

Journal of the Senate

TUESDAY, MARCH 25, 2025

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Thomas Harty of Bethel.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Message from the House No. 31

A message was received from the House of Representatives by Ms. Courtney Reckord, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 80. An act relating to the Office of the Health Care Advocate.

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

H. 219. An act relating to establishing the Department of Corrections' Family Support Program.

H. 222. An act relating to civil orders of protection.

H. 243. An act relating to the regulation of business organizations.

In the passage of which the concurrence of the Senate is requested.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 53. House concurrent resolution honoring Megan Humphrey for her outstanding leadership of HANDS.

H.C.R. 54. House concurrent resolution in memory of former Representative, Governor, and Interim University of Vermont President Thomas Paul Salmon.

H.C.R. 55. House concurrent resolution recognizing April 2025 as the Month of the Military Child in Vermont.

H.C.R. 56. House concurrent resolution designating April 18, 2025 as USS VERMONT (SSN 792) Day in Vermont.

H.C.R. 57. House concurrent resolution recognizing March 25, 2025 as National Medal of Honor Day in Vermont.

H.C.R. 58. House concurrent resolution recognizing April 18, 2025 as Electric Utility Lineworker Appreciation Day in Vermont.

H.C.R. 59. House concurrent resolution honoring Linda C. Johnson for her outstanding State and national contributions to the prevention of child abuse.

H.C.R. 60. House concurrent resolution designating March 25, 2025 as Intellectual and Developmental Disabilities Day at the State House.

H.C.R. 61. House concurrent resolution recognizing March 2025 as National Athletic Training Month in Vermont.

H.C.R. 62. House concurrent resolution commemorating the 50th anniversary of the Black Music Division at Bennington College.

In the adoption of which the concurrence of the Senate is requested.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 19.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

Offered by Senator Baruth,

J.R.S. 19. Joint resolution relating to weekend adjournment on March 28, 2025.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 28, 2025, it be to meet again no later than Tuesday, April 1, 2025.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 132.

By Senators White, Clarkson, Gulick, Major and Vyhovsky,

An act relating to annual reporting on health care sharing plans and arrangements.

To the Committee on Finance.

S. 133.

By Senators Ram Hinsdale, Chittenden and Clarkson,
An act relating to land use, housing, and brownfields.
To the Committee on Natural Resources and Energy.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 80.

An act relating to the Office of the Health Care Advocate.
To the Committee on Health and Welfare.

H. 209.

An act relating to intranasal epinephrine in schools.
To the Committee on Education.

H. 219.

An act relating to establishing the Department of Corrections' Family Support Program.
To the Committee on Institutions.

H. 222.

An act relating to civil orders of protection.
To the Committee on Judiciary.

H. 243.

An act relating to the regulation of business organizations.
To the Committee on Finance.

Bill Passed**S. 12.**

Senate bill of the following title was read the third time and passed:
An act relating to sealing criminal history records.

Bill Amended; Bill Passed**S. 36.**

Senate bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Lyons moved to amend the bill as follows:

First: In Sec. 1, 33 V.S.A. § 1901n, in subsection (a), by inserting the phrase “medically necessary” before the phrase “high-intensity” in both instances in which it appears

Second: In Sec. 2, 33 V.S.A. § 1901o, in subsection (a), by inserting the phrase “medically necessary” before the phrase “low-intensity” in both instances in which it appears

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 53. An act relating to certification of community-based perinatal doulas and Medicaid coverage for doula services.

S. 56. An act relating to creating an Office of New Americans.

S. 63. An act relating to modifying the regulatory duties of the Green Mountain Care Board.

S. 117. An act relating to rulemaking on safety and health standards and technical corrections on employment practices and unemployment compensation.

Bill Amended; Consideration Interrupted**S. 123.**

Senate committee bill entitled:

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

Having appeared on the Calendar for notice for one day, was taken up.

Senator Chittenden, for the Committee on Finance, reported the bill out to pass.

Senator Westman, for the Committee on Appropriations, reported the bill out to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and, pending the question, Shall the bill be read a third time?, Senators Chittenden, Beck, Brock, Cummings, Gulick, Hardy and Mattos moved that the bill be amended by striking out Sec. 13, 23 V.S.A. § 634, fee for examination, in its entirety and inserting in lieu thereof a new Sec. 13 to read:

Sec. 13. 23 V.S.A. § 634 is amended to read:

§ 634. FEE FOR EXAMINATION

* * *

(b)(1) A Beginning on or before July 1, 2026, a scheduling fee of \$29.00 shall be paid by the applicant before the applicant may schedule the road test required under section 632 of this title. ~~Unless an applicant gives the Department at least 48 hours' notice of cancellation, if~~

(2) If the applicant does not appear as scheduled, the \$29.00 scheduling fee is shall be forfeited, unless either:

(A) the applicant gives the Department at least 48 hours' notice; or

(B) the applicant shows good cause for the cancellation, as determined by the Commissioner.

(3) If the applicant appears for the scheduled road test, the fee shall be applied toward the license examination fee. ~~The Commissioner may waive the scheduling fee until the Department is capable of administering the fee electronically.~~

* * *

Which was agreed to and consideration was interrupted by a recess.

Recess

On motion of Senator Baruth, the Senate recessed until 10:30 A.M.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Third Reading Ordered**S. 123.**

Consideration was resumed on Senate bill entitled:

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

Thereupon, the pending question, Shall the bill be read a third time?, was agreed to.

Bill Amended; Third Reading Ordered**S. 122.**

Senate committee bill entitled:

An act relating to economic and workforce development.

Having appeared on the Calendar for notice for one day, was taken up.

The Senate *pro tempore* Assumes the Chair

Senator Brock, for the Committee on Finance, to which the bill was referred, reported the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as follows:

First: By adding a new section to be Sec. 10a to read as follows:

Sec. 10a. CONTINGENCY ON FUNDING

The duty to implement Secs. 2–5 of this act is contingent upon an appropriation in fiscal year 2026 from the General Fund for the specific purposes described in this act.

Second: In Sec. 6, 9 V.S.A. chapter 111B, in section 4129, by striking out subsection (h) in its entirety.

Third: In Sec. 10, task force to explore development of convention center and performance venue, by striking out subsection (g) in its entirety.

And that when so amended the bill ought to pass.

The bill was read the second time and pending the question, Shall the bill be amended as recommended by the Committee on Appropriations?, Senator Perchlik, moved to substitute a recommendation of amendment for the recommendation of amendment of the Committee on Appropriations as follows:

First: By adding a new section to be Sec. 10a to read as follows:

Sec. 10a. CONTINGENCY ON FUNDING

The duty to implement Secs. 1–5 of this act is contingent upon an appropriation in fiscal year 2026 from the General Fund for the specific purposes described in this act.

Second: In Sec. 6, 9 V.S.A. chapter 111B, in section 4129, by striking out subsection (h) in its entirety.

Third: In Sec. 10, task force to explore development of convention center and performance venue, by striking out subsection (g) in its entirety.

Which was agreed to.

The President Resumes the Chair

Thereupon, the recommendation of amendment, as substituted, was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 125.

Senate committee bill entitled:

An act relating to workers' compensation and collective bargaining rights.

Having appeared on the Calendar for notice for one day, was taken up.

Senator Watson, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended by striking out Sec. 6, Vermont Labor Relations Board; appropriation, in its entirety and by renumbering the remaining section to be numerically correct.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 18.

Senator Gulick, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to licensure of freestanding birth centers.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 53 is added to read:

CHAPTER 53. BIRTH CENTER LICENSING

§ 2351. DEFINITIONS

As used in this chapter:

(1) “Birth center” means a facility the primary purposes of which are to provide midwifery care, low-risk deliveries, and newborn care immediately after delivery, for a stay of generally less than 24 hours. The term does not include a facility that is a hospital, is part of a hospital, or is owned by a hospital; a facility that is an ambulatory surgical center; or the residence of the individual giving birth. A birth center may be located on the grounds of a hospital.

(2) “Certified nurse midwife” means a professional licensed in accordance with 26 V.S.A. chapter 28, subchapter 2.

(3) “Change of ownership” means a change in the majority or controlling interest in an established birth center to another person.

(4) “Corrective action plan” means a written strategy for correcting an issue of partial compliance, deficiency, or violation of this chapter or rules adopted pursuant to this chapter.

(5) “Licensed maternity care provider” means a licensed provider whose professional scope of practice, as established under Vermont law, includes preconception, prenatal, labor, birth, and postpartum care and early care of a newborn and who may be the primary attendant during the perinatal period.

(6) “Licensed midwife” means a professional licensed in accordance with 26 V.S.A. chapter 85.

(7) “Licensed provider” means an individual licensed or certified in Vermont to provide specific health care-related services within a scope of practice defined by licensing statutes and rules, and may include certified nurse midwives, licensed midwives, advanced practice registered nurses, physician assistants, naturopathic physicians with a childbirth endorsement in accordance with 26 V.S.A. §§ 4122(b) and 4125(b), doctors of nursing practice, and physicians.

§ 2352. LICENSE; PROHIBITIONS

(a) No person shall establish, maintain, or operate a birth center in this State without first obtaining a license for the birth center in accordance with this chapter.

(b) A birth center may be independently owned and operated by a licensed maternity care provider.

(c) No person shall represent itself as a “birth center” or use the term “birth center” in its title or in its advertising, publications, or other form of

communication unless the person has been licensed as a birth center in accordance with the provisions of this chapter.

(d) A license is not transferable or assignable and shall be issued only for the premises and persons named in the application.

§ 2353. APPLICATION; FEE

(a) An application for licensure of a birth center shall be made to the Department of Health in the manner specified by the Department and shall include all information required by the Department.

(b)(1) Each application for an initial license, renewal of a license, or a change of ownership shall be accompanied by a fee of \$250.00.

(2) Fees collected under this section shall be credited to the Hospital Licensing Fees Special Fund and shall be available to the Department of Health to offset the costs of licensing birth centers.

§ 2354. LICENSE REQUIREMENTS

Upon receipt of an application for a license and the licensing fee, the Department of Health shall issue a license if it determines, after an inspection conducted by the Department or its designee, that the applicant is able to operate a birth center in accordance with rules adopted by the Department.

§ 2355. REVOCATION OF LICENSE; HEARING

The Department of Health, after notice and opportunity for hearing to the applicant or licensee, is authorized to condition, deny, suspend, or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this chapter. Such notice shall be served by registered mail or by personal service, shall set forth the reasons for the proposed action, and shall set a date not less than 60 days from the date of the mailing or service on which the applicant or licensee shall be given opportunity for a hearing. After the hearing, or upon default of the applicant or licensee, the Department shall file its findings of fact and conclusions of law. A copy of the findings and decision shall be sent by registered mail or served personally upon the applicant or licensee. The procedure governing hearings authorized by this section shall be set forth in the rules adopted pursuant to section 2359 of this chapter and shall not be subject to the contested case provisions of 3 V.S.A. chapter 25, subchapter 2.

§ 2356. APPEAL

Any applicant or licensee, or the State acting through the Attorney General, aggrieved by the decision of the Department of Health after a hearing may appeal the decision in accordance with section 128 of this title. Pursuant to

section 129 of this title, an appeal pursuant to this section shall not stay the effectiveness of an order entered in accordance with section 2355 of this chapter, but any party is permitted to seek a stay order in the Superior Court in which the appeal is being heard.

§ 2357. INSPECTIONS

(a) The Department of Health or its designee shall make or cause to be made such inspections and investigations as the Department or its designee deems necessary.

(b) A birth center, including its building and grounds and, in accordance with applicable law, its records, shall be subject to inspection by the Department and its designee at all times.

(c) If a birth center is found to be out of compliance with any requirement of this chapter or rules adopted pursuant to this chapter, the Department may condition, deny, suspend, revoke, or refuse to renew the birth center's license or may ask the birth center to develop and implement a corrective action plan.

(d) If the Department finds a violation as the result of an inspection or investigation, the Department shall post a report on the Department's website summarizing the violation and any corrective action required.

§ 2358. RECORDS

(a) Information received by the Department of Health through filed reports, inspections, or as otherwise authorized by law shall:

(1) not be disclosed publicly in a manner that identifies or may lead to the identification of one or more individuals or birth centers;

(2) be exempt from public inspection and copying under the Public Records Act; and

(3) be kept confidential except as it relates to a proceeding regarding licensure of a birth center.

(b) The provisions of subsection (a) of this section shall not apply to the summary reports of violations required to be posted on the Department's website pursuant to section 2357 of this chapter.

§ 2359. RULES

The Department of Health shall adopt rules in accordance with 3 V.S.A. chapter 25 as needed to carry out the purposes of this chapter. The rules shall be based on the national birth center standards published by the American Association of Birth Centers and shall, at a minimum, include provisions regarding:

- (1) requirements for operating a birth center, including requirements for safety, sanitation, and health;
- (2) obtaining, storing, and dispensing pharmaceuticals consistent with State and federal laws;
- (3) requirements for notice to the Department of Health when there is a change in ownership of a birth center and any additional licensing requirements related to a change in ownership;
- (4) the scope of services that may be provided at a birth center, including risk factors that preclude a patient from receiving labor and delivery services at a birth center;
- (5) appropriate staffing for a birth center, including the types of licensed providers who may practice at a birth center;
- (6) birth center complaint processes;
- (7) birth center facility, equipment, and supply requirements, including requirements for the maintenance of safety, sanitation, and health;
- (8) record retention and confidentiality;
- (9) quality assurance and improvement;
- (10) processes for the development, submission, approval, and implementation of corrective action plans; and
- (11) a requirement for written practice guidelines and policies that include procedures for transferring a patient to a hospital if circumstances warrant.

§ 2360. NO EFFECT ON SCOPE OF SERVICES

- (a) Nothing in this chapter or in rules adopted pursuant to this chapter shall be construed to expand or limit the scope of the services that a licensed midwife, certified nurse midwife, or other provider may offer at a birth center or perform in a space that is shared with or adjacent to a birth center.
- (b) A birth center may serve as a location for additional services offered in shared or adjacent spaces, including outpatient gynecologic care, primary care, and education and support services, provided that any licensed provider providing services in those spaces shall only provide those services that are within the licensed provider's authorized scope of practice.

Sec. 2. 8 V.S.A. § 4099d is amended to read:

§ 4099d. MIDWIFERY COVERAGE; HOME BIRTHS

(a) A health insurance plan or health benefit plan providing maternity benefits shall also provide coverage:

(1) for services rendered by a midwife licensed pursuant to 26 V.S.A. chapter 85 or an advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28 who is certified as a nurse midwife for services within the licensed midwife's or certified nurse midwife's scope of practice and provided in a hospital, birth center, or other health care facility or at home; and

(2) for prenatal, maternity, postpartum, and newborn services provided at a birth center licensed pursuant to 18 V.S.A. chapter 53, including birth center facility fees.

* * *

Sec. 3. 18 V.S.A. § 9435(a) is amended to read:

(a) Excluded from this subchapter are offices of physicians, dentists, or other practitioners of the healing arts, meaning the physical places that are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis unless they are subject to review under subdivision 9434(a)(4) of this title. The exclusion provisions of this subsection shall also apply to birth centers licensed pursuant to chapter 53 of this title.

Sec. 4. AGENCY OF HUMAN SERVICES; MEDICAID; REQUEST FOR FEDERAL APPROVAL

The Agency of Human Services shall seek approval from the Centers for Medicare and Medicaid Services to allow Vermont Medicaid to cover prenatal, maternity, postpartum, and newborn services provided at a licensed birth center and to allow Vermont Medicaid to reimburse separately for birth center services, including birth center facility fees, and for professional services.

Sec. 5. EFFECTIVE DATES

(a) Sec. 1 (birth center licensing) shall take effect on January 1, 2027 or the effective date of the birth center rules adopted by the Department of Health, whichever comes first.

(b) Sec. 2 (8 V.S.A. § 4099d) shall take effect on January 1, 2027.

(c) Sec. 3 (18 V.S.A. § 9435a) shall take effect on July 1, 2025.

(d) Sec. 4 (Agency of Human Services; Medicaid; request for federal approval) shall take effect on passage and the Agency of Human Services shall submit its request for approval of Medicaid coverage of birth center services to the Centers for Medicare and Medicaid Services on or before July 1, 2025, and

the Medicaid coverage shall begin on the later of the date of approval or the effective date of the birth center rules adopted by the Department of Health.

(e) This section shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Gulick, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Joint Resolution Adopted in Concurrence

J.R.H. 3.

Joint House resolution entitled:

Joint resolution authorizing the Green Mountain Boys State and Green Mountain Girls State educational programs to use the State House facilities on June 26, 2025.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 26, 2025.