and commercial trade activities in Vermont and other states or countries, incidents of human-caused mortality or destruction of habitat, and other factors that present a threat to the continued existence of the species.

(c) When the Secretary issues a permit under this chapter to take a threatened or endangered species or destroy or adversely impact critical habitat and when the Secretary designates critical habitat by rule under section 5402a of this title, the Secretary shall disclose only the municipality and general location where the threatened or endangered species or designated critical habitat is located. When the Secretary designates critical habitat under section 5402a of this title, the Secretary shall notify the municipality in which the critical habitat is located and shall disclose the general location of the designated critical habitat.

Sec. 19. 10 V.S.A. § 4829 is amended to read:

~~§ 4829. PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR~~

~~(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage up to an amount not to exceed \$5,000.00 per year, and may apply to the Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.~~

~~(b) As used in this section, a person is "engaged in the business of farming" if he or she earns at least one-half of the farmer's annual gross income from the business of farming, as that term is defined in the Internal Revenue Code, 26 C.F.R. § 1.175-3. [Repealed.]~~

Sec. 20. 10 V.S.A. § 599a is amended to read:

§ 599a. REPORTS; RULEMAKING

(a) On or before January 15, 2025, the Agency, in consultation with the State Treasurer, shall submit a report to the General Assembly detailing the feasibility and progress of carrying out the requirements of this chapter, including any recommendations for improving the administration of the Program.

(b) The Agency shall adopt rules necessary to implement the requirements of this chapter, including:

(1) adopting methodologies using available science and publicly available data to identify responsible parties and determine their applicable share of covered greenhouse gas emissions; and

(2) requirements for registering entities that are responsible parties and issuing notices of cost recovery demands under the Program; and

~~(3) the Resilience Implementation Strategy, which shall include:~~

~~(A) practices utilizing nature-based solutions intended to stabilize floodplains, riparian zones, lake shoreland, wetlands, and similar lands;~~

~~(B) practices to adapt infrastructure to the impacts of climate change;~~

~~(C) practices needed to build out early warning mechanisms and support fast, effective response to climate-related threats;~~

~~(D) practices that support economic and environmental sustainability in the face of changing climate conditions; and~~

~~(E) criteria and procedures for prioritizing climate change adaptation projects eligible to receive monies from the Climate Superfund Cost Recovery Program.~~

(c) On or before September 15, 2025, the Secretary shall submit to the House Committee on Environment and the Senate Committee on Natural Resources and Energy a report summarizing the Agency of Natural Resources' adoption of the Resilience Implementation Strategy. The Strategy shall include:

(1) practices utilizing nature-based solutions intended to stabilize floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

(2) practices to adapt infrastructure to the impacts of climate change;

(3) practices needed to build out early warning mechanisms and support fast, effective response to climate-related threats;

(4) practices that support economic and environmental sustainability in the face of changing climate conditions; and

(5) criteria and procedures for prioritizing climate change adaptation projects eligible to receive monies from the Climate Superfund Cost Recovery Program.

(d) In adopting the Strategy, the Agency shall:

(1) consult with the Environmental Justice Advisory Council;

(2) in consultation with other State agencies and departments, including the Department of Public Safety's Division of Vermont Emergency Management, assess the adaptation needs and vulnerabilities of various areas vital to the State's economy, normal functioning, and the health and well-being of Vermonters;

(3) identify major potential, proposed, and ongoing climate change adaptation projects throughout the State;

(4) identify opportunities for alignment with existing federal, State, and local funding streams;

(5) consult with stakeholders, including local governments, businesses, environmental advocates, relevant subject area experts, and representatives of environmental justice focus populations;

(6) consider components of the Vermont Climate Action Plan required under section 592 of this title that are related to adaptation or resilience, as defined in section 590 of this title; and

(7) conduct public engagement in areas and communities that have the most significant exposure to the impacts of climate change, including disadvantaged, low-income, and rural communities and areas.

~~(d)~~(e) Nothing in this section shall be construed to limit the existing authority of a State agency, department, or entity to regulate greenhouse gas emissions or establish strategies or adopt rules to mitigate climate risk and build resilience to climate change.

Sec. 21. 2024 Acts and Resolves No. 122, Sec. 3 is amended to read:

### Sec. 3. IMPLEMENTATION

~~(a) On or before July 1, 2025, the Agency of Natural Resources pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on Administrative Rules the proposed rule for the adoption of the Resilience Implementation Strategy required pursuant to 10 V.S.A. § 599a(b)(3). On or before January 1, 2026, the Agency of Natural Resources shall adopt the final rule establishing~~

~~the Resilience Implementation Strategy required pursuant to 10 V.S.A. § 599a(b)(3). [Repealed.]~~

(b) On or before July 1, 2026 2027, the Agency of Natural Resources pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on Administrative Rules the proposed rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2). On or before January 1, 2027 2028, the Agency of Natural Resources shall adopt the final rule rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2).

Sec. 22. 10 V.S.A. § 596 is amended to read:

§ 596. DEFINITIONS

As used in this chapter:

\* \* \*

(7) “Covered greenhouse gas emissions” means the total quantity of greenhouse gases released into the atmosphere ~~during the covered period~~, expressed in metric tons of carbon dioxide equivalent, resulting from the use of fossil fuels extracted or refined by an entity during the covered period.

\* \* \*

(22) “Responsible party” means any entity or a successor in interest to an entity that during any part of the covered period was engaged in the trade or business of extracting fossil fuel or refining crude oil and is determined by the Agency attributable to for more than one billion metric tons of covered greenhouse gas emissions ~~during the covered period~~. The term responsible party does not include any person who lacks sufficient connection with the State to satisfy the nexus requirements of the U.S. Constitution.

\* \* \*

Sec. 23. 10 V.S.A. § 598(b) is amended to read:

(b) With respect to each responsible party, the cost recovery demand shall be equal to an amount that bears the same ratio to the cost to the State of Vermont and its residents, as calculated by the State Treasurer pursuant to section 599c of this title, from ~~the emission of covered greenhouse gases during the covered period~~ gas emissions as the responsible party’s applicable share of covered greenhouse gas emissions bears to the aggregate applicable shares of covered greenhouse gas emissions ~~resulting from the use of fossil fuels extracted or refined during the covered period~~.

Sec. 24. 10 V.S.A. § 599c is amended to read:

§ 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF COVERED GREENHOUSE GAS EMISSIONS

On or before January 15, ~~2026~~ 2027, the State Treasurer, after consultation with the Interagency Advisory Board to the Climate Action Office, and with any other person or entity whom the State Treasurer decides to consult for the purpose of obtaining and utilizing credible data or methodologies that the State Treasurer determines may aid the State Treasurer in making the assessments and estimates required by this section, shall submit to the Senate Committees on Appropriations, on Finance, on Agriculture, and on Natural Resources and Energy and the House Committees on Appropriations; on Ways and Means; on Agriculture, Food Resiliency, and Forestry; and on Environment ~~and Energy~~ an assessment of the cost to the State of Vermont and its residents ~~of the emission of covered greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024~~ gas emissions. The assessment shall include:

\* \* \*

(3) a categorized calculation of the costs that have been incurred and are projected to be incurred in the future within the State of Vermont to abate the effects of covered greenhouse gas emissions ~~from between January 1, 1995 and December 31, 2024~~ on the State of Vermont and its residents.

Sec. 25. EFFECTIVE DATES

(a) This section and Secs. 20–24 (climate superfund act) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2025, except that:

(1) Sec. 7 (free fishing license; person with developmental disabilities) shall take effect on January 1, 2026; and

(2) in Sec. 13, 10 V.S.A. § 4085(a) (related to the taking of reptiles and amphibians) shall take effect on January 1, 2027.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in**

**H. 238**

The Senate proposed to the House to amend House bill, entitled

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

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* PFAS in Consumer Products \* \* \*

Sec. 1. 9 V.S.A. chapter 63, subchapter 12A is amended to read:

Subchapter 12A. PFAS in Consumer Products

§ 2494e. DEFINITIONS

As used in this subchapter:

(1) “Adult mattress” means a mattress other than a crib or toddler mattress.

(2) “Aftermarket stain and water resistant treatments” means treatments for textile and leather consumer products used in residential settings that have been treated during the manufacturing process for stain, oil, and water resistance, but excludes products marketed or sold exclusively for use at industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.

(3) “Apparel” means any of the following:

(A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, reusable diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions do not include clothing items for exclusive use by the U.S. Armed Forces, outdoor apparel for severe wet conditions, and personal protective equipment.

(B) Outdoor apparel.

(4) “Artificial turf” means a surface of synthetic fibers that is used in place of natural grass in recreational, residential, or commercial applications.

(5) “Cleaning product” means a compound intended for routine cleaning, including general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, floor care products, and hand soaps. “Cleaning product” does not mean an antimicrobial pesticide.

(6) “Cookware” means durable houseware items used to prepare, dispense, or store food, foodstuffs, or beverages and that are intended for direct food contact, including pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

(7) “Dental floss” means a string-like device made of cotton or other fibers intended to remove plaque and food particles from between the teeth to reduce tooth decay. The fibers of the device may be coated with wax for easier use.

(8) “Fluorine treated container” means a fluorinated treated plastic container.

(6)(9) “Incontinency protection product” means a disposable, absorbent hygiene product designed to absorb bodily waste for use by individuals 12 years of age and older.

~~(7)(10) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component~~  
“Intentionally added PFAS” means PFAS added to a product regulated under this subchapter or one of its product components to provide a specific characteristic, appearance, or quality or to perform a specific function. “Intentionally added PFAS” also includes any degradation byproducts of PFAS or PFAS that are intentional breakdown products of an added chemical. For the purposes of this chapter the use of PFAS as a processing agent, mold release agent, or intermediate is considered intentional introduction where PFAS are detected in the final covered product.

(8)(11) “Juvenile product” means a product designed or marketed for use by infants and children under 12 years of age:

(A) including a baby or toddler foam pillow; bassinet; bedside sleeper; booster seat; changing pad; infant bouncer; infant carrier; infant seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing pad; nursing pillow; pacifier; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow; portable foam nap mat; portable infant sleeper; portable hook-in chair; soft-sided portable crib; stroller; toddler mattress; and disposable, single-use diaper; ~~and~~

(B) excluding a children’s electronic product, such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord; a medical device; or an adult mattress; and

(C) excluding children’s all-terrain vehicles, as that term is defined under 23 V.S.A. § 3801.

(9)(12) “Manufacturer” means any person engaged in the business of making or assembling a consumer product directly or indirectly available to consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which



case a “manufacturer” includes the importer or first domestic distributor of the consumer product.

~~(10)~~(13) “Medical device” has the same meaning given to “device” in 21 U.S.C. § 321.

~~(11)~~(14) “Outdoor apparel” means clothing items intended primarily for outdoor activities, including hiking, camping, skiing, climbing, bicycling, and fishing.

~~(12)~~(15) “Outdoor apparel for severe wet conditions” means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

~~(13)~~(16) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

~~(14)~~(17) “Personal protective equipment” has the same meaning as in section 2494p of this title.

~~(15)~~(18) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or “regulated PFAS” means:

(A) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

(B) the presence of PFAS in a product or product component at or above 100 parts per million, as measured in total organic fluorine.

~~(16)~~(19) “Rug or carpet” means a fabric marketed or intended for use as a floor covering.

~~(17)~~(20) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

~~(18)~~(21) “Textile” means any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester. “Textile” does not include

single-use paper hygiene products, including toilet paper, paper towels, tissues, or single-use absorbent hygiene products.

(19)(22) “Textile articles” means textile goods of a type customarily and ordinarily used in households and businesses, and includes apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, bedding, towels, napkins, and table cloths. “Textile articles” does not include:

(A) a vehicle, as defined in 1 U.S.C. § 4, or its component parts;

(B) a vessel, as defined in 1 U.S.C. § 3, or its component parts;

(C) an aircraft, as defined in 49 U.S.C. § 40102(a)(6), or its component parts;

(D) filtration media and filter products used in industrial applications, including chemical or pharmaceutical manufacturing and environmental control technologies;

(E) textile articles used for laboratory analysis and testing; and

(F) rugs or carpets.

§ 2494f. ~~AFTERMARKET STAIN AND WATER-RESISTANT~~  
TREATMENTS PROHIBITION ON PFAS IN CONSUMER  
PRODUCTS

(a) ~~A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State aftermarket stain and water-resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount.~~

~~(b) This section shall not apply to the sale or resale of used products. A~~  
manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or  
distribute for use in the State the following consumer products to which PFAS  
have been intentionally added in any amount:

(1) aftermarket stain and water-resistant treatments;

(2) artificial turf;

(3) cleaning products;

(4) cookware;

(5) dental floss;

(6) incontinency protection products;

(7) juvenile products;

(8) residential rugs and carpets; or

(9) ski wax.

(b) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in the State textiles or textile articles to which regulated PFAS have been intentionally added in any amount.

(c) The prohibitions under subsections (a) and (b) of this section shall not apply to the sale, offer for sale, distribution for sale, or distribution for use of any of the products listed under subsections (a) and (b) of this section that have been previously used by a consumer for the intended purpose of the product.

~~§ 2494g. ARTIFICIAL TURF~~

~~A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State artificial turf to which:~~

~~(1) PFAS have been intentionally added in any amount; or~~

~~(2) PFAS have entered the product from the manufacturing or processing of that product, the addition of which is known or reasonably ascertainable by the manufacturer.~~

~~§ 2494h. COOKWARE~~

~~(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State cookware to which PFAS have been intentionally added in any amount.~~

~~(b) This section shall not apply to the sale or resale of used products.~~

~~§ 2494i. INCONTINENCY PROTECTION PRODUCT~~

~~A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State an incontinency protection product to which PFAS have been intentionally added in any amount.~~

~~§ 2494j. JUVENILE PRODUCTS~~

~~(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State juvenile products to which PFAS have been intentionally added in any amount.~~

~~(b) This section shall not apply to the sale or resale of used products.~~

~~§ 2494k. RUGS AND CARPETS~~

~~(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a residential rug or carpet to which PFAS have been added in any amount.~~

~~(b) This section shall not apply to the sale or resale of used products.~~

~~§ 2494l. SKI WAX~~

~~(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount.~~

~~(b) This section shall not apply to the sale or resale of used products.~~

~~§ 2494m. TEXTILES~~

~~(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a textile or textile article to which regulated PFAS have been intentionally added in any amount.~~

~~(b) This section shall not apply to the sale or resale of used products.~~

§ 2494g. FLUORINE TREATED CONTAINERS

(a) A manufacturer shall not sell, offer for sale, distribute for sale, or distribute for use in the State a product listed under subdivisions 2494f(a)(1)–(9) of this title that does not contain intentionally added PFAS but that is sold, offered for sale, distributed for sale, or distributed for use in the State in a fluorine treated container.

(b) The prohibition under subsection (a) of this section shall not apply to the sale, offer for sale, distribution for sale, or distribution for use of a product that has been previously used by a consumer for the intended purpose of the product.

(c) Beginning on January 1, 2032, a manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in the State a fluorine treated container or any consumer product in a fluorine treated container.

~~§ 2494n~~ § 2494h. CERTIFICATE OF COMPLIANCE

(a) The Attorney General may request a certificate of compliance from a manufacturer of a consumer product regulated under this subchapter. Within 60 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this subchapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this subchapter and submit to the Attorney General a list of the names and addresses of those persons notified.

(b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer's reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer's compliance with this section.

§ ~~2494e~~ 2494i. VIOLATIONS

(a) A violation of this subchapter is deemed to be a violation of section 2453 of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies, as provided under subchapter 1 of this chapter.

Sec. 2. 9 V.S.A. § 2494e(19) is amended to read:

(19) "Regulated perfluoroalkyl and polyfluoroalkyl substances" or "regulated PFAS" means:

(A) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

(B) the presence of PFAS in a product or product component at or above ~~100~~ 50 parts per million, as measured in total organic fluorine.

Sec. 3. 9 V.S.A. § 2494e(3) is amended to read:

(3) "Apparel" means any of the following:

(A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, reusable diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions do not include clothing items for exclusive use by the U.S. Armed Forces, ~~outdoor apparel for severe wet conditions~~, and personal protective equipment.

(B) Outdoor apparel.

(C) Outdoor apparel for severe wet conditions.

#### Sec. 4. ANR REPORT ON PFAS REGULATION

(a) As used in this section, “perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(b) On or before January 15, 2027, the Secretary of Natural Resources shall submit to the House Committees on Environment and on Human Services and the Senate Committees on Natural Resources and Energy and on Health and Welfare a report regarding the regulation by other states of PFAS in consumer products. The report shall include:

(1) a summary of programs in other states that regulate PFAS in consumer products, including whether other states have implemented a regulatory program based on the definition of PFAS used in this section;

(2) if other states have implemented regulatory programs for PFAS, a summary of the effectiveness of the programs, including any obstacles or difficulties these states may have faced in implementing a program, the staffing required for a program, and the time frame under which each state implemented the program;

(3) a recommendation, based on review of regulatory programs in other states, on whether Vermont should establish a regulatory program for PFAS in consumer products, including the State agency in which such a program should be located, the staffing required, and a time frame for implementation;

(4) whether other states have prohibited or restricted the use of fluorine treated containers, including a summary of how fluorine treated containers are used or allowed for use in other states;

(5) any other information that the Secretary determines is necessary for the purpose of informing the General Assembly whether to enact a regulatory program for PFAS in consumer products; and

(6) a summary of PFAS data in industrial processes, to the extent available, and whether any other state has restricted the use of PFAS-contaminated water in manufacturing.

#### Sec. 5. REPORTS; PFAS IN COMPLEX DURABLE GOODS; FOOD

(a)(1) On or before January 15, 2033, the Secretary of Natural Resources shall provide a recommendation to the House Committees on Human Services and on Environment and the Senate Committees on Health and Welfare and on

Natural Resources and Energy on how to address PFAS in complex durable goods.

(2) As used in this subsection, “complex durable goods” means a consumer product that is a manufactured good composed of 100 or more manufactured components, with an intended useful life of five or more years, where the product is typically not consumed, destroyed, or discarded after a single use. This includes replacement parts for complex durable goods not subject to a phaseout under this chapter.

(b)(1) On or before January 15, 2033, the Secretary of Agriculture, Food and Markets shall provide a recommendation to the House Committees on Human Services and on Environment and the Senate Committees on Health and Welfare and on Natural Resources and Energy on how to address PFAS in food.

(2) As used in this subsection, “food” has the same meaning as in 18 V.S.A. § 4051.

(c) The Secretary of Natural Resources shall update the Senate Committee on Health and Welfare, the House Committee on Environment, and the Secretary of Natural Resources on the status of the regulation of PFAS in complex durable goods and in food in other states. The first status report shall be submitted on or before January 15, 2027, as part of the report required under Sec. 4 of this act or as testimony. The second update shall be provided as testimony to the committees on or before January 15, 2029.

#### Sec. 6. REPEALS

(a) 2024 Acts and Resolves No. 131, Sec. 4 (prospective definition for outdoor apparel for severe wet conditions) is repealed.

(b) 2024 Acts and Resolves No. 131, Sec. 5 (prospective definition of regulated PFAS) is repealed.

Sec. 7. 2024 Acts and Resolves No. 131, Sec. 13 is amended to read:

#### Sec. 13. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that:

(1) Sec. 1 (chemicals in cosmetic and menstrual products), ~~Sec. 3 (PFAS in consumer products)~~, Sec. 6 (PFAS in firefighting agents and equipment), and Sec. 7 (chemicals of concern in food packaging) shall take effect on January 1, 2026; and

(2) Sec. 2 (9 V.S.A. § 2494b) ~~and Sec. 5 (9 V.S.A. § 2494e(15))~~ shall take effect on July 1, 2027; and

(3) ~~Sec. 4 (9 V.S.A. § 2494e(3)) shall take effect on July 1, 2028.~~

\* \* \* PFAS in Firefighting Agents and Equipment \* \* \*

Sec. 8. 9 V.S.A. § 2494p(2) is amended to read:

(2) ~~“Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component. “Intentionally added PFAS” means PFAS added to a product regulated under this subchapter or one of its product components to provide a specific characteristic, appearance, or quality or to perform a specific function. “Intentionally added PFAS” also includes any degradation byproducts of PFAS or PFAS that are intentional breakdown products of an added chemical. For the purposes of this chapter the use of PFAS as a processing agent, mold release agent, or intermediate is considered intentional introduction where PFAS are detected in the final covered product.~~

Sec. 9. 9 V.S.A. § 2494s is amended to read:

(a) ~~A manufacturer or other person that sells firefighting equipment to any person, municipality, or State agency shall provide written notice to the purchaser at the time of sale, citing to this subchapter, if the personal protective equipment or station wear contains PFAS. The written notice shall include a statement that the personal protective equipment or station wear contains PFAS and the reason PFAS are added to the equipment not sell, offer for sale, distribute for sale, or distribute for use in this State any personal protective equipment to which PFAS have been intentionally added.~~

(b) ~~The manufacturer or person selling personal protective equipment or station wear and the purchaser of the personal protective equipment or station wear shall retain the notice for at least three years from the date of the transaction. The prohibitions under subsection (a) of this section shall not apply to personal protective equipment that is a respirator or respirator protection equipment, provided that a manufacturer of a respirator or respirator protection equipment shall provide written notice to the purchaser at the time of sale, citing to this subchapter if the respirator or respirator protection equipment contains PFAS. The written notice shall include a statement that the respirator or respirator protection equipment contains PFAS and the reason PFAS are added to the equipment. The manufacturer or person selling respirator or respirator protection equipment and the purchaser of the respirator or respirator protection equipment shall retain the notice for at least three years from the date of the transaction.~~



Sec. 10. 9 V.S.A. § 2494s is amended to read:

§ 2494s. PROHIBITED SALE OF PERSONAL PROTECTIVE  
EQUIPMENT CONTAINING PFAS

(a) A manufacturer or other person that sells firefighting equipment to any person, municipality, or State agency shall not sell, offer for sale, distribute for sale, or distribute for use in this State any personal protective equipment to which PFAS have been intentionally added.

~~(b) The prohibitions under subsection (a) of this section shall not apply to personal protective equipment that is a respirator or respirator protection equipment, provided that a manufacturer of a respirator or respirator protection equipment shall provide written notice to the purchaser at the time of sale, citing to this subchapter if the respirator or respirator protection equipment contains PFAS. The written notice shall include a statement that the respirator or respirator protection equipment contains PFAS and the reason PFAS are added to the equipment. The manufacturer or person selling respirator or respirator protection equipment and the purchaser of the respirator or respirator protection equipment shall retain the notice for at least three years from the date of the transaction. [Repealed.]~~

Sec. 11. NOTICE OF PRESENCE OF PFAS IN STATION WEAR PRIOR  
TO PROHIBITION OF PFAS IN APPAREL

(a) As used in this section:

(1) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in 9 V.S.A. § 2494p.

(2) “Station wear” means uniform shirts and pants worn by firefighting personnel in the performance of their duties, often underneath personal protective equipment.

(b) Prior to the limitation of PFAS in textile articles under 9 V.S.A. chapter 63, subchapter 12A beginning on July 1, 2026 under 9 V.S.A. § 2494f, a manufacturer or other person that sells station wear to any person, municipality, or State agency shall provide written notice to the purchaser at the time of sale, citing to this subchapter, if the station wear contains PFAS. The written notice shall include a statement that station wear contains PFAS and the reason PFAS are added to the station wear. The manufacturer or person selling station wear and the purchaser of station wear shall retain the notice for at least three years from the date of the transaction.

Sec. 12. ANR REPORT ON AVAILABILITY OF PFAS-FREE PERSONAL PROTECTIVE EQUIPMENT

(a) As used in this section:

(1) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(2) “Personal protective equipment” means clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, and includes jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(b) On or before December 15, 2028, the Agency of Natural Resources, after consultation with the Department of Public Safety, shall report to the Senate Committees on Health and Welfare and on Natural Resources and Energy and the House Committees on Human Service and on Environment regarding the availability of personal protective equipment that does not include PFAS. The report shall include:

(1) a summary of the general availability in the State of personal protective equipment that does not include PFAS, including whether respirators that do not include PFAS are generally available to firefighting personnel in Vermont; and

(2) a summary of the cost of personal protective equipment that does not include PFAS, including whether the personal protective equipment that does not include PFAS is available at comparable costs to personal protective equipment that includes PFAS.

(c) The Agency of Natural Resources shall submit a copy of the report required under this section to the Vermont League of Cities and Towns to make available to municipal firefighting departments.

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

Sec. 13. EFFECTIVE DATES

(a) This section and Secs. 4 and 5 (reports to the General Assembly), Sec. 11 (notice of PFAS in station wear), and Sec. 12 (availability of PFAS-free personal protective equipment) shall take effect on July 1, 2025.

(b)(1) Sec. 1 (PFAS in consumer products) shall take effect on January 1, 2026, except that:

(A) 9 V.S.A. § 2494e(10) (definition of intentionally added) shall take effect on July 1, 2027;

(B) 9 V.S.A. § 2494f(a)(3) (cleaning products) and (a)(5) (dental floss) and 9 V.S.A. § 2494g (fluorine treated containers) shall take effect on July 1, 2027; and

(C) 9 V.S.A. § 2494f(a)(4) (cookware) shall take effect July 1, 2028.

(2) Sec. 1 and this section shall supersede those provisions of 2024 Acts and Resolves No. 131, Sec. 3 that conflict with the provisions of this act.

(c) Sec. 2 (definition of regulated PFAS) shall take effect on July 1, 2027.

(d) Sec. 3 (definition of outdoor apparel) shall take effect on July 1, 2028.

(e) Secs. 6 (repeal of Act 131 provisions) and 7 (amended Act 131 effective dates) shall take effect on January 1, 2026.

(f) Sec. 8 (definition of intentionally added; PPE containing PFAS) shall take effect January 1, 2026 and shall supersede those provisions of 2024 Acts and Resolves No. 131, Sec. 6 that conflict with the provisions of this act.

(g) Sec. 9 (prohibition on sale of PPE containing PFAS) shall take effect on July 1, 2029.

(h) Sec. 10 (prohibition on sale of respirators containing PFAS) shall take effect on July 1, 2032.

Which proposal of amendment was considered and concurred in.

### **Message from the Senate No. 69**

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill entitled:

**S. 123.** An act relating to miscellaneous changes to laws related to motor vehicles.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Brennan  
Senator White  
Senator Harrison

The Senate has considered House proposal of amendment to Senate bill entitled:

**S. 127.** An act relating to housing and housing development.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Clarkson  
Senator Ram Hinsdale  
Senator Mattos

**Rules Suspended, Immediate Consideration; Second Reading;  
Proposal of Amendment Agreed to; Third Reading Ordered; Rules  
Suspended, All Remaining Stages of Passage; Third Reading; Bill Passed  
in Concurrence with Proposal of Amendment; Rules Suspended,  
Messaged to Senate Forthwith**

**S. 45**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to protection from nuisance suits for agricultural activities

Appearing on the Notice Calendar, was taken up for immediate consideration.

**Rep. Durfee of Shaftsbury**, for the Committee on Agriculture, Food Resiliency, and Forestry, recommended that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. chapter 195 is amended to read:

**CHAPTER 195. NUISANCE SUITS AGAINST AGRICULTURAL  
ACTIVITIES**

**§ 5751. LEGISLATIVE FINDINGS AND PURPOSE**

The General Assembly finds that agricultural production is a major contributor to the State's economy; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of existing and the initiation of new agricultural activities preserve the landscape and environmental resources of the State, contribute to the increase of tourism, and further the economic welfare and self-sufficiency of the people of the State; and that the encouragement, development, improvement, and

preservation of agriculture will result in a general benefit to the health and welfare of the people of the State. In order for the agricultural industry to survive in this State, farms will likely change, adopt new technologies, and diversify into new products, which for some farms will mean increasing in size. The General Assembly finds that agricultural activities are potentially subject to lawsuits based on the theory of nuisance, and that these suits encourage and could force the premature removal of the farmlands and other farm resources from agricultural use. It is the purpose of this chapter to protect reasonable agricultural activities conducted on the farm from nuisance lawsuits.

#### § 5752. DEFINITIONS

~~For the purpose of~~ As used in this chapter,:

(1) ~~“agricultural~~ Agricultural activity” means, but is not limited to:

~~(1)(A)~~ (A) the cultivation or other use of land for producing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding, or management of domestic animals as defined in 6 V.S.A. § 1151 or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation, and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes principally produced on the farm;

~~(2)(B)~~ (B) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops; the composting of material principally produced by the farm or to be used at least in part on the farm; the ditching and subsurface drainage of farm fields and the construction of farm ponds; the handling of livestock wastes and by-products; and the on-site storage and application of agricultural inputs, including lime, fertilizer, and pesticides;

~~(3)(C)~~ (C) “farming” as defined in 10 V.S.A. § 6001; and

~~(4)(D)~~ (D) “agricultural activities” as defined in 6 V.S.A. § 4802.

(2) “Generally accepted agricultural practices” mean:

(A) the requirements of 6 V.S.A. chapter 215, including permit requirements or requirements of the Required Agricultural Practices, where applicable;

(B) the requirements of an active Concentrated Animal Feeding Operation permit issued under 10 V.S.A. chapter 47, where applicable;

(C) the requirements of the Agency of Agriculture, Food and Markets’ Vermont Rule for Control of Pesticides; and

(D) practices conducted in a manner consistent with proper and accepted customs and standards followed by similar operators of agricultural activities in the State.

(3) "Good standing with the State" means a person conducting an agricultural activity that is the basis of a nuisance claim does not have an active, unresolved enforcement violation stemming from the agricultural activity at issue that has reached a final order with the Secretary of Natural Resources or the Secretary of Agriculture, Food and Markets.

§ 5753. AGRICULTURAL ACTIVITIES; PROTECTION FROM  
NUISANCE LAWSUITS

~~(a)(1) Agricultural activities shall be entitled to a rebuttable presumption that the activity does not constitute a nuisance if the agricultural activity meets all of the following conditions:~~

~~(A) it is conducted in conformity with federal, State, and local laws and regulations (including required agricultural practices);~~

~~(B) it is consistent with good agricultural practices;~~

~~(C) it is established prior to surrounding nonagricultural activities;~~  
and

~~(D) it has not significantly changed since the commencement of the prior surrounding nonagricultural activity.~~

~~(2) The presumption that the agricultural activity does not constitute a nuisance may be rebutted by a showing that the activity has a substantial adverse effect on health, safety, or welfare, or has a noxious and significant interference with the use and enjoyment of the neighboring property. No agricultural activity shall be or become a nuisance when the activity is conducted in accordance with generally accepted agricultural practices.~~

~~(b)(1) Nothing in this section shall be construed to limit the authority of State or local boards of health to abate nuisances affecting the public health. In order to assert nuisance protection under this chapter, a person conducting an agricultural activity shall demonstrate that the person is in good standing with the State. A person may demonstrate good standing by providing letters of good standing to a court from the Secretary of Agriculture, Food and Markets; the Secretary of Natural Resources; or both secretaries, as relevant to the nuisance claim.~~

(2) A plaintiff alleging that an agricultural activity is a nuisance shall have the burden of proving by a preponderance of the evidence that:

(A) the agricultural activity at issue is not entitled to the nuisance protection provided for under subsection (a) of this section because the agricultural activity is not conducted in accordance with generally accepted agricultural practice; and

(B) if the plaintiff proves the agricultural activity is not entitled to nuisance protection under subsection (a) of this section, the required elements of their nuisance claim.

(c) The nuisance protection for an agricultural activity provided for under subsection (a) of this section shall not apply whenever:

(1) a nuisance violation results from the negligent operation of an agricultural activity;

(2) the agricultural activity has a substantial adverse effect on health, safety, or welfare; or

(3) the agricultural activity has a noxious and significant interference with the use and enjoyment of the neighboring property.

(d) This chapter shall not restrict or impede the authority of the State to protect the public health, safety, environment, or welfare.

#### § 5754. LIBERAL CONSTRUCTION; SEVERABILITY

(a) This chapter is remedial in nature and shall be liberally construed to effectuate its purposes.

(b) If any provision of this chapter is held invalid, the invalidity does not affect other provisions of this chapter that can be given effect without the invalid provision, and for this purpose, the provisions of this chapter are severable.

#### § 5754a. REQUIRED MEDIATION PRIOR TO SUIT

(a) A person shall not bring a court action based on a claim of nuisance arising from an agricultural activity unless the person and the operator of the agricultural activity, at least once, attempt to resolve through mediation the issue or dispute that the person has concerning operation of the agricultural activity. The mediation shall be conducted according to the provisions of the Uniform Mediation Act set forth in chapter 194 of this title.

(b) The parties to the mediation may agree upon the use of a mediator to assist in the resolution of the agreed-upon issue or dispute, and the parties shall share the cost of the mediator equally or according to an agreement between

the parties. If the parties to the mediation are unable to resolve the relevant issue or dispute through mediation, the parties may agree to submit the issue or dispute to binding arbitration pursuant to chapter 192 of this title and shall share the cost of the arbitration.

(c) A person bringing a court action based on a claim of nuisance arising from an agricultural activity shall provide the court with a sworn statement of an attempt to resolve the issue or dispute through mediation.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

The bill, having appeared on the Notice Calendar, was read the second time, the report of the Committee on Agriculture, Food, Resiliency, and Forestry agreed to, and third reading ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House action on the bill was ordered messaged to the Senate forthwith.

### **Rules Suspended, Orders of the Day Interrupted**

On motion of **Rep. McCoy of Poultney**, the rules were suspended to interrupt the Orders of the Day for the purpose of Announcements.

**Rules Suspended, Immediate Consideration; Second Reading;  
Proposal of Amendment Agreed to; Third Reading Ordered; Rules  
Suspended, All Remaining Stages of Passage; Third Reading; Bill Passed  
in Concurrence with Proposal of Amendment; Rules Suspended,  
Messaged to Senate Forthwith**

## **S. 122**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to economic and workforce development

Appearing on the Notice Calendar, was taken up for immediate consideration.

**Rep. Duke of Burlington**, for the Committee on Commerce and Economic Development, reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:



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## Sec. 1. EXPANDING SERVICES FOR SMALL BUSINESSES

(a) The Vermont Professionals of Color Network. Of monies appropriated to the Department of Economic Development in fiscal year 2026, \$200,000.00 shall be allocated to support The Vermont Professionals of Color Network's critical workforce and business development services it provides to BIPOC business communities and to support its business technical assistance services, which includes education on basic business practices, resource navigation, and networking support to BIPOC small business owners.

(b) Business advising. Of monies appropriated to the Department of Economic Development in fiscal year 2026, \$150,000.00 shall be allocated for a grant to the Vermont Small Business Development Center for the purpose of supporting the continuation of its work in helping Vermonters start, acquire, and grow businesses. The funds shall also be used to continue its business advising and educational workshops to meet increasing demands of entrepreneurs and small business owners post pandemic.

(c) Creation of resource guide. Of monies appropriated to the Agency of Commerce and Community Development in fiscal year 2026, in addition to any other monies allocated to the Vermont Sustainable Jobs Fund Program, \$25,000.00 shall be allocated to the Program for purpose of creating a definitive business resource guide directed towards small businesses. The funds shall support the creation of a magazine-style annual guide featuring profiles of Vermont business service organizations, an interactive website that serves as the digital home for the guide's content, and an artificial intelligence platform that complements the website by including events, grants, programs, and educational content.

## Sec. 2. INTERNATIONAL TRADE DIVISION

Of monies appropriated to the Department of Economic Development in fiscal year 2026, \$150,000.00 shall be allocated to the International Business Office for the purpose of continuing to support the Office's initiatives.

## Sec. 3. TASK FORCE TO EXPLORE DEVELOPMENT OF

### CONVENTION CENTER AND PERFORMANCE VENUE

(a) Creation. There is created the Convention Center and Performance Venue Task Force to study the feasibility of constructing a convention center and performance venue in Vermont.

(b) Membership. The Task Force shall be composed of the following members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Commissioner of the Department of Economic Development or designee;

(4) the President of the Vermont Chamber of Commerce or designee;

(5) the Chief Executive Officer of the Lake Champlain Chamber of Commerce or designee;

(6) the President of the Vermont Regional Development Corporations or designee; and

(7) the Chair of the Vermont Association of Planning and Development Agencies or designee.

(c) Powers and duties. The Task Force, in reviewing the feasibility of constructing a convention center and performance venue in Vermont, shall:

(1) determine the ability of the State to support the projects through appropriations, bonding, tax instruments, and other financial assistance;

(2) identify infrastructure improvements needed for the projects, including water, sewer, transportation, lodging, and food;

(3) consider management and operational options for ownership, maintenance, staffing, and related items for the projects;

(4) research the attributes of convention centers and performance venues that have been recently and successfully developed in other states; and

(5) evaluate the economic impact and anticipated return on investment of having a convention center and performance venue.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Commerce and Community Development.

(e) Reports. On or before November 1, 2025, the Task Force shall submit an interim report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with an update on its work pursuant to subsection (c) of this section. On or before November 1, 2026, the Task Force shall submit a final written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Commissioner of the Department of Economic Development or designee shall call the first meeting of the Task Force to occur on or before July 15, 2025.

(2) The Task Force shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Task Force shall cease to exist on December 1, 2026.

(5) The Task Force shall meet not more than six times.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings.

(2) Other members of the Task Force shall be entitled to reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

(3) Payments to members of the Task Force authorized under this subsection shall be made from monies appropriated from the General Fund.

Sec. 4. 9 V.S.A. chapter 111B is added to read:

CHAPTER 111B. TRADE COMMISSIONS

§ 4129. VERMONT-IRELAND TRADE COMMISSION

(a) The Vermont-Ireland Trade Commission is established within the State Treasurer's office to advance bilateral trade and investment between Vermont and Ireland. The Commission shall consist of seven members as follows:

(1) two members, appointed by the Governor;

(2) two members, appointed by the Speaker of the House;

(3) two members, appointed by the Senate Committee on Committees;

and

(4) the State Treasurer or designee.

(b) The purposes of the Vermont-Ireland Trade Commission are to:

(1) advance bilateral trade and investment between Vermont and Ireland;

(2) initiate joint action on policy issues of mutual interest to Vermont and Ireland;

(3) promote business and academic exchanges between Vermont and Ireland;

(4) encourage mutual economic support between Vermont and Ireland;

(5) encourage mutual investment in the infrastructure of Vermont and Ireland; and

(6) address other issues as determined by the Commission.

(c) The members of the Commission, except for the State Treasurer or designee, shall be appointed for terms of four years each and shall continue to serve until their successors are appointed, except that in order to achieve staggered terms, the two members appointed by the Governor shall serve initial terms of two years each and the two members appointed by the Speaker of the House shall serve initial terms of three years each. Members may be reappointed. A member serves at the pleasure of the member's appointing authority. Not more than two members serving on the Commission may be members of the General Assembly.

(d) A vacancy in the membership of the Commission shall be filled by the relevant appointing authority within 90 days after the vacancy.

(e) The Commission shall select a chair from among its members at the first meeting. The Chair, as appropriate, may appoint from among the Commission members subcommittees or a subcommittee at the Chair's discretion. A majority of the members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(f) The Commission shall submit a written report with its findings, results, and recommendations to the Governor and the General Assembly within one year of its initial organizational meeting and on or before December 1 of each succeeding year for the activities of the current calendar year. The report shall also include a disclosure listing any in-kind contributions received by specific members of the Commission through their work in the Commission in the current calendar year.

(g) The Vermont-Ireland Trade Commission is authorized to raise funds, through direct solicitation or other fundraising events, alone or with other groups, and accept donations, grants, and bequests from individuals, corporations, foundations, governmental agencies, and public and private organizations and institutions, to defray the Commission's administrative expenses and to carry out its purposes as set forth in this chapter. The funds, donations, grants, or bequests received pursuant to this chapter shall be

deposited in a bank account and allocated annually by the State Treasurer's office to defray the Commission's administrative expenses and carry out its purposes. Any monies so withdrawn shall not be used for any purpose other than the payment of expenses under this chapter. Interest earned shall remain in the bank account.

Sec. 5. INITIAL APPOINTMENT DEADLINE FOR VERMONT-IRELAND  
TRADE COMMISSION

Initial appointments to the Vermont-Ireland Trade Commission shall be made not later than October 1, 2026.

Sec. 6. REPEAL; VERMONT-IRELAND TRADE COMMISSION

9 V.S.A. § 4129 (Vermont-Ireland Trade Commission) as added by this act is repealed on June 30, 2030.

Sec. 7. 10 V.S.A. § 540 is amended to read:

§ 540. WORKFORCE EDUCATION AND EMPLOYMENT AND  
TRAINING LEADER LEADERS

(a) The Commissioner of Labor and the Executive Director of the Office of Workforce Strategy and Development shall be the leader leaders of workforce education and employment and training in the State; and shall have the authority and responsibility for the coordination of workforce education and training within State government, including the following duties: the State's workforce system as provided in this section.

(b) The powers and duties provided in this section shall not limit, restrict, or suspend any similar powers the Commissioner of Labor or the Executive Director of the Office of Workforce Strategy and Development may have under other provisions of law.

(c) For purposes of the federal Workforce Innovation and Opportunity Act (WIOA), the Department of Labor shall be designated as the State Workforce Agency and the Commissioner of Labor shall serve as the State Workforce Administrator.

(d) As co-leader of workforce education and employment and training in the State, the Commissioner of Labor, in consultation with the Executive Director of the Office of Workforce Strategy and Development where appropriate, shall:

~~(1) Perform the following duties in consultation with the State Workforce Development Board: ensure the coordination and administration of workforce education and employment and training programs operated by the Department of Labor;~~

~~(A) advise the Governor on the establishment of an integrated system of workforce education and training for Vermont;~~

~~(B) create and maintain an inventory of all existing workforce education and training programs and activities in the State;~~

~~(C) use data to ensure that State workforce education and training activities are aligned with the needs of the available workforce, the current and future job opportunities in the State, and the specific credentials needed to achieve employment in those jobs;~~

~~(D) develop a State plan, as required by federal law, to ensure that workforce education and training programs and activities in the State serve Vermont citizens and businesses to the maximum extent possible;~~

~~(E) ensure coordination and nonduplication of workforce education and training activities;~~

~~(F) identify best practices and gaps in the delivery of workforce education and training programs;~~

~~(G) design and implement criteria and performance measures for workforce education and training activities;~~

~~(H) establish goals for the integrated workforce education and training system; and~~

~~(I) with the assistance of the Secretaries of Commerce and Community Development, of Human Services, of Education, of Agriculture, Food and Markets, and of Transportation and of the Commissioner of Public Safety, develop and implement a coordinated system to recruit, relocate, and train workers to ensure the labor force needs of Vermont's businesses are met.~~

~~(2) Require from each business, training provider, or program that receives State funding to conduct workforce education and training a report that evaluates the results of the training. Each recipient shall submit its report on a schedule determined by the Commissioner and shall include at least the following information: enter into agreements, to the extent necessary, with other State agencies and departments for services to improve the employment and economic outcomes for individuals receiving public assistance, including agreements to provide customized or specialized services that are beyond the basic services required by federal law;~~

- ~~(A) name of the person who receives funding;~~
- ~~(B) amount of funding;~~
- ~~(C) activities and training provided;~~
- ~~(D) number of trainees and their general description;~~
- ~~(E) employment status of trainees; and~~
- ~~(F) future needs for resources.~~

~~(3) Review reports submitted by each recipient of workforce education and training funding. develop strategies and provide support to entities responsible for federal investments in the State's workforce system;~~

~~(4)(A) Issue an annual report to the Governor, the House Committees on Appropriations and on Commerce and Economic Development, and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before December 1 that includes a systematic evaluation of the accomplishments of the State workforce investment system and the performance of participating agencies and institutions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. develop strategies designed to reduce employee layoffs and business closures; and~~

~~(B) provide reemployment services to employees affected by layoffs and closures;~~

~~(5) Coordinate public and private workforce programs to ensure that information is easily accessible to students, employees, and employers, and that all information and necessary counseling is available through one contact. administer a system where employment and training resources are provided to individuals and businesses through both physical and virtual service delivery methods;~~

~~(6) Facilitate effective communication between the business community and public and private educational institutions. establish job centers in such parts of the State as the Commissioner deems necessary and evaluate such centers on an as-needed basis;~~

~~(7) maintain a free and secure electronic job board that, to the extent practicable, compiles all available job, registered apprenticeship, education and training, and credentialing opportunities that support job seekers and career advancers;~~

~~(7)(8) Notwithstanding any provision of State law to the contrary, and to the fullest extent allowed under federal law, ensure that in each State and State-funded workforce education and training program, the program~~

~~administrator collects and reports data and results at the individual level by Social Security number or an equivalent. use data to ensure that State workforce education and employment and training activities are aligned with the needs of the:~~

~~(A) available workforce;~~

~~(B) employers to fill their current and future job openings; and~~

~~(C) specific credentials required by employers;~~

~~(8)(9) Coordinate intentional outreach and connections between students graduating from Vermont's colleges and universities and employment opportunities in Vermont. require that each business, training provider, or other entity receiving State funding to conduct workforce training submit a report that evaluates the results of the training; and~~

~~(10) notwithstanding any provision of State law to the contrary, and to the fullest extent allowed under federal law, ensure that the program administrator in each State and State-funded workforce education and employment and training program collects and reports data and results at the individual level by Social Security number or equivalent.~~

~~(e) As co-leader of workforce education and employment and training in the State, the Executive Director of the Office of Workforce Strategy and Development, in consultation with the Commissioner of Labor and the State Workforce Development Board where appropriate, shall:~~

~~(1) advise the Governor and members of the Governor's cabinet on the establishment and management of an integrated system of workforce education and training in Vermont;~~

~~(2) coordinate across public and private sectors to identify and address labor force needs and ensure that workforce development program information is easily accessible to students, employees, and businesses;~~

~~(3) develop a comprehensive workforce strategy that contains measurable statewide workforce goals along with a biennial operational plan to achieve those goals that shall:~~

~~(A) be developed in collaboration with, and representative of, workforce system partners, including public, private, nonprofit, and educational sectors and the State Workforce Development Board;~~

~~(B) include a set of metrics, designed in consultation with the Agency of Administration's Chief Performance Office, used to evaluate the effectiveness of, to the extent practicable, all workforce development programs;~~



(C) align with and build upon other required strategic planning efforts, including the WIOA State Plan;

(D) be informed by the inventory system as set forth in subdivision (4) of this subsection (e); and

(E) be reviewed and updated as necessary, but at least once every two years;

(4) create, maintain, and update a publicly accessible inventory of all known workforce education and employment and training programs and activities in the State in order to:

(A) annually assess the investments and effectiveness of the workforce development system;

(B) ensure coordination and nonduplication of workforce education and employment and training activities; and

(C) identify best practices and gaps in the delivery of workforce education and employment and training programs;

(5) identify and manage priority projects specific to regional workforce needs;

(6) facilitate effective communication between the business community, State and local government, and public and private educational institutions, for the purpose of workforce pipeline development and job placement;

(7) coordinate intentional outreach and connections between students and employment opportunities in the State; and

(8) ensure the State Workforce Development Board is carrying out its duties and responsibilities as set forth in section 541a of this chapter.

(f)(1) The Executive Director of the Office of Workforce Strategy and Development shall, once every two years, issue a comprehensive biennial workforce report to the Governor, the House Committees on Appropriations and on Commerce and Economic Development, and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs, on or before December 1, that includes an evaluation of the accomplishments of the State workforce investment system and the performance of participating agencies and institutions covering the previous two calendar years. The report shall include identification of system priorities, need for future funding requests, identification of proposed legislative and administrative changes, and any other information relevant to the performance and future needs of the workforce investment system. The report shall summarize performance and

outcome information submitted by federally and State-funded workforce development and investment programs for all public and nonpublic programs.

(2) To the extent practicable, workforce reports required of the Department of Labor, including the apprenticeship report required by 21 V.S.A. § 1113(e)(2), shall be incorporated into the comprehensive report required by subdivision (1) of this subsection.

(3) The Executive Director of the Office of Workforce Strategy and Development shall have the support and coordination of the Department of Labor in developing and submitting the biennial report required by subdivision (1) of this subsection.

(4) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under subdivision (1) of this subsection.

#### Sec. 8. BABY BONDS PILOT PROGRAM

(a) The Office of the State Treasurer is authorized to commence a five-year pilot program to evaluate the impact, effectiveness, and operational necessities of a permanent program under 3 V.S.A. chapter 20. The Treasurer shall design a pilot program modeled on the Vermont Baby Bond Trust created in 3 V.S.A. chapter 20, which may include taking the following actions:

- (1) establishing and appointing members to an advisory committee;
- (2) identifying research and evaluation partners;
- (3) evaluating eligibility criteria for recipients and the final selection of recipients;
- (4) establishing performance metrics and reporting requirements;
- (5) working with an investment consultant to create an investment plan and guidance for pilot program funds;
- (6) creating partnerships with organizations around the State to support the pilot program and provide feedback on wrap-around services; and
- (7) conducting outreach to potential recipients.

(b) Annually on or before January 15 of each year through 2030, the Treasurer shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development detailing:

- (1) the activities, operations, receipts, disbursements, earnings, and expenditures of the pilot program during the preceding calendar year;

(2) differences between the pilot program and the permanent program under 3 V.S.A. chapter 20 in eligible recipients and amounts invested; and

(3) any other information the Treasurer deems appropriate.

(c) On or before January 15, 2031, the Treasurer shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development summarizing the pilot program, including recipient demographics, income levels, geographic location of recipients, recipient behavioral changes, and recipient access to wrap-around services.

#### Sec. 9. BABY BONDS PILOT SPECIAL FUND

(a) There is created the Baby Bonds Pilot Special Fund, to be administered by the Office of the State Treasurer. The Fund shall consist of all gifts, donations, and grants from any source, public or private, dedicated for deposit into the Fund for purposes of the Baby Bond Pilot Program. Monies in the Fund shall be used for the purposes of providing funds to recipients under the Program and to fund administrative costs of the Program.

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and any earnings shall remain in the Fund from year to year.

(c) The Treasurer may invest monies in the Fund in accordance with the provisions of 32 V.S.A. § 434.

(d) The Fund shall terminate upon completion of the Program.

Sec. 10. 3 V.S.A. § 609 is amended to read:

#### § 609. IMPLEMENTATION; PILOT PROGRAM

~~The Treasurer's duty to implement this chapter is contingent upon: publication by the Treasurer of an official statement that the Treasurer has received donations designated for purposes of implementation or administration of the Trust in an amount sufficient to operate a pilot program. Upon publication, the Treasurer shall commence a pilot program implementing the Trust pursuant to the provisions of this chapter. The pilot program shall be used to evaluate the impact, effectiveness, and operational necessities of a permanent program consistent with this chapter~~

(1) submission by the Treasurer to the General Assembly in 2031 of the report summarizing the Baby Bonds Pilot Program; and

(2) an appropriation of funds by the General Assembly in an amount sufficient to fund the Trust.

## Sec. 11. EFFECTIVE DATES

(a) This section and Secs. 3, 8, 9, and 10 shall take effect on passage.

(b) Secs. 1–2 and Sec. 7 shall take effect on July 1, 2025.

(c) Secs. 4–6 shall take effect on July 1, 2026.

**Rep. Waszazak of Barre City**, for the Committee on Ways and Means, recommended that the bill pass in concurrence with the proposal of amendment recommended by the Committee on Commerce and Economic Development.

**Rep. Stevens of Waterbury**, for the Committee on Appropriations, recommended that the report of the Committee on Commerce and Economic Development be amended as follows:

First: In Sec. 1, expanding services for small businesses, by striking out subsection (c) in its entirety.

Second: In Sec. 3, task force to explore development of convention center and performance venue, by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read as follows:

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Task Force shall be entitled to reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings. These payments shall be made from monies appropriated to the Agency of Commerce and Community Development.

Third: In Sec. 4, 9 V.S.A. chapter 111B, in section 4129, by inserting a new subsection to be subsection (h) to read as follows:

(h) Members of the Commission shall not receive compensation or be entitled to reimbursement of expenses by the State of Vermont for their service on the Commission.

Fourth: In Sec. 8, Baby Bonds Pilot Program, in subsection (b), following “shall submit a report to”, by striking out “the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on

Commerce and Economic Development” and inserting in lieu thereof the following:

“the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations and the House Committees on Commerce and Economic Development and on Appropriations”

Fifth: In Sec. 8, Baby Bonds Pilot Program, in subsection (c), following “shall submit a report to”, by striking out “the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development” and inserting in lieu thereof the following:

“the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations and the House Committees on Commerce and Economic Development and on Appropriations”

The bill, having appeared on the Notice Calendar was taken up, read the second time, and the report of the Committee on Commerce and Economic Development was amended as recommended by the Committee on Appropriations. Thereupon, the report of the Committee on Commerce and Economic Development, as amended, was agreed to and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House action on the bill was ordered messaged to the Senate forthwith.

### **Committee of Conference Appointed**

#### **S. 127**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to housing and housing development

The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Mihaly of Calais**

**Rep. Kimbell of Woodstock**

**Rep. Marcotte of Coventry**

**Committee of Conference Appointed****S. 123**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to miscellaneous changes to laws related to motor vehicles

The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Walker of Swanton**

**Rep. Pouech of Hinesburg**

**Rep. White of Waitsfield**

**Recess**

At eleven o'clock and thirty-seven minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

**Message from the Senate No. 70**

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 397.** An act relating to miscellaneous amendments to the statutes governing emergency management and flood response.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

**Called to Order**

At two o'clock and eight minutes in the afternoon, the Speaker called the House to order.

**Rules Suspended, Immediate Consideration; Bill Committed****H. 50**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to identifying underutilized State buildings and land;

Appearing on the Notice Calendar, was taken up for immediate consideration.

Thereupon, on motion of **Rep. Emmons of Springfield**, the bill was committed to the Committee on Corrections and Institutions.

**Rules Suspended, Immediate Consideration; Senate Proposal of  
Amendment Concurred in**

**H. 105**

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to expanding the Youth Substance Awareness Safety Program

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 656 is amended to read:

§ 656. PERSON ~~16~~ 12 YEARS OF AGE OR OLDER AND UNDER 21 YEARS OF AGE MISREPRESENTING AGE, PROCURING, POSSESSING, OR CONSUMING ALCOHOLIC BEVERAGES; IMPAIRED DRIVING; POSSESSION OF CANNABIS; CIVIL VIOLATION

(a) Definitions. As used in this section:

(1) “Alcohol” has the same meaning as in 23 V.S.A. § 1200(4).

(2) “Alcohol concentration” has the same meaning as in 23 V.S.A. § 1200(1).

(3) “Cannabis” has the same meaning as in subdivision 831(2) of this title.

(4) “Highway” has the same meaning as in 23 V.S.A. § 1200(7).

(5) “Ignition interlock device” has the same meaning as in 23 V.S.A. § 1200(8).

(6) “Ignition interlock restricted driver’s license,” “ignition interlock RDL” or “RDL,” and “ignition interlock certificate” have the same meaning as in 23 V.S.A. § 1200(9).

(7) “Law enforcement officer” has the same meaning as “enforcement officer” as defined in 23 V.S.A. § 4(11)(A).

(8) "License to operate a motor vehicle" has the same meaning as in 23 V.S.A. § 4(48).

(9) "Motor vehicle" or "vehicle" has the same meaning as "motor vehicle" as defined in 23 V.S.A. § 4(21).

(10) "Operate or attempts to operate" has the same meaning as in 23 V.S.A. § 4(24).

(11) "Operator" has the same meaning as in 23 V.S.A. § 4(25) and shall include "junior operator" as defined in 23 V.S.A. § 4(16).

(12) "Person" has the same meaning as in 23 V.S.A. § 4(27).

(13) "Privilege to operate" has the same meaning as in 23 V.S.A. § 4(58).

(14) "Suspension" or "suspension of the person's operator's license" has the same meaning as "suspension of license" as defined in 23 V.S.A. § 4(50).

(b) Prohibited conduct; ~~offense~~ offenses.

(1) Prohibited conduct. A person ~~16~~ 12 years of age or older and under 21 years of age shall not:

(A) Falsely represent the person's age for the purpose of procuring or attempting to procure malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines from any licensee, State liquor agency, or other person or persons.

(B) Possess malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines for the purpose of consumption by the person or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor.

(C) Knowingly and unlawfully possess one ounce or less of cannabis or five grams or less of hashish or two mature cannabis plants or fewer or four immature cannabis plants or fewer.

(D) Consume malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines. A violation of this subdivision may be prosecuted in a jurisdiction where the ~~minor~~ person has consumed malt or vinous beverages, ready-to-drink spirits beverages, spirits, or fortified wines or in a jurisdiction where the indicators of consumption are observed.

(E) Operate, attempt to operate, or be in actual physical control on a highway of a vehicle when the person's blood alcohol concentration is 0.02 or more.



(2) Offense Procurement, possession, or consumption penalties. A person who knowingly violates ~~subdivision~~ any of subdivisions (1)(A)–(D) of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program. A person who fails to complete the program successfully commits a civil violation under the jurisdiction of the Judicial Bureau and shall be subject to the following:

(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

(3) Impaired driver penalties.

(A) A person who violates subdivision (1)(E) of this subsection (b) commits a civil violation, shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program, and the Commissioner of Motor Vehicles shall suspend the person's operator's license and privilege to operate a motor vehicle in accordance with subdivision (B) of this subsection (b)(3). A person who fails to complete the Program successfully commits a civil violation under the jurisdiction of the Judicial Bureau and shall be subject to the following:

(i) For a first offense, a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days and compliance with the requirements of 23 V.S.A. § 1209a(a)(1).

(ii) For a second or subsequent offense, a civil penalty of \$600.00 and suspension of the person's operator's license for a period of one year or until the person reaches 21 years of age, whichever is longer, and compliance with the requirements of 23 V.S.A. § 1209a(a)(2).

(iii) A person who violates subdivision (1)(E) of this subsection (b) may also be subject to recall of the person's provisional license under 23 V.S.A. § 607a.

(iv) If a law enforcement officer has reasonable grounds to believe that a person is violating subdivision (1)(E) of this subsection (b), the officer may request the person to submit to a breath test using a preliminary screening device approved by the Commissioner of Public Safety. A refusal to submit to the breath test shall be considered a violation of subdivision (1)(E) of this

subsection (b). Notwithstanding any provisions to the contrary in 23 V.S.A. §§ 1202 and 1203:

(I) the results of the test shall be admissible evidence in a proceeding under this section; and

(II) there shall be no statutory right to counsel prior to the administration of the test.

(v) In a proceeding under this section, if there was at any time within two hours after operating, attempting to operate, or being in actual physical control of a vehicle on a highway a blood alcohol concentration of 0.02 or more, it shall be a rebuttable presumption that the person's blood alcohol concentration was 0.02 or more at the time of operating, attempting to operate, or being in actual physical control.

(vi) No points shall be assessed for a violation of subdivision (1)(E) of this subsection (b).

(vii) The Alcohol and Driving Program required under this section shall be administered by the Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under 21 years of age.

(viii) An alleged violation of this section shall not bar prosecution for any crime, including a prosecution under 23 V.S.A. § 1201.

(ix) Suspensions imposed under this subdivision (3)(A) or any comparable statute of any other jurisdiction shall run concurrently with suspensions imposed under 23 V.S.A. §§ 1205, 1206, and 1208 or any comparable statutes of any other jurisdiction or with any suspension resulting from a conviction for a violation of 23 V.S.A. § 1091 from the same incident.

(B)(i) For a first offense, a person shall serve suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days and shall be automatically reinstated after the 90-day period.

(ii) For a second or subsequent offense, a person shall serve a suspension of the person's operator's license and privilege to operate a motor vehicle for a period 145 days and shall be automatically reinstated after the 145-day period.

(iii) The Commissioner of Motor Vehicles shall issue a notice of reinstatement to the person serving a suspension under this subdivision (b)(3)(B) upon successful completion of the suspension.

(iv) If a person fails to complete the Youth Substance Awareness Safety Program, the person shall receive credit for any elapsed period of a suspension served pursuant to this subdivision (b)(3)(B) against any suspension imposed pursuant to subdivision (A) of this subdivision (b)(3).

(C) During a suspension issued pursuant to subdivision (A) or (B) of this subdivision (3), a person may operate a motor vehicle if issued an ignition interlock restricted driver's license or certificate in accordance with 23 V.S.A. § 1213.

(i) A person subject to penalties under subdivision (A)(i) of this subdivision (b)(3) and who elects to operate a motor vehicle with an ignition interlock RDL or certificate shall be reinstated only if the person operates with an ignition interlock RDL or certificate for a period of 180 days, in addition to any extension of this period arising from a violation of 23 V.S.A. § 1213.

(ii) A person subject to penalties under subdivision (A)(i) of this subdivision (b)(3) and who elects to operate a motor vehicle with an ignition interlock RDL or certificate shall be reinstated only if the person operates with an ignition interlock RDL or certificate for a period of one year or until the person reaches 21 years of age, whichever is longer, in addition to any extension of this period arising from a violation of 23 V.S.A. § 1213.

(b)(c) Issuance of notice of violation. A law enforcement officer shall issue a person who violates this section a notice of violation, in a form approved by the Court Administrator. A person shall not be cited for more than one violation of subsection (b) of this section arising out of the same incident. The notice of violation shall require the person to provide the person's name and address, shall indicate the presence of any substances that constitute a violation of subsection (b) of this section, and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

(d) Issuance of Notice of Suspension.

(1) On behalf of the Commissioner of Motor Vehicles, a law enforcement officer issuing a notice of violation in accordance with subsection (c) of this section shall also serve a notice of suspension of the person's operator's license and privilege to operate a motor vehicle in a form prescribed by the Court Administrator. The form shall include the following:

(A) the effective date of the suspension;

(B) the suspension's duration;

(C) an explanation of the consequences of the suspension;

(D) the option to operate a motor vehicle with an ignition interlock restricted driver's license or certificate in accordance with 23 V.S.A. § 1213;

(E) the projected date of reinstatement upon successful completion of the suspension; and

(F) the ability to review the imposition of the suspension pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(2) A suspension issued pursuant to subdivision (b)(3)(B) of this section shall become effective on the 11th day after the person receives notice in accordance with this subsection.

(3) A copy of the notice of suspension shall be sent to the Commissioner of Motor Vehicles.

~~(e)~~(e) Summons and complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

~~(d)~~(f) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person ~~charged with~~ subject to the violation.

~~(e)~~(g) Notice to report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

~~(f)~~(h) Diversion Program requirements.

(1) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at the person's own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:

(A) Void the summons and complaint with no penalty due.

(B) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5)(A) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(B) Prior to the filing of the complaint with the Judicial Bureau in accordance with this section, a person aggrieved by a suspension imposed under subdivision (b)(3)(B) of this section may seek review of that imposition pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(6) Notwithstanding ~~3 V.S.A. §§ 163(a)(2)(C) and 164 (a)(2)(C)~~ any law to the contrary, the adult or juvenile diversion programs shall accept cases from the Youth Substance Awareness Safety Program pursuant to this section. The confidentiality provisions of 3 V.S.A. § 163 or 164 shall become effective when a notice of violation is issued pursuant to subsection ~~(b)(c)~~ of this section and shall remain in effect unless the person fails to register with or complete the Youth Substance Awareness Safety Program.

~~(g) [Repealed.]~~

~~(h)(i)~~ Record of adjudications; confidentiality; public records exemption.

(1) Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications that shall be separate from the registry

maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to the following:

(A) a law enforcement officer determining whether the person has previously violated this section; or

(B) an insurance company or its third-party contractor only for the purposes of recording a license suspension issued pursuant to subdivision (b)(3) of this section.

(2) Except as provided in this subsection:

(A) All information related to a suspension issued pursuant to subdivision (b)(3) of this section shall be held strictly confidential and not released without the participant's prior consent.

(B) Any records or information produced or acquired pursuant to a suspension issued pursuant to subdivision (b)(3) of this section shall be exempt from public inspection or copying under Vermont's Public Records Act.

(j) Reporting. Annually, beginning on October 1, 2026, the Office of the Attorney General, and other entities as needed, shall submit a written report to the House and Senate Committees on Judiciary related to impaired driver violations under this section, containing the following, if available:

(1) the number of persons referred to the Youth Substance Awareness Safety Program;

(2) the ages of the persons referred to the Program;

(3) the number of persons who successfully complete the Program;

(4) the number of persons who fail the Program; and

(5) the number of persons who serve suspensions imposed by the Judicial Bureau after failing the Program.

## Sec. 2. IMPAIRED DRIVING; OUTCOME MEASURES; REPORT

For the first report submitted pursuant to 7 V.S.A. § 656(j), the Office of the Attorney General, in collaboration with the Vermont Statistical Analysis Center and others as needed, shall propose outcome measures to assess the effectiveness of any suspensions imposed for impaired driver violations and the Youth Substance Awareness Safety Program as a whole.

## Sec. 3. 23 V.S.A. § 1209a(a) is amended to read:

(a) Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, ~~except a license or privilege to operate suspended under section 1216 of this title,~~ shall be reinstated except as follows:

\* \* \*

## Sec. 4. REPEALS

(a) 7 V.S.A. § 657a (person under 16 years of age misrepresenting age or procuring or possessing alcoholic beverages; delinquency) is repealed.

(b) 18 V.S.A. § 4230b (cannabis possession by a person 16 years of age or older and under 21 years of age; civil violation) is repealed.

(c) 18 V.S.A. § 4230j (cannabis possession by a person under 16 years of age; delinquency) is repealed.

(d) 23 V.S.A. § 1216 (persons under 21 years of age; alcohol concentration of 0.02 or more) is repealed.

## Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

Which proposal of amendment was considered and concurred in.

**Rules Suspended, Immediate Consideration; Senate Proposal of  
Amendment Concurred in**

**H. 106**

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to selling real property within a FEMA mapped flood hazard area

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

## Sec. 1. INTENT

It is the intent of the General Assembly to ensure that a buyer of real property is on notice regarding the flood risks associated with the purchase of the real property.

Sec. 2. 27 V.S.A. § 380 is amended to read:

**§ 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL  
ESTATE**

(a) Prior to or as part of a contract for the conveyance of real property, the seller shall provide the buyer with the following information:



~~(1) whether the real property is located in a Federal Emergency Management Agency mapped special flood hazard area; [Repealed.]~~

~~(2) whether the real property is located in a Federal Emergency Management Agency mapped moderate flood hazard area; [Repealed.]~~

(3) a physical or electronic copy or a digital link of the official flood insurance rate map, as published by the Federal Emergency Management Agency, or notice that a flood insurance rate map is unavailable effective for the community in which the real property is located;

(4) whether the real property was subject to flooding or flood damage while the seller possessed the property, including flood damage from inundation or from flood-related erosion or landslide damage; and

~~(4)(5)~~ whether the seller maintains or is required by federal or State law to maintain flood insurance on the real property.

(b) The failure of the seller to provide the buyer with the information required under subsection (a) of this section is grounds for the buyer to terminate the contract prior to transfer of title or occupancy, whichever occurs earlier.

(c) ~~A buyer~~ If a seller of real estate ~~who~~ fails to ~~receive~~ provide the information required to be disclosed by a seller under subsection (a) of this section, a buyer may bring an action to recover from the seller the amount of the buyer's damages and reasonable attorney's fees. The buyer may also seek punitive damages when the seller knowingly failed to provide the required information.

(d) A seller shall not be liable for damages under this section for any error, inaccuracy, or omission of any information required to be disclosed to the buyer under subsection (a) of this section when the error, inaccuracy, or omission was based on information provided by a public body or by another person with a professional license or special knowledge who provided a written report that the seller reasonably believed to be correct and that was provided by the seller to the buyer.

(e) Noncompliance with the requirements of this section shall not affect the marketability of title of a real property.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on September 1, 2025.

Which proposal of amendment was considered and concurred in.

**Recess**

At two o'clock and twenty-four minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

**Message from the Senate No. 71**

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

**H. 321.** An act relating to miscellaneous cannabis amendments.

**H. 484.** An act relating to miscellaneous agricultural subjects.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered a bill originating in the House of the following title:

**H. 458.** An act relating to the Agency of Digital Services.

And has passed the same in concurrence.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 209.** An act relating to intranasal epinephrine in schools.

And has concurred therein.

**Called to Order**

At five o'clock and two minutes in the afternoon, the Speaker called the House to order.

**Rules Suspended, Immediate Consideration; Report of Committee of Conference Adopted; Rules Suspended, Messaged to Senate Forthwith**

**S. 12**

Pending entry on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to sealing criminal history records

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon Senate Bill, entitled:

S.12. An act relating to sealing criminal history records.

Respectfully reports that it has met and considered the same and recommends that the House recede from its proposal of amendment and 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. chapter 230 is amended to read:

CHAPTER 230. EXPUNGEMENT AND SEALING OF CRIMINAL  
HISTORY RECORDS

§ 7601. DEFINITIONS

As used in this chapter:

(1) “Court” means the Criminal Division of the Superior Court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) ~~“Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of cannabis, a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a)~~ “Criminal justice purposes” means the investigation, apprehension, detention, adjudication, or correction of persons suspected, charged, or convicted of criminal offenses. “Criminal justice purposes” also includes criminal identification activities; the collection, storage, and dissemination of criminal history records; and screening for criminal justice employment.

(4) “Qualifying crime” means:

~~(A) a misdemeanor offense that is not:~~

- ~~(i) a listed crime as defined in subdivision 5301(7) of this title;~~
- ~~(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~
- ~~(iii) an offense involving violation of a protection order in violation of section 1030 of this title;~~
- ~~(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~
- ~~(v) a predicate offense;~~
- ~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~
- ~~(C) a violation of section 2501 of this title related to grand larceny;~~
- ~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~
- ~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~
- ~~(F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;~~
- ~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~
- ~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~
- ~~(I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~
- ~~(J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~
- ~~(K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~
- ~~(L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~
- ~~(M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~
- ~~(N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~
- ~~(O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstacy; or~~

~~(P) any offense for which a person has been granted an unconditional pardon from the Governor.~~

(A) all misdemeanor offenses except:

(i) a listed crime as defined in subdivision 5301(7) of this title;

(ii) a violation of chapter 64 of this title relating to sexual exploitation of children;

(iii) a violation of section 1030 of this title relating to a violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child;

(iv) a violation of chapter 28 of this title related to abuse, neglect, and exploitation of a vulnerable adult;

(v) a violation of subsection 2605(b) or (c) of this title related to voyeurism;

(vi) a violation of subdivisions 352(1)–(10) of this title related to cruelty to animals;

(vii) a violation of section 5409 of this title related to failure to comply with sex offender registry requirements;

(viii) a violation of section 1455 of this title related to hate motivated crimes;

(ix) a violation of subsection 1304(a) of this title related to cruelty to a child;

(x) a violation of section 1305 of this title related to cruelty by person having custody of another;

(xi) a violation of section 1306 of this title related to mistreatment of persons with impaired cognitive function;

(xii) a violation of section 3151 of this title related to female genital mutilation;

(xiii) a violation of subsection 3258(b) of this title related to sexual exploitation of a minor;

(xiv) a violation of subdivision 4058(b)(1) of this title related to violation of an extreme risk protection order;

(xv) an offense committed in a motor vehicle as defined in 23 V.S.A. § 4 by a person who is the holder of a commercial driver's license or commercial driver's permit pursuant to 23 V.S.A. chapter 39; and

(xvi) any offense that would require registration as a sex offender pursuant to chapter 167, subchapter 3 of this title; and

(B) the following felonies:

(i) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, unless the person was 25 years of age or younger at the time of the offense and did not carry a dangerous or deadly weapon during the commission of the offense;

(ii) designated felony property offenses as defined in subdivision (5) of this section;

(iii) offenses relating to possessing, cultivating, selling, dispensing, or transporting regulated drugs, including violations of 18 V.S.A. § 4230(a) and (b), 4231(a) and (b), 4232(a) and (b), 4233(a) and (b), 4233a(a), 4234(a) and (b), 4234a(a) and (b), 4234b(a) and (b), 4235(b) and (c), or 4235a(a) and (b); and

(iv) any offense for which a person has been granted an unconditional pardon from the Governor.

(5) “Designated felony property offense” means:

(A) section 1801 of this title related to forgery and counterfeiting;

(B) section 1802 of this title related to uttering a forged or counterfeited instrument;

(C) section 1804 of this title related to counterfeiting paper money;

(D) section 1816 of this title related to possession or use of credit card skimming devices;

(E) section 2001 of this title related to false personation;

(F) section 2002 of this title related to false pretenses or tokens;

(G) section 2029 of this title related to home improvement fraud;

(H) section 2030 of this title related to identity theft;

(I) section 2501 of this title related to grand larceny;

(J) section 2531 of this title related to embezzlement;

(K) section 2532 of this title related to embezzlement by officers or servants of an incorporated bank;

(L) section 2533 of this title related to embezzlement by a receiver or trustee;

(M) section 2561 of this title related to receiving stolen property;

- (N) section 2575 of this title related to retail theft;
- (O) section 2582 of this title related to theft of services;
- (P) section 2591 of this title related to theft of rented property;
- (Q) section 2592 of this title related to failure to return a rented or leased motor vehicle;
- (R) section 3016 of this title related to false claims;
- (S) section 3701 of this title related to unlawful mischief;
- (T) section 3705 of this title related to unlawful trespass;
- (U) section 3733 of this title related to mills, dams, or bridges;
- (V) section 3761 of this title related to unauthorized removal of human remains;
- (W) section 3766 of this title related to grave markers and ornaments;
- (X) chapter 87 of this title related to computer crimes; and
- (Y) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,

POSTCONVICTION; PROCEDURE

~~(a)(1) A person may file a petition with the court requesting expungement or sealing of the criminal history record related to the conviction if:~~

~~(A) the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence;~~

~~(B) the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense;~~

~~(C) pursuant to the conditions set forth in subsection (g) of this section, the person was convicted of a violation of 23 V.S.A. § 1201(a) or § 1091 related to operating under the influence of alcohol or other substance, excluding a violation of those sections resulting in serious bodily injury or death to any person other than the operator, or related to operating a school bus with a blood alcohol concentration of 0.02 or more or operating a commercial vehicle with a blood alcohol concentration of 0.04 or more; or~~

~~(D) pursuant to the conditions set forth in subsection (h) of this section, the person was convicted under 1201(c)(3)(A) of a violation of subdivision 1201(a) of this title related to burglary when the person was~~

~~25 years of age or younger, and the person did not carry a dangerous or deadly weapon during commission of the offense.~~

~~(2) The State's Attorney or Attorney General shall be the respondent in the matter.~~

~~(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of expungement and provide notice of the order in accordance with this section.~~

~~(4) This section shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39 seeking to seal or expunge a record of a conviction for a felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.~~

~~(b)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:~~

~~(A) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.~~

~~(C) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(D) The court finds that expungement of the criminal history record serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~



~~(e)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:~~

~~(A) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.~~

~~(B) The person has not been convicted of a felony arising out of a new incident or occurrence in the last seven years.~~

~~(C) The person has not been convicted of a misdemeanor during the past five years.~~

~~(D) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(E) After considering the particular nature of any subsequent offense, the court finds that expungement of the criminal history record for the qualifying crime serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(d) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner has completed any sentence or supervision for the offense.~~

~~(2) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:~~

~~(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.~~

~~(2) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.~~

~~(f) Prior to granting an expungement or sealing under this section for petitions filed pursuant to subdivision 7601(4)(D) of this title, the court shall make a finding that the conduct underlying the conviction under section 1201 of this title did not constitute a burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the burden of establishing this fact.~~

~~(g) For petitions filed pursuant to subdivision (a)(1)(C) of this section, only petitions to seal may be considered or granted by the court. This subsection shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39. Unless the court finds that sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be sealed in accordance with section 7607 of this title if the following conditions are met:~~

~~(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 10 years previously.~~

~~(2) At the time of the filing of the petition:~~

~~(A) the person has only one conviction of a violation of 23 V.S.A. § 1201, which shall be construed in accordance with 23 V.S.A. § 1211; and~~

~~(B) the person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of 23 V.S.A. § 1201(a).~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that sealing of the criminal history record serves the interests of justice.~~

~~(h) For petitions filed pursuant to subdivision (a)(1)(D) of this section, unless the court finds that expungement or sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged or sealed in accordance with section 7606 or 7607 of this title if the following conditions are met:~~

~~(1) At least 15 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 15 years previously.~~

~~(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of subdivision 1201(c)(3)(A) of this title.~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that expungement or sealing of the criminal history record serves the interests of justice.~~

(a) Petition.

(1) A person may file a petition with the court requesting expungement of a criminal history record related to a conviction if the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense.

(2) A person may file a petition with the court requesting sealing of a criminal history record related to a conviction if the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence.

(3) Whichever office prosecuted the offense resulting in the conviction, the State's Attorney or Attorney General, shall be the respondent in the matter unless the prosecuting office authorizes the other to act as the respondent.

(4) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of sealing and provide notice of the order to all Vermont State entities provided by the petitioner and all entities required to receive notice pursuant to subsection 7607(a) of this title.

(5) This section shall not apply to an individual who is the holder of a commercial driver's license or commercial driver's permit pursuant to 23 V.S.A. chapter 39 seeking to seal a record of a conviction for a misdemeanor or felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.

(b) Offenses that are no longer prohibited by law. For petitions filed pursuant to subdivision (a)(1) of this section, the court shall grant the petition and order that the criminal history record be expunged if the following conditions are met:

(1) The petitioner has completed any sentence or supervision for the offense.

(2) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(c) Qualifying misdemeanors. For petitions filed to seal a qualifying misdemeanor pursuant to subdivision (a)(2) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least three years have elapsed since the date on which the person completed the terms and conditions of the sentence.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The respondent has failed to show that sealing would be contrary to the interests of justice.

(d) Qualifying felony offenses. For petitions filed to seal a qualifying felony pursuant to subdivision (a)(2) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least seven years have elapsed since the date on which the person completed the terms and conditions of the sentence.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The respondent has failed to show that sealing would be contrary to the interests of justice.

(e) Qualifying DUI misdemeanor. For petitions filed to seal a qualifying DUI misdemeanor pursuant to subdivision (a)(2) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least 10 years have elapsed since the date on which the person completed the terms and conditions of the sentence.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The person is not the holder of a commercial driver's license or commercial driver's permit pursuant to 23 V.S.A. chapter 39.

(4) The respondent has failed to show that sealing would be contrary to the interests of justice.

(f) Fish and wildlife offenses. Sealing a criminal history record related to a fish and wildlife offense shall not void any fish and wildlife license suspension or revocation imposed pursuant to the accumulation of points related to the sealed offense. Points accumulated by a person shall remain on the person's license and, if applicable, completion of the remedial course shall be required as set forth in 10 V.S.A. § 4502.

§ 7603. ~~EXPUNGEMENT AND SEALING OF RECORD, NO~~  
CONVICTION; PROCEDURE

(a) Unless either party objects in the interests of justice, the court shall issue an order sealing the criminal history record related to the citation or arrest of a person:

(1) within 60 days after the final disposition of the case if:

(A) the court does not make a determination of probable cause at the time of arraignment; ~~or~~

(B) the charge is dismissed before trial with or without prejudice; or

(C) the defendant is acquitted of the charges; or

(2) at any time if the prosecuting attorney and the defendant stipulate that the court may grant the petition to seal the record.

(b) If a party objects to sealing ~~or expunging~~ a record pursuant to this section, the court shall schedule a hearing to determine if sealing ~~or expunging~~ the record serves the interests of justice. The defendant and the prosecuting attorney shall be the only parties in the matter.

(c), (d) [Repealed.]

~~(e) Unless either party objects in the interests of justice, the court shall issue an order expunging a criminal history record related to the citation or arrest of a person:~~

~~(1) within 60 days after the final disposition of the case if:~~

~~(A) the defendant is acquitted of the charges; or~~

~~(B) the charge is dismissed with prejudice;~~

~~(2) at any time if the prosecuting attorney and the defendant stipulate that the court may grant the petition to expunge the record. [Repealed.]~~

~~(f) Unless either party objects in the interests of justice, the court shall issue an order to expunge a record sealed pursuant to subsection (a) or (g) of this section eight years after the date on which the record was sealed. [Repealed.]~~

~~(g) A person may file a petition with the court requesting sealing or expungement of a criminal history record related to the citation or arrest of the person at any time. The court shall grant the petition and issue an order sealing or expunging the record if it finds that sealing or expunging the record serves the interests of justice, or if the parties stipulate to sealing or expungement of the record.~~

~~(h) The court may expunge any records that were sealed pursuant to this section prior to July 1, 2018 unless the State's Attorney's office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subsection, the court shall provide to the State's Attorney's office that prosecuted the case written notice of its intent to expunge the record. [Repealed.]~~

#### § 7604. NEW CHARGE

~~If a person is charged with a criminal offense after he or she has filed a petition for expungement pursuant to this chapter has a criminal charge pending at the time the petition for sealing or expungement is before the court, the court shall not act on the petition until disposition of the new charge.~~

#### § 7605. DENIAL OF PETITION

~~If a petition for expungement or sealing is denied by the court pursuant to this chapter, no further petition shall be brought for at least two years, unless a shorter duration is authorized by the court.~~

#### § 7606. EFFECT OF EXPUNGEMENT

~~(a) Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence and that such person shall be treated in all respects as if the person had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information~~

Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been expunged. A State entity that inquires about a person's criminal history record shall advise the person of the person's right not to disclose expunged records pursuant to this subdivision.

(3) The response to an inquiry from any person regarding an expunged record shall be that "NO CRIMINAL RECORD EXISTS."

(4) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense.

(c) Process.

(1) The court shall remove the expunged offense from any accessible database that it maintains.

(2) Until all charges on a docket are expunged, the case file shall remain publicly accessible.

(3) When all charges on a docket have been expunged, the case file shall be destroyed pursuant to policies established by the Court Administrator.

(d) Special index.

(1) The court shall keep a special index of cases that have been expunged together with the expungement order. The index shall list only the name of the person convicted of the offense, ~~his or her~~ the person's date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) ~~[Repealed]. [Repealed.]~~

(5) The Court Administrator shall establish policies for implementing this subsection.

#### § 7607. EFFECT OF SEALING

(a) Order and notice. ~~Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if the person had never been arrested, convicted, or sentenced for the offense and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center send a copy of any order sealing a criminal history record to all of the parties and attorneys representing the parties, including to the prosecuting agency that prosecuted the offense, the Vermont Crime Information Center (VCIC), the arresting agency, and any other Vermont State entity identified by the petitioner that may have a record subject to the sealing order. VCIC shall provide notice of the sealing order to the Federal Bureau of Investigation's National Crime Information Center.~~

(b) Effect.

(1) Except as provided in ~~subdivision~~ subsection (c) of this section, upon entry of a sealing order, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been sealed. A State entity that inquires about a person's criminal history record shall advise the person of the person's right not to disclose sealed records pursuant to this subdivision.



(3) The response to an inquiry from any member of the public regarding a sealed record shall be that “NO CRIMINAL RECORD EXISTS.”

(4) Nothing in this section shall affect any right of the person whose record has been sealed to rely on it as a bar to any subsequent proceeding for the same offense.

(c) Exceptions. A party seeking to use a sealed criminal history record, pursuant to the exceptions established in this subsection, in a court proceeding shall, prior to any use of or reference to the record in open court or in a public filing, notify the court of the party’s intent to do so. The court shall thereafter determine whether the record may be used prior to its disclosure in the proceeding. If a party submits a filing that contains a sealed record or a reference to a sealed record, that filing shall be filed under seal and remain under seal unless the court permits the use of the sealed record. This shall not apply to the use of a sealed record pursuant to subdivision (8) of this subsection. Use of a sealed record pursuant to an exception shall not change the effect of sealing under subsection (b) of this section. Notwithstanding any other provision of law or a sealing order:

(1) An entity or person that possesses a sealed record, or an attorney for such entity or person, may continue to use it the record for any litigation or claim arising out of the same incident or occurrence or involving the same defendant, including use of the record in reasonable anticipation of litigation. The entity or person shall, before disclosing the record to another person, provide the following notice to the recipient of the record: “SEALED - KNOWINGLY ACCESSING OR DISCLOSING THIS RECORD WITHOUT AUTHORIZATION IS A CIVIL VIOLATION SUBJECT TO A PENALTY OF NOT MORE THAN \$1,000.00.”

(2)(A) Except as provided in subdivision (B) of this subdivision (2), a criminal justice agency as defined in 20 V.S.A. § 2056a and the Attorney General may use the criminal history record sealed in accordance with section 7602 or 7603 of this title without limitation for criminal justice purposes as defined in 20 V.S.A. § 2056a section 7601 of this title.

(B)(i) A criminal justice agency or the Attorney General may disclose a sealed criminal history record to another person only pursuant to a court order issued after the agency or the Attorney General files a petition and a supporting affidavit. The court shall permit disclosure of the record if it finds that disclosure is for criminal justice purposes as defined in section 7601 of this title. The court may grant the petition ex parte or upon hearing at the court’s discretion. The agency or the Attorney General shall provide the following notice to the recipient of the record: “SEALED - KNOWINGLY ACCESSING OR DISCLOSING THIS RECORD WITHOUT

AUTHORIZATION IS A CIVIL VIOLATION SUBJECT TO A PENALTY OF NOT MORE THAN \$1,000.00.”

(ii) This subdivision (B) shall not require a criminal justice agency or the Attorney General to petition or obtain a court order for disclosure of records:

(I) to another criminal justice agency; or

(II) to meet discovery obligations pursuant to subdivision (7) of this subsection (c).

(3) A defendant may use the sealed criminal history record of another person in the defendant’s criminal proceeding. The defendant shall, before disclosing the record to another person, provide the following notice to the recipient of the record: “SEALED - KNOWINGLY ACCESSING OR DISCLOSING THIS RECORD WITHOUT AUTHORIZATION IS A CIVIL VIOLATION SUBJECT TO A PENALTY OF NOT MORE THAN \$1,000.00.”

(4) A sealed record of a prior violation of 23 V.S.A. § 1201(a) shall be admissible as a predicate offense for the purpose of imposing an enhanced penalty for a subsequent violation of that section, in accordance with the provisions of 23 V.S.A. § 1210.

(5) A person or a court in possession of an order issued by a court regarding a matter that was subsequently sealed may file or cite to that decision in any subsequent proceeding. The party or court filing or citing to that decision shall ensure that information regarding the identity of the defendant in the sealed record is redacted.

(6) The Vermont Crime Information Center and Criminal Justice Information Services Division of the Federal Bureau of Investigation shall have access to sealed criminal history records without limitation for the purpose of responding to queries to the National Instant Criminal Background Check System regarding firearms transfers and attempted transfers.

(7) The State’s Attorney, the Attorney General, the person who is the subject of a sealed record, and the attorney for the person who is the subject of the record shall disclose information contained in a sealed criminal history record when required to meet discovery obligations.

(8) The person whose criminal history records have been sealed pursuant to this chapter and the person’s attorney may access and use the sealed records.

(9) A law enforcement agency may inspect and receive copies of the sealed criminal history records of any applicant who applies to the agency to be a law enforcement officer or a current employee for the purpose of internal investigation.

(10) Persons or entities conducting research shall have access to a sealed criminal history record to carry out research pursuant to 20 V.S.A. § 2056b.

(11) Information and materials gathered by the Department for Children and Families during a joint investigation with law enforcement, including law enforcement affidavits and related references to such information and materials, are not criminal history records as defined in subdivision 7601(2) of this title and are considered Department records that shall be maintained and may be utilized as statutorily prescribed by 33 V.S.A. chapter 49 and produced in response to a court order.

(12) Information and materials gathered by Adult Protective Services during a joint investigation with law enforcement, including law enforcement affidavits and other investigative materials, are not criminal history records as defined in subdivision 7601(2) of this title and are considered records of the Department of Disabilities, Aging, and Independent Living, which shall be maintained and may be utilized as authorized by 33 V.S.A. chapter 69 and produced in response to a court order.

(d) Process.

(1) The court shall bar viewing of the sealed offense in any accessible database that it maintains.

(2) Until all charges on a docket have been sealed, the case file shall remain publicly accessible.

(3) When all charges on a docket have been sealed, the case file shall become exempt from public access.

(4) When a sealing order is issued by the court, any person or entity, except the court, that possesses criminal history records and has been provided notice of the order shall:

(A) bar viewing of the sealed offense in any accessible database that it maintains or remove information pertaining to the sealed records from any publicly accessible database that the person or entity maintains; and

(B) clearly label the criminal history record as “SEALED” to ensure compliance with this section.

(e) Special index.

(1) The court shall keep a special index of cases that have been sealed together with the sealing order. The index shall list only the name of the person convicted of the offense, ~~his or her~~ the person's date of birth, the docket number, and the criminal offense that was the subject of the sealing.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Except as provided in subsection (c) of this section, inspection of the sealing order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

~~(4) The Court Administrator shall establish policies for implementing this subsection.~~

(f) Victims Compensation Program. Upon request, the ~~Victim's~~ Victims Compensation Program shall be provided with a copy, redacted of all information identifying the offender, of the affidavit for the sole purpose of verifying the expenses in a victim's compensation application submitted pursuant to section 5353 of this title.

(g) Restitution. The sealing of a criminal record shall not affect the authority of the Restitution Unit to enforce a restitution order in the same manner as a civil judgment pursuant to subdivision 5362(c)(2) of this title.

§ 7608. VICTIMS

(a) At the time a petition is filed pursuant to this chapter, the respondent shall give notice of the petition to any victim of the offense who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the court a statement. The disposition of the petition shall not be unnecessarily delayed pending receipt of a victim's statement. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(b) As used in this section, "reasonable effort" means attempting to contact the victim by first-class mail at the victim's last known address ~~and~~, by telephone at the victim's last known phone number, and by email at the victim's last known email address.

§ 7609. ~~EXPUNGEMENT OF SEALING CRIMINAL HISTORY RECORDS~~  
~~OF AN INDIVIDUAL~~ A PERSON 18–21 YEARS OF AGE

(a) Procedure ~~Petition~~. Except as provided in subsection (b) of this section, ~~the record of the criminal proceedings for an individual who was 18–21 years of age at the time the individual committed a qualifying crime shall be expunged within 30 days after the date on which the individual successfully completed the terms and conditions of the sentence for the conviction of the qualifying crime, absent a finding of good cause by the court. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. A copy of the order shall be sent to each agency, department, or official named in the order. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no record exists with respect to such individual. Notwithstanding this subsection, the record shall not be expunged until restitution and surcharges have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

(1) Notwithstanding any other provision of law, a person who was 18–21 years of age at the time the person committed a qualifying crime may file a petition with the court requesting sealing of the criminal history record related to the qualifying crime after 30 days have elapsed since the person completed the terms and conditions for the sentence for the qualifying crime. The court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(A) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(B) The respondent has failed to show that sealing would be contrary to the interests of justice.

(2) Order, notice, and effect of sealing shall comply with the provisions of subsections 7607(a) and (b) of this title.

(b) Exceptions.

(1) A criminal history record that includes both qualifying and nonqualifying offenses shall not be eligible for ~~expungement~~ sealing pursuant to this section.

~~(2) The Vermont Crime Information Center shall retain a special index of sentences for sex offenses that require registration pursuant to chapter 167, subchapter 3 of this title. This index shall only list the name and date of birth of the subject of the expunged files and records, the offense for which the subject was convicted, and the docket number of the proceeding that was the subject of the expungement. The special index shall be confidential and shall be accessed only by the Director of the Vermont Crime Information Center and an individual designated for the purpose of providing information to the Department of Corrections in the preparation of a presentence investigation in accordance with 28 V.S.A. §§ 204 and 204a. [Repealed.]~~

~~(c) Petitions. An individual who was 18-21 years of age at the time the individual committed a qualifying crime may file a petition with the court requesting expungement of the criminal history record related to the qualifying crime after 30 days have elapsed since the individual completed the terms and conditions for the sentence for the qualifying crime. The court shall grant the petition and issue an order sealing or expunging the record if it finds that sealing or expunging the record serves the interests of justice. [Repealed.]~~

#### § 7610. CRIMINAL HISTORY RECORD SEALING SPECIAL FUND

There is established the Criminal History Record Sealing Special Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Fees collected pursuant to 32 V.S.A. § 1431(e) for the filing of a petition to seal a criminal history record of a violation of 23 V.S.A. § 1201(a) shall be deposited into and credited to this Fund. This Fund shall be available to the

Office of the Court Administrator, the Department of State's Attorneys and Sheriffs, the Department of Motor Vehicles, and the Vermont Crime Information Center to offset the administrative costs of sealing such records. Balances in the Fund at the end of the fiscal year shall be carried forward and remain in the Fund.

#### § 7611. UNAUTHORIZED DISCLOSURE

~~A State or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, person who knowingly accesses or discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than \$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.~~

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Sec. 2. RIGHT TO NOT DISCLOSE EXPUNGED OR SEALED

CRIMINAL HISTORY RECORDS

(a) The Secretary of Administration shall notify all State administrative entities of the obligation to notify persons of the right not to disclose an expunged record pursuant to 13 V.S.A. § 7606(b)(2) or a sealed record pursuant to 13 V.S.A. § 7607(b)(2).

(b) The Court Administrator shall notify the Judicial Branch of the obligation to notify persons of the right not to disclose an expunged record pursuant to 13 V.S.A. § 7606(b)(2) or a sealed record pursuant to 13 V.S.A. § 7607(b)(2).

Sec. 3. 24 V.S.A. § 2296b is added to read:

§ 2296b. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

(a) Expungement. Two years following the satisfaction of a judgment resulting from an adjudication of a municipal violation, the Judicial Bureau shall make an entry of “expunged” and notify the municipality of such action, provided the person has not been adjudicated for any subsequent municipal violations during that time. The data transfer to the municipality shall include the name, date of birth, ticket number, and offense. Violations of offenses adopted pursuant to chapter 117 of this title shall not be eligible for expungement under this section.

(b) Effect of expungement.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the individual whose record is expunged shall be treated in all respects as if the individual had never been adjudicated of the violation.

(2) Upon an entry of expunged, the case will be accessible only by the Clerk of the Court for the Judicial Bureau or the Clerk’s designee. Adjudications that have been expunged shall not appear in the results of any Judicial Bureau database search by name, date of birth, or any other data identifying the defendant. Except as provided in subsection (c) of this section, any documents or other records related to an expunged adjudication that are maintained outside the Judicial Bureau’s case management system shall be destroyed.

(3) Upon receiving an inquiry from any person regarding an expunged record, the Judicial Bureau and the municipality shall respond that “NO RECORD EXISTS.”

(c) Exception for research entities. Research entities that maintain adjudication records for purposes of collecting, analyzing, and disseminating criminal justice data shall not be subject to the expungement requirements established in this section. Research entities shall abide by the policies established by the Court Administrator and shall not disclose any identifying information from the records they maintain.

(d) Policies for implementation. The Court Administrator shall establish policies for implementing this section.

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2025.

Sec. 4. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

\* \* \*

(e) Application. This section shall apply to motor vehicle violations that occur on and after July 1, 2021.

Sec. 5. 20 V.S.A. § 2372 is added to read:

§ 2372. STATEWIDE MODEL POLICY; USE OF SEALED CRIMINAL  
HISTORY RECORDS BY LAW ENFORCEMENT AGENCIES

(a) As used in this section:

(1) “Criminal history records” has the same meaning as in section 2056a of this title.

(2) “Criminal justice purposes” has the same meaning as in section 2056a of this title.

(3) “Law enforcement agency” has the same meaning as in section 2351a of this title.

(b) On or before December 15, 2025, the Vermont Criminal Justice Council shall establish a statewide model policy governing the access and use of sealed criminal history records by Vermont law enforcement agencies. The purpose of the policy is to ensure consistent statewide application of law and practice regarding the access and use of sealed criminal history information for criminal justice purposes under 13 V.S.A. chapter 230, balancing the confidentiality of this information with legitimate criminal justice purposes. If a law enforcement agency or officer was required to adopt a policy pursuant to this subsection but failed to do so on or before March 15, 2026, that agency or officer shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Criminal Justice Council. The policy shall



govern the access and use of sealed criminal history records by all law enforcement officers in the State and shall include the following provisions consistent with 13 V.S.A. chapter 230:

(1) define the types of sealed criminal history records that may be accessed and used, including sealed criminal history records contained in records of arrests and prosecutions, and sealed criminal history records contained in computer-aided dispatch and record management systems;

(2) define a record-keeping system through which the law enforcement agency maintains records of each instance in which an officer has accessed or used a sealed criminal history record; and

(3) comply with applicable State and federal law.

(c) The Criminal Justice Council shall:

(1) adopt rules to ensure that the policies and standards of this section are met; and

(2) develop, publish, and periodically review the statewide model policy established pursuant to subsection (b) of this section.

#### Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

*REP. MARTIN J. LALONDE  
REP. THOMAS B. BURDITT  
REP. KAREN N. DOLAN*

*Committee on the part of the House*

*SEN. NADER A. HASHIM  
SEN. ROBERT W. NORRIS  
SEN. CHRISTOPHER P. MATTOS*

*Committee on the part of the Senate*

Which was considered and adopted on the part of the House.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House action on the bill was ordered messaged to the Senate forthwith.

#### **Adjournment**

At five o'clock and thirteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at ten o'clock in the forenoon.