

Journal of the Senate

FRIDAY, MAY 22, 2026

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

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:

Mr. President:

I am directed by the Governor to inform the Senate that on the twenty first day of May, 2026 he approved and signed bills originating in the Senate of the following titles:

S. 173. An act relating to vocational rehabilitation and apprenticeships.

S. 239. An act relating to the Child Abuse and Neglect Reporting Working Group.

Message from the House No. 73

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 considered Senate proposal of amendment to House bill entitled:

H. 740. An act relating to the greenhouse gas inventory and registry.

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

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

Rep. James of Manchester
Rep. Campbell of St. Johnsbury
Rep. Torre of Moretown.

Pursuant to the request of the Senate for a Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 639. An act relating to genetic data privacy.

The Speaker has appointed as members of such committee on the part of the House:

Rep. Graning of Jericho
Rep. Marcotte of Coventry
Rep. White of Bethel.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 223. An act relating to water quality of the waters of Vermont.

And has adopted the same on its part.

Message from the House No. 74

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 a House bill of the following title:

H. 957. An act relating to approval of amendments to the charter of the Town of Williston.

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

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

S. 208. An act relating to standards for law enforcement identification.

S. 212. An act relating to potable water supply and wastewater system connections.

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

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

S. 214. An act relating to the provision of prekindergarten education in geographically isolated school districts.

And has passed the same in concurrence.

The House has considered Senate proposals of amendment to the following House bills:

H. 578. An act relating to penalties and procedures for animal cruelty offenses.

H. 583. An act relating to clinical decision making.

H. 657. An act relating to various programming and requirements within the Department for Children and Families.

H. 727. An act relating to sustainable data center deployment.

And has severally concurred therein.

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

S. 202. An act relating to portable solar energy generation devices.

And has concurred therein with a further proposal of amendment thereto in the adoption of which the concurrence of the Senate is requested.

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

S. 298. An act relating to creating the Vermont Voting Rights Act.

And has concurred therein.

Bill Referred to Committee on Appropriations

H. 775.

House bill of the following title, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule, was referred to the Committee on Appropriations:

An act relating to creating tools for housing production.

Bill Referred

House bill of the following title was read the first time:

H. 957. An act relating to approval of amendments to the charter of the Town of Williston.

And pursuant to Temporary Rule 44A was referred to the Committee on Rules.

Bill Passed in Concurrence with Proposal of Amendment**H. 527.**

House bill entitled:

An act relating to extending the sunset of 30 V.S.A. § 248a.

Was taken up.

Thereupon, pending third reading of the bill, Senator Heffernan moved to amend the Senate proposal of amendment in Sec. 1, 30 V.S.A. § 248a, in subsection (i), by striking out “2029” and inserting in lieu thereof “2027”.

Which was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Bills Passed in Concurrence with Proposal of Amendment

House bills of the following titles were severally read the third time and passed in concurrence with proposals of amendment:

H. 686. An act relating to expanding identification of certain lobbying advertisements.

H. 757. An act relating to manufactured homes and limited equity cooperatives.

H. 817. An act relating to mental health literacy and peer-to-peer supports in schools.

Bills Passed in Concurrence

House bills of the following titles were read the third time and passed in concurrence:

H. 902. An act relating to approval of amendments to the charter of the City of Barre.

H. 953. An act relating to approval of an amendment to the charter of the Town of Panton.

Proposals of Amendment; Proposals of Amendment Substituted; Third Reading Ordered**H. 928.**

Senator Williams, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to technical corrections to fish and wildlife statutes.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (2), by striking out subdivision (SS) in its entirety and inserting in lieu thereof a new subdivision (SS) to read as follows:

(SS) ~~Appendix § 37, section 9.0. Feeding deer [Repealed.]~~

Second: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (3), by striking out subdivision (O) in its entirety and inserting in lieu thereof a new subdivision (O) to read as follows:

(O) ~~Appendix § 7, sections 4.0, 4.1, 4.2, 5.3, 6.1, 6.2, 6.3(b), 6.3(d), 6.3(e), 7.1, 7.2, 7.3, and 7.4, and 8.2. Bear, unauthorized taking management rule~~

Third: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (3), by striking out subdivision (P) in its entirety and inserting in lieu thereof a new subdivision (P) to read as follows:

(P) ~~Appendix § 22, sections 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.4, 6.4, and 6.5. Turkey season, excluding: requirements for youth turkey hunting season; and size of shot used or possessed seasons~~

Fourth: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (3), by striking out subdivision (U) in its entirety and inserting in lieu thereof a new subdivision (U) to read as follows:

(U) ~~Appendix § 37, sections 5.1, 6.1, 6.2, 7.1, 7.2, 7.4, 8.1, 8.2, 8.4, 9.1, 9.2, 9.4, 9.5, 12.2, and 14. Deer management rule, excluding requirements for youth deer hunting weekend; requirements for novice season; limitations on feeding of deer; reporting big game; and section 11.0, ban of urine and other natural lures~~

Fifth: In Sec. 4, 1999 Acts and Resolves No. 1, Sec. 87a, by striking out subdivision (A)(ii)(II) in its entirety and inserting in lieu thereof a new subdivision (A)(ii)(II) to read as follows:

(II) Plan and Involve the Community. Involve Vermont citizens and municipalities ~~in~~ when developing and updating every ~~10~~ years a the long-term comprehensive plan for management of portions of the lands which are transferred to it.

Sixth: By striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof four new sections to be Secs. 5–8 to read as follows:

Sec. 5. 9 V.S.A. § 2494d is added to read:

§ 2494d. CERTIFICATE OF COMPLIANCE

(a) The Attorney General may request a certificate of compliance from a manufacturer of a cosmetic or menstrual product. 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.

Sec. 6. 9 V.S.A. § 2494w is amended to read:

§ 2494w. DEFINITIONS

As used in this subchapter:

(1) "Bisphenols" means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.

(2) "Department" means the Department of Health.

(3) "Food package" or "food packaging" means a package or packaging component that is intended for direct food contact.

(4) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(5) "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.

(6) “Ortho-phthalates” means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.

(6)(7) “Package” means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. “Package” also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(7)(8) “Packaging component” means an individual assembled part of a package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels, and disposable gloves used in commercial or institutional food service.

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

Sec. 7. 9 V.S.A. § 2494x(d) is amended to read:

(d) This section shall not apply to the sale ~~or resale of used products~~ offer for sale, distribution for sale, or distribution for use of food packaging that has been previously used by a consumer for the intended purpose of the product.

Sec. 8. EFFECTIVE DATES

(a) This section and Secs. 5–7 (PFAS conforming changes) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2026.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, Senator Williams moved to substitute a recommendation of proposal of amendment for the proposal of amendment of the Committee on Natural Resources and Energy, as follows:

First: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (2), by striking out subdivision (SS) in its entirety and inserting in lieu thereof a new subdivision (SS) to read as follows:

(SS) ~~Appendix § 37, section 9.0. Feeding deer~~ [Repealed.]

Second: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (3), by striking out subdivision (O) in its entirety and inserting in lieu thereof a new subdivision (O) to read as follows:

(O) Appendix § 7, sections 4.0, 4.1, 4.2, 5.3, 6.1, 6.2, 6.3(b), 6.3(d), 6.3(e), 7.1, 7.2, 7.3, and 7.4, and 8.2. Bear, unauthorized taking management rule

Third: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (3), by striking out subdivision (P) in its entirety and inserting in lieu thereof a new subdivision (P) to read as follows:

(P) Appendix § 22, sections 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.4, 6.4, and 6.5. Turkey season, excluding: requirements for youth turkey hunting season; and size of shot used or possessed seasons

Fourth: In Sec. 1, 10 V.S.A. § 4502, in subsection (b), in subdivision (3), by striking out subdivision (U) in its entirety and inserting in lieu thereof a new subdivision (U) to read as follows:

(U) Appendix § 37, sections 5.1, 6.1, 6.2, 7.1, 7.2, 7.4, 8.1, 8.2, 8.4, 9.1, 9.2, 9.4, 9.5, 12.2, and 14. Deer management rule, excluding requirements for youth deer hunting weekend; requirements for novice season; limitations on feeding of deer; reporting big game; and section 11.0, ban of urine and other natural lures

Fifth: In Sec. 4, 1999 Acts and Resolves No. 1, Sec. 87a, by striking out subdivision (A)(ii)(II) in its entirety and inserting in lieu thereof a new subdivision (A)(ii)(II) to read as follows:

(II) Plan and Involve the Community. Involve Vermont citizens and municipalities ~~in~~ when developing and updating every ~~10~~ years a the long-term comprehensive plan for management of portions of the lands which are transferred to it.

And that the bill ought to pass in concurrence with such proposal of amendment.

Which was agreed to.

Senator Hardy, for the Committee on Finance, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Natural Resources and Energy, as substituted, with further proposals of amendment as follows:

First: By amending the sixth instance of amendment by adding one new section to be Sec. 7a to read as follows:

Sec. 7a. 10 V.S.A. § 6634 is added to read:

§ 6634. UNAVOIDABLE USE OF PFAS; FLUORINE TREATED CONTAINERS

A person may apply to the Secretary to determine that the use of a fluorine treated container is unavoidable. The Secretary may determine that the use of a fluorine treated container for a particular sector is a currently unavoidable use. Any determination shall be for a period of time specified by the Secretary, not to exceed 10 years. The Secretary's determination shall proceed pursuant to section 7714 of this title (Type 3 Procedures). The Secretary shall only issue a determination upon finding that there is no alternative to the use of a fluorine treated container that presents less hazard to human health or the environment and that serves a functionally similar purpose to use of the fluorinated container by that sector. A sector whose containers have been issued an unavoidable use determination shall not be subject to the requirements of 9 V.S.A. § 2494g for the specified use for the duration of the determination issued by the Secretary.

Second: By adding a seventh instance of amendment to read as follows:

Seventh: In Sec. 3, 10 V.S.A. § 4255 (license fees), by inserting a new subsection to be subsection (p) to read as follows:

(p) The Commissioner may assess the following fees for the use of Department of Fish and Wildlife lands and facilities. All fees or charges collected for the use of Department of Fish and Wildlife lands and facilities shall be deposited in the Fish and Wildlife Fund:

(1) Rental of the Edward F. Kehoe Education Center:

(A) Partnering organizations and municipalities:

(i) Education Center day use (per day for use of all facilities):
\$300.00

(ii) Damage deposit (refundable if all requirements are met):
\$150.00 per rental

(iii) Cabin rental (rate is for four persons, \$5.00 per additional person):
\$60.00 per night

(B) School groups (K–12) day use: \$5.00 per student

(C) Private entity: Education Center day use (per day for use of all facilities): \$600.00

- (D) Weddings: \$5,000.00, or \$4,000.00 if a certified wedding planner is used for the event
- (2) Rental of Buck Lake Conservation Camp:
- (A) Partnering organizations and municipalities:
- (i) Education Center day use (per day for use of all facilities): \$300.00
- (ii) Damage deposit (refundable if all requirements met): \$150.00 per rental
- (B) Private entity:
- (i) Education Center day use (per day/all facilities): \$600.00
- (ii) Cabin rentals (rate is for four persons, \$5.00 per additional person): \$60.00 per night
- (3) Controlled waterfowl hunt (Dead Creek Wildlife Management Area or Mud Creek Wildlife Management Area): \$10.00 per person
- (4) Meeting rooms:
- (A) Grand Isle Fish Culture Station: \$25.00 per day
- (B) Gordon Center Training Facility, overnight accommodations: \$25.00 per person per night
- (5) Special use permit: \$50.00 minimum–\$10,000.00 maximum
- (6) License: \$50.00 minimum–\$10,000.00 maximum

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, Senators Hardy, Beck, Brock, Chittenden, Cummings, Gulick and Mattos, moved to substitute a recommendation of proposal of amendment for the proposals of amendment of the Committee on Finance, as follows:

That the Senate propose to the House to amend the bill in Sec. 3, 10 V.S.A. § 4255 (license fees), by inserting a new subsection to be subsection (p) to read as follows:

(p) The Commissioner may assess the following fees for the use of Department of Fish and Wildlife lands and facilities. All fees or charges collected for the use of Department of Fish and Wildlife lands and facilities shall be deposited in the Fish and Wildlife Fund:

- (1) Rental of the Edward F. Kehoe Education Center:

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- (A) Partnering organizations and municipalities:
- (i) Education Center day use (per day for use of all facilities): \$300.00
- (ii) Damage deposit (refundable if all requirements are met): \$150.00 per rental
- (iii) Cabin rental (rate is for four persons, \$5.00 per additional person): \$60.00 per night
- (B) School groups (K–12) day use: \$5.00 per student
- (C) Private entity: Education Center day use (per day for use of all facilities): \$600.00
- (D) Weddings: \$5,000.00, or \$4,000.00 if a certified wedding planner is used for the event
- (2) Rental of Buck Lake Conservation Camp:
- (A) Partnering organizations and municipalities:
- (i) Education Center day use (per day/all facilities): \$300.00
- (ii) Damage deposit (refundable if all requirements met): \$150.00 per rental
- (B) Private entity:
- (i) Education Center day use (per day/all facilities): \$600.00
- (ii) Cabin rentals (rate is for four persons, \$5.00 per additional person): \$60.00 per night
- (3) Controlled waterfowl hunt (Dead Creek Wildlife Management Area or Mud Creek Wildlife Management Area): \$10.00 per person
- (4) Meeting rooms:
- (A) Grand Isle Fish Culture Station: \$25.00 per day
- (B) Gordon Center Training Facility, overnight accommodations: \$25.00 per person per night
- (5) Special use permit: \$50.00 minimum–\$10,000.00 maximum
- (6) License: \$50.00 minimum–\$10,000.00 maximum

Which was agreed to.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Natural Resources and Energy, as substituted, was agreed to.

Thereupon, the proposal of amendment recommended by the Committee on Finance, as substituted, was agreed to and third reading of the bill was ordered.

House Proposal of Amendment Concurred In

S. 243.

House proposal of amendment to Senate bill entitled:

An act relating to distributing funds to the Vermont Language Justice Project.

Was taken up.

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

Sec. 1. FINDINGS

The General Assembly finds that:

- (1) Vermont ranks sixth per capita in refugee resettlement;
- (2) the Governor has recognized the important role immigrants play in Vermont's economy;
- (3) when health information is available in only one language and only in written format, it creates barriers that lead to confusion;
- (4) the Vermont Language Justice Project's videos fill a critical gap in patient education, particularly for families with limited English proficiency;
- (5) the Vermont Language Justice Project has created and distributed videos pertaining to COVID-19 and COVID-19 testing; the importance of immunizations and how immunizations work; Mpox; preventing mosquito and tick bites; and safety during flood events, hot and cold weather, cyanobacteria outbreaks, wildfires, and more;
- (6) the Vermont Language Justice Project's videos are made in 10 to 21 of the languages commonly spoken in Vermont and in collaboration with the Vermont Department of Health;
- (7) the Vermont Language Justice Project is usually able to respond to a crisis within 24 hours with information in multiple languages and in multiple formats, such as written translations, audio files, and videos; and

(8) in January 2025, the Vermont Language Justice Project’s grant from the U.S. Centers for Disease Control and Prevention abruptly ended, leaving it to be funded solely through donations from individuals and foundations and through fee-for-service work.

Sec. 2. VERMONT LANGUAGE JUSTICE PROJECT

In fiscal year 2027, the Office of Racial Equity may contract with the Vermont Language Justice Project to prepare informational materials at the request of State agencies and departments, as needed, to assist Vermonters who speak languages other than English in the event of a disease outbreak, natural disaster, or other public health emergency, including ongoing personal and public health information. The Department of Buildings and General Services shall assist the Vermont Language Justice Project as it navigates the process to become added to the State’s list of approved contractors.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Proposal of Amendment; Third Reading Ordered

H. 915.

Senator Beck, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to establishing an extended producer responsibility program for beverage containers.

Reported recommending that the Senate propose 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. chapter 53 is amended to read:

CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION SYSTEM

§ 1521. DEFINITIONS

As used in this chapter:

(1) “Beverage” means beer or other malt beverages and mineral waters, mixed wine drink, soda water and carbonated soft drinks in liquid form and intended for human consumption. “Beverage” also means liquor and ready-to-drink spirits beverage.

(2) ~~“Biodegradable material” means material that is capable of being broken down by bacteria into basic elements. [Repealed.]~~

(3) ~~“Container” means the individual, and separate, bottle, can, or jar, or earthen composed of glass, aluminum or other metal, paper, plastic polyethylene terephthalate, high density polyethylene, or any combination of those materials, and containing a consumer product beverage. This definition shall does not include containers made of biodegradable material beverage containers with a volume greater than three liters.~~

(4) ~~“Dealer” means any person, including any operator of a vending machine or retailer, who engages in the sale of beverages in beverage containers to consumers in the State.~~

(5) ~~“Deposit initiator” means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State. If no person initiates a deposit, the first distributor in the State shall be the deposit initiator.~~

(6) ~~“Distributor” means every person who engages in the sale of consumer products beverages in containers to a dealer in this State, including any manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor shall be is a distributor.~~

(7) ~~“Fair compensation” means the compensation from the producer responsibility organization to the point of redemption in the amount that covers the point of redemption’s reasonable costs of operating redemption services and a reasonable rate of return.~~

(5)(8) ~~“Manufacturer” means every person bottling, canning, packing, or otherwise filling containers for sale to distributors or dealers.~~

(9) ~~“Mixed wine drink” means a beverage containing wine and more than 15 percent added plain, carbonated, or sparkling water and that contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring, or preservatives; a beverage that contains not more than 16 percent alcohol by volume; or another similar product marketed as a wine cooler.~~

(10) ~~“Point of redemption” means a location included in the plan adopted under section 1532 of this title that redeems beverage containers under this chapter. A point of redemption includes manually sorting containers, mechanically sorting containers, and bag drops.~~

(11) “Point of redemption with immediate return of deposit” means a point of redemption that immediately provides a person with a deposit when a beverage container is presented for redemption.

~~(6)~~(12) “Recycling” means the process of sorting, cleansing, treating, and reconstituting waste and other discarded materials for the purpose of reusing the materials in the same or altered form.

~~(7)~~(13) “Redemption center” means a store or other location where any person may, during normal business hours, redeem the amount of the deposit for any empty beverage container labeled or certified pursuant to section 1524 of this title.

(14) “Redemption rate” means the number of beverage containers redeemed for the deposit divided by the number of beverage containers sold and may not include in its calculation any unredeemed beverage containers collected or processed by municipal or other recycling programs.

(15) “Retailer” means a store or other licensed entity, including vending machines, where containers are sold at the retail level for off-premise consumption.

~~(8)~~(16) “Secretary” means the Secretary of Natural Resources.

~~(9) “Mixed wine drink” means a beverage containing wine and more than 15 percent added plain, carbonated, or sparkling water and that contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring, or preservatives; that contains not more than 16 percent alcohol by volume; or other similar product marketed as a wine cooler.~~

~~(40)~~(17) “Liquor” means spirits as defined in 7 V.S.A. § 2.

§ 1522. BEVERAGE CONTAINERS; DEPOSIT

(a) Except with respect to beverage containers that contain liquor, a deposit of ~~not less than~~ five cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers of volume greater than 50 ml. that contain liquor, a deposit of 15 cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. The difference between liquor bottle deposits collected and refunds made is hereby retained by the Liquor Control Enterprise Fund for administration of this subsection.

(b) A retailer or a person operating a redemption center who redeems beverage containers shall be reimbursed by the ~~manufacturer or distributor of such~~ deposit initiator of the beverage containers in an amount that is ~~three and one-half~~ four and one-half cents per container for containers of beverage brands that are part of a commingling program and ~~four~~ five cents per container for containers of beverage brands that are not part of a commingling program. Beginning on March 1, 2029, a retailer or a person operating a redemption center shall be reimbursed for beverage containers that are covered by a stewardship plan approved by the Secretary under this chapter according to the fair compensation requirements of the plan.

* * *

(d) ~~Containers shall be redeemed during no fewer than 40 hours per week during the regular operating hours of the establishment. [Repealed.]~~

§ 1522a. RULES

~~The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter. These rules may include the following:~~

~~(1) Provisions to ensure that beverage containers not labeled in accordance with section 1524 of this title are not redeemed.~~

~~(2) Provisions to ensure that beverage containers are commingled.~~

~~(3) Administrative penalties for the failure by a redemption center or retailer to remove beverage containers that are not labeled prior to pickup by a distributor or manufacturer. Penalties may include nonpayment of the deposit and handling fee established under section 1522 of this title for a reasonable period of time and for the number of beverage containers that were not labeled.~~

~~(4) Any other provision that may be necessary for the implementation of this chapter. [Repealed.]~~

§ 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

(a) Except as provided in section 1522 of this title:

(1) A retailer shall not refuse to accept from any person any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the retailer, ~~or~~ and a retailer or a redemption center shall not refuse to pay to ~~that a~~ a person the refund value of a beverage container as established by section 1522 of this title, except as provided in ~~subsection (b)~~ subsections (b) or (c) of this section.

(2) A manufacturer or distributor ~~may~~ shall not refuse to pick up from a retailer that sells its product or a person operating a certified redemption center any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center the refund value of a beverage container as established by section 1522 of this title.

(b) A retailer, with the prior approval of the Secretary, may refuse to redeem beverage containers if a redemption center or centers are established that serve the public need.

(c) A retailer or a person operating a redemption center may refuse to redeem beverage containers that are not clean, or are broken, and shall not redeem beverage containers that are not labeled in accordance with section 1524 of this title.

* * *

§ 1524. LABELING

(a)(1) Every beverage container sold or offered for sale at retail in this State shall clearly indicate by embossing ~~or on the normal product label,~~ on the normal product label, imprinting on the normal product label, or ~~in the case of a metal beverage container on the top of the container,~~ other approved method secured to the container the word "Vermont" or the letters "VT" and the refund value of the container in not less than one-eighth inch type size or such other alternate indications as may be approved by the Secretary.

(2) ~~The label shall be on the top lid of the beverage container, the side of the beverage container, or in a clearly visible location on the beverage container.~~ This subsection does not prohibit including names or abbreviations of other states with deposit legislation comparable to this chapter.

(b) The Commissioner of Liquor and Lottery may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Commissioner. The stickers shall be affixed to the bottles by the manufacturer, except that liquor that is sold in the State in quantities less than 100 cases per year may have stickers affixed by personnel employed by the Division of Liquor Control.

(c) ~~This section shall not apply to permanently labeled beverage containers~~ Every beverage container sold or offered for sale in the State shall contain a Universal Product Code and a barcode displayed on the container.

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§ 1527. PENALTY REDEMPTION OF LIQUOR BOTTLES

A person who violates a provision of this chapter shall be fined not more than \$1,000.00 for each violation. Notwithstanding any other provision of this chapter to the contrary, redemption of beverage containers of volume greater than 50 ml that contain liquor shall be subject to the following requirements:

(1) Deposit. Beverage containers subject to this section shall have a deposit of 15 cents on each container sold at the retail level and returned to the consumer upon return of the empty beverage container.

(2) Handling fee. Distributors of beverage containers subject to this section shall pay a point of redemption that redeems a beverage container four and one-half cents per container.

(3) Redemption. A retailer shall not refuse to accept beverage containers subject to this section or refuse to pay a person the refund value established by subdivision (1) of this section for any container unless the container is not clean, broken, or has an exemption issued by the Secretary. The Department of Liquor and Lottery shall not refuse to pick up empty beverage containers subject to this section, pay the refund value, or pay the handling fee to a retailer or redemption center subject to this section.

(4) Coordination with producer responsibility organization. The Department of Liquor and Lottery may coordinate with and compensate the producer responsibility organization to collect beverage containers subject to this section at points of redemption that are a part of the collection plan developed by the producer responsibility organization. Containers collected at these points of redemption shall not be subject to the handling fee established by subdivision (2) of this section.

(5) Performance goals and reporting. The Department of Liquor and Lottery shall be subject to the redemption rate goals established in section 1534 of this title for beverage containers containing liquor. Beginning on January 15, 2027, and annually thereafter, the Commissioner of Liquor and Lottery shall report to the Secretary of Natural Resources:

(A) the amount and tonnage of liquor bottles that the Department of Liquor and Lottery collected in the previous calendar year; and

(B) the redemption rate for liquor bottles in the previous calendar year.

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§ 1529. REDEMPTION CENTER CERTIFICATION

A person operating a redemption center ~~may~~ shall obtain a certification from the Secretary. A redemption center certification shall include the following:

(1) Specification of the name and location of the facility;

(2) ~~If the certified redemption center redeems more than 250,000 containers per year, a requirement that the certified redemption center shall participate in an approved commingling agreement; and~~

(3) Additional conditions, requirements, and restrictions as the Secretary may deem necessary to implement the requirements of this chapter. This ~~may~~ shall include requirements concerning reporting, recording, and inspections of the operation of the site.

§ 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS

(a) ~~As used in this section, “deposit initiator” means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State.~~

(b) Beginning on January 1, 2020, and quarterly thereafter, every deposit initiator shall report to the Secretary of Natural Resources and the Commissioner of Taxes. The report shall be submitted on or before the 25th day of the calendar month succeeding the quarter ending on the last day of March, June, September, and December each year. The deposit initiator shall submit the report on a form provided by the Commissioner of Taxes. The report shall include:

(1) the number of beverage containers sold in the preceding quarter and the number of beverage containers returned in the preceding quarter;

(2) the amount of beverage container deposits received by the deposit initiator;

(3) the amount of refund payments made in the preceding quarter; and

(4) any additional information required by the Commissioner of Taxes.

(c)(1) On or before January 1, 2020, and quarterly thereafter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

(2) In any calendar quarter, the deposit initiator may submit to the Commissioner of Taxes a request for reimbursement of refunds paid under this chapter that exceed the amount of deposits collected in the quarter. The Commissioner of Taxes shall pay a request for reimbursement under this subdivision from the funds remitted to the Commissioner under subdivision (1) of this subsection, provided that:

(A) the Commissioner determines that the deposits collected by the deposit initiator are insufficient to pay the refunds on returned beverage containers; and

(B) a reimbursement paid by the Commissioner to the deposit initiator shall not exceed the amount paid by the deposit initiator under subdivision (1) of this subsection (c) less amounts paid to the initiator pursuant to this subdivision (2) in the previous four quarterly filings.

(3) Except as expressly provided otherwise in this chapter, all the administrative provisions of 32 V.S.A. chapter 151, including those relating to collection, enforcement, interest, and penalty charges, shall apply to the remittance of abandoned beverage container deposits.

(4) A deposit initiator may within 60 days after the date of mailing of a notice of deficiency, the date of a full or partial denial of a request for reimbursement, or the date of an assessment petition the Commissioner of Taxes in writing for a hearing and determination on the matter. The hearing shall be subject to and governed by 3 V.S.A. chapter 25. Within 30 days after a determination, an aggrieved deposit initiator may appeal a determination by the Commissioner of Taxes to the Washington Superior Court or the Superior Court of the county in which the deposit initiator resides or has a place of business.

(5) Notwithstanding any appeal, upon finding that a deposit initiator has failed to remit the full amount required by this chapter, the Commissioner of Taxes may treat any refund payment owed by the Commissioner to a deposit initiator as if it were a payment received and may apply the payment in accordance with 32 V.S.A. § 3112.

~~(d)~~(c) The Secretary of Natural Resources may prohibit the sale of a beverage that is sold or distributed in the State by a deposit initiator who fails to comply with the requirements of this chapter. The Secretary may allow the sale of a beverage upon the deposit initiator's coming into compliance with the requirements of this chapter.

(e)(d) Data reported to the Secretary of Natural Resources and the Commissioner of Taxes by a deposit initiator under this section shall be confidential business information exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) but shall not be confidential return information under 32 V.S.A. § 3102, provided that the Commissioner of Taxes may use and disclose such information in summary or aggregated form that does not directly or indirectly identify individual deposit initiators except to the Secretary of Natural Resources in relation to the administration of this chapter.

§ 1531. MANUFACTURER AND DISTRIBUTOR PARTICIPATION IN
PRODUCER RESPONSIBILITY ORGANIZATION

(a) No deposit initiator shall sell or distribute a beverage container in this State without participating in a Secretary-approved producer responsibility organization.

(b) On or before January 1, 2027, the deposit initiator of beverage containers sold or distributed within the State shall apply to the Secretary to form a producer responsibility organization to fulfill the requirements of deposit initiators under this chapter.

(c) The Secretary may approve, for a period not longer than 10 years, the producer responsibility organization, provided that:

(1) the producer responsibility organization or its subsidiary is registered under 26 U.S.C. § 501(c)(3) as a nonprofit entity;

(2) the producer responsibility organization has the capacity to administer the requirements of a stewardship plan required by section 1532 of this title; and

(3) the producer responsibility organization does not create any unreasonable barriers to joining the producer responsibility organization and shall take into the consideration the needs of small manufacturers that do not generate a significant volume of containers.

(d) After approval, the producer responsibility organization shall maintain a website that identifies:

(1) the name and principal business address of each manufacturer or distributor participating in the producer responsibility organization;

(2) the name of each beverage and the container size covered by the stewardship plan; and

(3) for each beverage container subject to the plan, a Universal Product Code and a barcode shall be displayed on the container.

(e) The producer responsibility organization may charge fees to deposit initiators to cover the costs of administration and implementation of this chapter. Deposit initiators shall pay all fees required by the producer responsibility organization and provide any data required by the producer responsibility organization. If a deposit initiator fails to meet these requirements, the producer responsibility organization may remove it from the producer responsibility organization.

(f) If the producer responsibility organization fails to implement the requirements of this chapter, the rules adopted by the Secretary, or an approved stewardship plan, the Secretary may dissolve the producer responsibility organization.

(g) If no producer responsibility organization is formed, the Secretary shall either require the formation of the producer responsibility organization or adopt and administer a plan that meets the requirements of section 1532 of this title. If the Secretary administers the plan adopted under section 1532 of this title, the Secretary shall charge each deposit initiator the costs of plan administration, the Agency's oversight costs, and a recycling market development assessment of 25 percent of the plan's total cost to be deposited in the Solid Waste Management Assistance Account of the Waste Management Assistance Fund, for the purpose of providing grants to develop markets to recycle materials.

(h) The producer responsibility organization shall reimburse the Secretary for the costs of overseeing the administration of the program under this chapter as follows:

(1) The Secretary shall annually provide an estimate of the costs of overseeing the administration of the program to the producer responsibility organization, including staff costs, compliance, and oversight of the system.

(2) The producer responsibility organization shall provide any comments to the Secretary's budget within 30 days following receipt. The Agency of Natural Resources shall respond to all comments provided by the producer responsibility organization and may make changes to its budget in response to those comments. These comments and the responses shall be provided to the General Assembly as a part of the Secretary's budget.

(3) Reimbursement of Agency of Natural Resources costs under this subsection shall be subject to the State budgeting process, and the producer responsibility organization shall not be required to reimburse any Agency cost unless that cost is approved as a part of the Agency's budget.

(i) Manufacturers and distributors of liquor are exempt from the requirements of this section and the requirement to implement a stewardship plan under section 1532 of this title.

§ 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

(a) Plan elements. On or before April 1, 2028, an approved producer responsibility organization shall submit a stewardship plan to the Secretary. A stewardship plan shall, at a minimum, meet all of the following requirements of this section:

(1) Convenience of collection.

(A) A plan shall ensure that consumers have convenient opportunities to redeem beverage containers. The plan shall take reasonable efforts to site points of redemption equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to redemption opportunities. A plan shall document how redemption services will be available to consumers as follows:

(i) at least three points of redemption per county, at least one of which provides an immediate return of a deposit to a consumer;

(ii) at least one point of redemption per municipality with a population of 7,000 or more persons that provides an immediate return of a deposit to a consumer unless the Secretary determines that requiring an immediate return of deposit would create an impediment to effective redemption under the plan; and

(iii) how sites of redemption are or will be sited in areas with high population density or located in centers designated under 24 V.S.A. chapter 76A.

(B) The producer responsibility organization may propose in its plan to remove retail redemption locations required by subdivision 1523(a)(2) of this title. When proposing to remove these retail locations, the producer responsibility organization shall document how the location is adequately served by other points of redemption. The Secretary shall not approve any reduction that reduces the points of redemption below the levels required under subdivisions (1)(A)(i) and (ii) of this subsection (a). The Secretary may require additional points of redemption based on the location of proposed or existing points of redemption, shopping patterns, and the convenience of redeeming beverage containers.

(C) The producer responsibility organization may not use only single-feed reverse vending machines or only mobile points of redemption as the point of redemption to satisfy the requirement under subdivision (1)(A)(i) of this subsection (a) except where the producer responsibility organization documents that the population and retail density of the county is adequately served by the use of these forms of collection.

(D) The producer responsibility organization shall ensure that points of redemption have the operational capacity to redeem beverage containers. This includes training on the use of equipment, providing service of equipment in a reasonable time if there are issues, and providing pick-up of collected containers from the point of redemption in a reasonable period from receiving a request.

(2) Fair operation and compensation to redemption centers. The plan shall satisfy all of the following requirements:

(A) The plan shall describe how all locations that redeem beverage containers are fairly compensated for their participation in the collection program provided that the producer responsibility organization shall pay each location that redeems beverage containers:

(i) four and one-half cents per container for all other means of redemption at a location; or

(ii) according to a separate compensation agreement negotiated between a redemption location or a group of redemption locations that redeems beverage containers and the producer responsibility organization.

(B) There shall not be barriers to the participation in the collection program for a redemption center, except for restrictions that are authorized by the Secretary.

(C) The plan shall describe how management and sorting of containers at points of redemption is minimized. The plan shall document how brand sorting will be eliminated at points of redemption.

(D) The plan shall describe how materials will be picked up from points of redemption on a timely basis.

(E) The plan shall maximize the use of existing infrastructure, when establishing points of redemption under subdivision (1) of this subsection (a).

(F) Consistent with guidelines developed by the Secretary, the producer responsibility organization shall use binding dispute resolution to resolve any disputes that arise surrounding negotiation of separate compensation agreements between the producer responsibility organization and points of redemption. This process shall be implemented using a neutral third-party decision maker agreed to by all parties.

(G) After the plan is effective for two years and six months, the producer responsibility organization shall submit a report on fair compensation to the Secretary. The report shall either describe how the producer responsibility organization has adjusted compensation for points of redemption or document why such an adjustment is not necessary.

(3) Redemption amount. The producer responsibility organization or a point of redemption operating under the plan shall pay a person presenting a beverage container for redemption the refund value of the beverage container as established by section 1522 of this title.

(4) Collection location standards. All locations that provide for redemption of beverage containers shall:

(A) provide timely redemption services that limit the need for persons redeeming containers to wait for redemption services;

(B) be at sites that are secure, sufficiently lighted, and managed to ensure the safety of persons redeeming containers at a location;

(C) be open and accepting beverage containers:

(i) in the case of a fixed point of redemption, at least 35 hours per week, including six consecutive hours on Saturday; or

(ii) in the case of a mobile point of redemption, at least 15 hours per week, including at least four consecutive hours on Saturday; and

(D) comply with all applicable laws related to the collection, transportation, and disposition of mandated recyclables.

(5) Education to consumers. The plan shall describe what education efforts will be undertaken to increase the number of beverage containers redeemed in the State.

(6) Consultation with stakeholders. The producer responsibility organization shall consult with stakeholders on the development of the plan. The plan shall include processes for regular consultation, which shall take place not less than annually, with stakeholders, including the Agency, redemption centers, municipal and private recycling organizations, bag drop and reverse vending technology providers, and other stakeholders. Prior to submitting a proposed plan to the Agency, the producer responsibility organization shall allow the public to comment on the proposed plan. The producer responsibility organization shall either make changes in response to those comments or provide a written response on why the change was not made to the stakeholders and the Agency.

(7) The Agency shall publish the proposed and final approved plan on the Agency's website.

(b) Reporting. At a frequency required by the Secretary but not less than annually, the producer responsibility organization shall report the following to the Secretary:

(1) the name, address, and business hours of each redemption center participating in the approved stewardship plan and the number of redemption centers added or removed from the plan over the preceding year;

(2) the amount, in containers and tons, and material type of beverage containers redeemed under the plan and the redemption rate of beverage containers;

(3) the location and amount of beverage container material that was recycled and what products that beverage container material was recycled into;

(4) the carbon impacts associated with the administration of the stewardship plan;

(5) the costs associated with administration of the stewardship plan, including the costs of collection, management, and transportation of redeemed containers and the amount received for commodities;

(6) a description of any improvements made in the reporting year to increase ease and convenience for consumers to return beverage containers for redemption;

(7) efforts taken by or on behalf of the manufacturer or distributor to reduce environmental impacts throughout the product life cycle and to increase reusability or recyclability at the end of the life cycle by material type;

(8) efforts taken by or on behalf of the producer responsibility organization to improve the environmental outcomes of the program by improving operational efficiency, such as reduction of truck trips through improved material handling or compaction or the increased use of refillable containers in a local refilling system;

(9) a description and copies of educational materials and educational strategies the producer responsibility organization uses for the purposes of this program; and

(10) any additional information required by the Secretary.

(c) Review of stewardship plan.

(1) Within 90 days after receipt of a plan submitted under this section, the Secretary shall review the plan and determine whether to approve the plan, deny the plan, or require an amendment to the plan. The Secretary may amend or add conditions to the plan as a part of the approval. The plan shall be approved after concluding that the plan meets the criteria established in this section and the elements of the plan will maximize diversion of recyclable materials, provide convenience to users, and create a more circular economy. If the plan is denied, the Secretary shall provide a basis for that denial and the producer responsibility organization shall submit a revised plan addressing these issues within 60 days following the notice of denial.

(2) At least six months prior to the expiration of the plan, the producer responsibility organization shall submit a renewal to the stewardship plan. Renewals shall address all elements considered in the original plan and shall be considered in the same manner as an original plan. The Secretary shall issue a final determination on an application for renewal not later than 90 days before the expiration of the plan.

(3) The Secretary's approval pursuant to this subsection shall be for a period not greater than five years.

(d) Plan implementation. The producer responsibility organization shall implement the approved plan on March 1, 2029.

(e) Revision of stewardship goals. If the producer responsibility organization fails to meet the beverage container redemption rate in section 1534 of this title for all other beverage containers, the Secretary may require the producer responsibility organization to implement activities to enhance the rate of redemption, including additional public education and outreach, additional redemption sites, or additional redemption opportunities.

§ 1533. PROGRAM AND FISCAL AUDIT

(a) Program audit. Beginning on October 1, 2033, and every five years thereafter, the producer responsibility organization shall conduct an independent third-party program audit of the operation of the stewardship plan. The program audit shall examine how the product stewardship organization compensates redemption centers as a part of its report. The audit shall make recommendations to improve the operation of the collection program established by this chapter, including any recommendation to the compensation structure for redemption centers.

(b) Fiscal audit. Beginning on October 1, 2030, and annually thereafter, the producer responsibility organization shall conduct an independent third-party fiscal audit of the program. The fiscal audit shall provide a transparent fiscal analysis of the producer responsibility organization, its expenditures, the number of beverage containers collected, and the amount of unclaimed deposits. The audit shall also provide the redemption rate of beverage containers redeemed in the State. The Secretary shall approve the audit results and the redemption rate of beverage containers included in the audit.

(c) Submission to Secretary. The results of each audit required under subsections (a) and (b) of this section shall be submitted to the Secretary for purposes of reviewing performance of the stewardship plan and for oversight of the requirements of this chapter.

§ 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;
REPORT

(a) It is a goal of the State that the following minimum beverage container redemption rates shall be satisfied by the specified dates:

(1) Beginning on July 1, 2030: 75 percent.

(2) Beginning on July 1, 2033: 80 percent.

(b)(1) Beginning on December 1, 2030, and annually thereafter, the Secretary of Natural Resources shall submit to the House Committees on Environment and on Ways and Means and the Senate Committees on Natural Resources and Energy and on Finance a written report containing the current beverage container redemption rate in the State for the following two categories of beverage containers:

(A) liquor bottles; and

(B) all other beverage containers.

(2) Each annual report submitted under subdivision (1) of this subsection shall include a recommendation of whether the beverage container deposit for either of the beverage container categories should be increased to improve redemption of that category of beverage container.

§ 1535. RULEMAKING

The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter.

§ 1536. ANTITRUST; CONDUCT AUTHORIZED

(a) Activity authorized. A manufacturer, distributor, group of manufacturers or distributors, or producer responsibility organization implementing or participating in an approved collection plan under this chapter for the collection, transport, processing, and management of beverage container is individually or jointly immune from liability for conduct under State laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the extent that the conduct is reasonably necessary to plan, implement, and comply with the producer responsibility organization's chosen system for beverage containers.

(b) Limitations on antitrust activity. Subsection (a) of this section shall not apply to an agreement among manufacturers, distributors, groups of manufacturers or distributors, retailers, wholesalers, or the producer responsibility organization affecting the price of beverage containers or any agreement restricting the geographic area in which or customers to whom beverage containers shall be sold.

Sec. 2. 10 V.S.A. § 1523 is amended to read:

§ 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

(a) Except as provided in section 1522 of this title:

(1) A retailer shall not refuse to accept from any person any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the retailer, and a retailer or a redemption center shall not refuse to pay to that person the refund value of a beverage container as established by section 1522 of this title, except as provided in subsections (b) or (c) of this section.

(2) ~~A manufacturer or distributor may~~ The producer responsibility organization shall not refuse to pick up from a retailer that sells its product or a person operating a certified redemption center any point of redemption included in the stewardship plan empty beverage containers, labeled in accordance with section 1524 of this title, ~~of the kind, size, and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center~~ point of redemption the refund value of a beverage container as established by section 1522 of this title.

(b)(1) A retailer, with the prior approval of the Secretary, may refuse to redeem beverage containers if a redemption center or centers are established that serve the public need stewardship plan that meets the requirements of section 1532 of this title has been implemented by the producer responsibility organization in the State and the retailer's building is less than 5,000 square feet.

(2) A manufacturer that sells directly to a consumer from a retail location may refuse to redeem beverage containers if the retail location where the manufacturer or distributor sells beverage containers is less than 5,000 square feet.

(c) A retailer or a person operating a redemption center may point of redemption or producer responsibility organization shall refuse to redeem beverage containers that are not clean or, are broken and shall not redeem beverage containers that, are not labeled in accordance with section 1524 of this title, were known to have been purchased out of State, have already been redeemed, or are not registered with the producer responsibility organization pursuant to subsection 1531(d) of this title.

Sec. 3. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when adopting general permits, except for general permits governed by section 7712 of this chapter, and when considering other permits listed in this section.

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

(A) Each general permit issued pursuant to the Secretary's authority under this title other than a general permit subject to section 7712 of this chapter. However, this section does not apply to a notice of intent under a general permit.

(B) Issuance of a dam safety order under chapter 43 of this title, except for an unsafe dam order under section 1095 of this title.

(C) An application or request for approval of:

(i) an aquatic nuisance control permit under chapter 50 of this title;

(ii) a change in treatment for a public water supply under chapter 56 of this title;

(iii) a collection plan for mercury-containing lamps under section 7156 of this title;

(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title;

(v) a primary battery stewardship plan under section 7586 of this title;

(vi) a covered household products collection plan under section 7813 of this title; and

(vii) a stewardship plan required under chapter 53 of this title.

(b) Notice of application. The Secretary shall provide notice of an administratively complete application through the environmental notice bulletin.

(c) Notice of draft decision; comment period. The Secretary shall provide notice of the draft decision through the environmental notice bulletin and shall post the draft decision to the bulletin. The Secretary shall provide a public comment period.

(d) Public meeting. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at ~~his or her~~ the Secretary's discretion.

(e) Notice of final decision. The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision to the bulletin. The Secretary shall provide a response to comments.

Sec. 4. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the Clean Water Fund to be administered by the Secretary of Administration. The Fund shall consist of:

(1) revenues from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a;

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) the unclaimed beverage container deposits (escheats) remitted to the State under chapter 53 of this title, except as follows:

(A) in State fiscal year 2030, the Secretary may transfer up to \$1,000,000.00 to the Solid Waste Management Assistance Account of the fund created pursuant to section 6618 of this title for grants pursuant to subdivision 6618(b)(11) of this title;

(B) in State fiscal year 2031, the Secretary may transfer up to \$1,000,000.00 to the Solid Waste Management Assistance Account of the fund created pursuant to section 6618 of this title for grants pursuant to subdivision 6618(b)(11) of this title;

(C) in State fiscal year 2032, the Secretary may transfer up to \$750,000.00 to the Solid Waste Management Assistance Account of the fund created pursuant to section 6618 of this title for grants pursuant to subdivision 6618(b)(11) of this title; and

(D) in State fiscal year 2033, the Secretary may transfer up to \$750,000.00 to the Solid Waste Management Assistance Account of the fund created pursuant to section 6618 of this title for grants pursuant to subdivision 6618(b)(11) of this title;

(4) six percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

(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.

Sec. 5. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund to be expended by the Secretary of Natural Resources. The Fund shall have three accounts: one for Solid Waste Management Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary; the toxics use reduction fees under subsection 6628(j) of this title; and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax that is deposited to the Hazardous Waste Management Assistance Account exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13; transfers from the Clean Water Fund; and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate Fund account. Disbursements from the Fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

(b) The Secretary may authorize disbursements from the Solid Waste Management Assistance Account for the purpose of enhancing solid waste management in the State in accordance with the adopted waste management plan. This includes:

* * *

(11) The Secretary shall enter a grant agreement with the producer responsibility organization approved under chapter 53 of this title for bottle bill implementation. The grant shall be for four years and reimburse the cost of equipment and improvements to infrastructure documented by the producer responsibility organization in its approved stewardship plan. Grants shall be limited as follows: in fiscal year 2030, not more than \$1,000,000.00; in fiscal year 2031, not more than \$1,000,000.00; in fiscal year 2032, not more than \$750,000.00; and in fiscal year 2033, not more than \$750,000.00.

Sec. 6. AGENCY OF NATURAL RESOURCES REPORT;
STATUS OF IMPLEMENTATION OF STEWARDSHIP PLAN FOR
REDEMPTION OF BEVERAGE CONTAINERS

On or before January 1, 2030, the Secretary of Natural Resources shall submit to the House Committee on Environment and the Senate Committee on Natural Resources and Energy a report on the status of the implementation of a stewardship plan for the redemption of beverage containers by the producer responsibility organization required under 10 V.S.A. chapter 53. The report shall:

(1) summarize the approved stewardship plan for redemption of beverage contains, including how the plan complied with the statutory requirements for convenience of collection for consumers and fair compensation for points of redemption;

(2) describe how the producer responsibility organization has updated or plans to implement redemption technologies to modernize redemption services and improve the convenience and efficiency of redemption services in the State; and

(3) provide any other information that the Secretary deems relevant to the implementation and administration of the stewardship plan for redemption of beverage containers.

Sec. 7. 10 V.S.A. § 1532(a)(2) is amended to read:

(2) Fair operation and compensation to redemption centers. The plan shall satisfy all of the following requirements:

(A) The plan shall describe how all locations that redeem beverage containers are fairly compensated for their participation in the collection program ~~provided that the producer responsibility organization shall pay each location that redeems beverage containers:~~

~~(i) four and one-half cents per container for all other means of redemption at a location; or~~

~~(ii) according to a separate compensation agreement negotiated between a redemption location or a group of redemption locations that redeems beverage containers and the producer responsibility organization. The producer responsibility organization and a redemption location or groups of redemption locations shall negotiate how the redemption location or locations shall be compensated for collection of containers under the plan.~~

* * *

Sec. 8. REPEALS

(a) In Sec. 1 of this act, 10 V.S.A. § 1529 (redemption center certification) is repealed on March 1, 2029.

(b) In Sec. 5 of this act, 10 V.S.A. § 6618(b)(11) (producer responsibility implementation grants) is repealed on October 1, 2033.

(c) 10 V.S.A. § 1528 (beverage registration) is repealed on March 1, 2029.

Sec. 9. 10 V.S.A. § 7182 is amended to read:

§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;
STEWARDSHIP ORGANIZATION REGISTRATION;
MANUFACTURER REGISTRATION

* * *

(b) Stewardship organization registration requirements.

(1) On or before July 1, 2025, a stewardship organization shall file a registration form with the Secretary. The Secretary shall provide the registration form to the stewardship organization. The registration form shall include:

(A) a description of how the stewardship organization meets the requirements of subsection 7184(b) of this title, including any reasonable requirements for participation in the stewardship organization; and

(B) the name, address, and contact information of a person for a nonmember manufacturer to contact regarding how to participate in the stewardship organization to satisfy the requirements of this chapter.

(2) Beginning on July 1, 2026 ~~2028~~, and annually thereafter, a stewardship organization shall renew its registration with the Secretary. A renewal registration shall include the following:

(A) a list of the manufacturers participating in the stewardship organization;

(B) a list of the brands of each manufacturer participating in the stewardship organization;

(C) a list of the covered household hazardous products of each manufacturer participating in the stewardship organization;

(D) the name, address, and contact information of a person responsible for ensuring compliance with this chapter;

(E) a description of how the stewardship organization meets the requirements of subsection 7184(b) of this title, including any reasonable requirements for participation in the stewardship organization; and

(F) the name, address, and contact information of a person for a nonmember manufacturer to contact regarding how to participate in the stewardship organization to satisfy the requirements of this chapter.

* * *

Sec. 10. 10 V.S.A. § 7183 is amended to read:

§ 7183. COLLECTION PLANS

(a) Collection plan required. On or before July 1, 2026, any stewardship organization registered with the Secretary as representing manufacturers of covered household hazardous products shall coordinate and submit to the Secretary for review ~~one collection plan for all manufacturers~~ a collection plan that addresses how covered household hazardous products enrolled in that plan meet the requirements of this chapter.

* * *

Sec. 11. 10 V.S.A. § 7187 is amended to read:

§ 7187. AGENCY RESPONSIBILITIES

(a) Review and approve collection plans. The Secretary shall review and approve or deny collection plans submitted under section 7183 of this title according to the public notice and comment requirements of section 7714 of this title.

* * *

(h) Reimbursement of Agency oversight costs. The stewardship organization shall reimburse the Secretary for the costs of overseeing the administration of the program under this chapter as follows:

(1) The Secretary shall annually provide an estimate of the costs of overseeing the administration of the household hazardous products collection program to the stewardship organization, including staff costs, compliance, and oversight of the system.

(2) The stewardship organization shall provide any comments to the Secretary's budget within 30 days following receipt. The Agency of Natural Resources shall respond to all comments provided by the stewardship organization and may make changes to its budget in response to those comments. These comments and the responses shall be provided to the General Assembly as a part of the Secretary's budget.

(3) Reimbursement of Agency of Natural Resources costs under this subsection shall be subject to the State budgeting process, and the stewardship organization shall not be required to reimburse any Agency cost unless that cost is approved as a part of the Agency's budget.

Sec. 12. TRANSITION

(a) Beginning on July 1, 2027, a group of manufacturers may register a new stewardship organization covering a class of household hazardous products and their packages when collected together. There shall be only one stewardship organization per class of products; however, there may be more than one stewardship program administering the requirements of 10 V.S.A. chapter 164B.

(b) Beginning on July 1, 2027, an approved stewardship organization covering a class of household hazardous products may submit a plan for the products covered by that approved stewardship organization. In addition to the elements covered by 10 V.S.A. § 7183, the plan shall describe any transition from the previously approved plan. The Secretary shall have 120 days to review and approve or reject any plan submitted under this section. That plan shall take effect on or before July 1, 2030.

Sec. 13. EFFECTIVE DATES

This act shall take effect on July 1, 2026, except that:

(1) in Sec. 1, 10 V.S.A. § 1524(c) (requiring a UPC label on containers) shall take effect on July 1, 2027;

(2) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting sale or distribution without participating in the producer responsibility organization) shall take effect on July 1, 2027;

(3) Sec. 2 (acceptance of beverage containers after plan implementation) shall take effect on March 1, 2029;

(4) in Sec. 5, 10 V.S.A. § 6618(b)(11) (capital implementation grants) shall take effect on July 1, 2029; and

(5) Sec. 7 (repeal of handling fees under the beverage container stewardship plan) shall take effect on July 1, 2030.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Hardy, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Natural Resources and Energy.

Senator Watson, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Natural Resources and Energy.

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

House Proposal of Amendment Concurred In with Further Proposals of Amendment

S. 326.

House proposal of amendment to Senate bill entitled:

An act relating to miscellaneous amendments to laws relating to motor vehicles.

Was taken up.

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

* * * Nondriver Identification Cards * * *

Sec. 1. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a)(1) Any Vermont resident who does not have an operator's license may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require that shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis.

* * *

(4) An individual shall not hold at the same time an operator's license and a nondriver identification card issued pursuant to this section.

* * *

(g)(1) An identification card issued to a first-time applicant and any subsequent renewals by that ~~person~~ individual shall contain a photograph or imaged likeness of the applicant.

(2) The photographic identification card shall be available at a location designated by the Commissioner.

(3)(A) An Except as otherwise provided pursuant to subdivision (B) of this subdivision (g)(3), an individual issued an identification card under this subsection that contains an imaged likeness section may renew the individual's identification card by mail.

~~(B) Except that a renewal by an individual required to have a photograph or imaged likeness under this subsection must be made~~ An identification card issued pursuant to this section shall be renewed in person so that an updated imaged likeness of the individual is obtained not less often than at least once every nine years to permit an updated photograph or imaged likeness of the holder to be obtained.

* * *

~~(k) At the option of the applicant,~~ An applicant shall surrender the applicant's valid Vermont license may be surrendered in connection with an application for an identification card pursuant to this section. In those instances, the fee due under subsection (a) of this section shall be reduced by:

* * *

* * * Insufficient Funds for Fees * * *

Sec. 2. 23 V.S.A. § 110 is amended to read:

§ 110. ~~BAD CHECKS~~ INSUFFICIENT FUNDS RECEIVED FOR FEES

(a) Whenever any check or electronic funds transfer, including a credit or debit charge, issued in payment of any fee or for any other purpose is tendered to the Department of Motor Vehicles and payment is not honored by the bank on which the check is drawn or entity to which the electronic funds transfer is submitted, the Commissioner shall send a written notice of its nonpayment to ~~the maker or person presenting the check and if the check is not immediately made good who provided insufficient funds and, if the required amounts are not promptly paid as required by the Commissioner,~~ the Commissioner shall suspend the license or registration of the person or persons. In no case shall the license or registration be reinstated until settlement has been made in full. Settlement in full shall also include the payment of any penalties assessed by the State Treasurer.

(b) The Commissioner may require payment for any transaction solely by certified check or in cash from persons whose licenses or registrations are under suspension pursuant to subsection (a) of this section or from persons who have repeatedly tendered checks or electronic payments to the Department that have not been honored ~~by the bank on which drawn~~.

* * *

* * * Penalties for Operation of Prohibited Vehicles in Smugglers' Notch * * *

Sec. 3. 23 V.S.A. § 1006b is amended to read:

§ 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT ROUTE 108; VEHICLE OPERATION PROHIBITED

* * *

(b) Vehicle operation prohibition.

* * *

(2) The employer of an operator who is operating a vehicle in the scope of employment and violates this subsection or the operator of a vehicle who is operating a vehicle for personal purposes and violates this subsection shall be subject to a civil penalty of ~~\$1,000.00~~ \$10,000.00 or, if the violation results in substantially impeding the flow of traffic on Vermont Route 108, a civil penalty of ~~\$2,000.00~~ \$20,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty shall be doubled.

* * *

Sec. 4. SMUGGLERS' NOTCH; UPDATED SIGNAGE

The Agency of Transportation shall update signage leading to Smugglers' Notch that relates to the prohibitions and penalties set forth in 23 V.S.A. § 1006b to make drivers aware of the increased penalties for operating an oversize vehicle in Smugglers' Notch that are imposed pursuant to Sec. 3 of this act.

* * * Salvage Titles * * *

Sec. 5. 23 V.S.A. § 2091 is amended to read:

§ 2091. SALVAGE CERTIFICATES OF TITLE; FORWARDING OF
PLATES AND TITLES OF CRUSHED VEHICLES

* * *

(b)(1) Except as provided in subsection (c) of this section, the application shall be accompanied by:

~~(1)~~(A) any certificate of title for the vehicle; and

~~(2)~~(B) any other information or documents that the Commissioner may reasonably require to establish ownership of the vehicle and the existence or nonexistence of any security interest in the vehicle.

(2)(A) Supporting documents used to transfer ownership of a vehicle to an insurer following payment of damages:

(i) shall not require a notarized signature;

(ii) may be signed electronically; and

(iii) may be printed on hard copy.

(B) As used in this subdivision (b)(2):

(i) "Signed electronically" means that a person, with the intent to sign the record, uses an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person. For purposes of this subdivision (b)(2), an electronic signature on a supporting document shall utilize a secure authentication system that identifies the signatory with a degree of certainty equivalent to or greater than level 2 as described in the National Institute of Standards and Technology's June 2017 Digital Identity Guidelines, NIST Special Publication 800-63-3, Revision 3.

(ii) "Supporting documents" include bills of sale, title documents, odometer disclosure forms, and powers of attorney.

(C) An insurer shall indemnify and hold harmless the Department for any claims arising from the issuance of a certificate of title based upon supporting documents meeting the requirements of this subdivision (b)(2).

* * *

* * * Duplicate Titles * * *

Sec. 6. 23 V.S.A. § 2022 is amended to read:

§ 2022. DUPLICATE CERTIFICATE

(a) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate title upon furnishing information satisfactory to the Commissioner. ~~It~~ The duplicate title shall be mailed or, if the person is at a Department of Motor Vehicles location, hand delivered to the first lienholder named in ~~it~~ the title or, if none, to the owner.

* * *

Sec. 7. 23 V.S.A. § 3801 is amended to read:

§ 3801. DEFINITIONS

Except when the context otherwise requires, as used in this chapter:

* * *

(20) “Title or certificate of title” means a written instrument or document that certifies ownership of a vessel, snowmobile, or all-terrain vehicle and is issued by the Commissioner or equivalent official of another jurisdiction.

* * *

Sec. 8. 23 V.S.A. § 3815 is amended to read:

§ 3815. DUPLICATE CERTIFICATE

(a) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate of title, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate title upon furnishing information satisfactory to the Commissioner. ~~It~~ The duplicate title shall be mailed or, if the person is at a Department of Motor Vehicles location, hand delivered to the first lienholder named in ~~it~~ the title or, if none, to the owner.

* * *

* * * Title Appeals * * *

Sec. 9. 23 V.S.A. § 2005 is amended to read:

§ 2005. APPEAL

A person aggrieved by an act or omission of the Commissioner under this chapter may appeal to the Civil Division of the Washington Unit of the Superior Court for Washington County in the same manner as is provided for in other civil actions.

* * * Abandoned Motor Vehicles * * *

Sec. 10. 23 V.S.A. § 2012 is amended to read:

§ 2012. EXEMPTED VEHICLES

No certificate of title need be obtained for:

* * *

(2) a vehicle:

(A) owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; ~~or;~~

(B) used by an educational institution approved by the Agency of Education for driver training purposes; ~~;~~

(C) ~~a vehicle~~ used by a manufacturer solely for testing;

* * *

Sec. 11. 23 V.S.A. § 2158 is amended to read:

§ 2158. FEES FOR TOWING; PUBLIC PROPERTY; FUNDING

(a)(1) A towing service may charge a fee of up to ~~\$125.00~~ \$250.00 for towing an abandoned motor vehicle from public property under the provisions of sections 2151–2157 of this subchapter.

(2) This fee shall be paid to:

(A) ~~the~~ a towing service upon the issuance by the Department of Motor Vehicles of a certificate of abandoned motor ~~vehicles~~ vehicle under section 2156 of this title; ~~or~~

(B) the Agency of Transportation if the Agency has a vehicle towed from a State right-of-way and submits proof acceptable to the Commissioner that the Agency has paid a towing service to tow the vehicle from the State right-of-way.

(3) The Commissioner of Motor Vehicles shall notify the Commissioner of Finance and Management, who shall issue payment to the towing service or Agency of Transportation, as applicable, for vehicles removed from public property.

* * *

Sec. 11a. 23 V.S.A. § 2154 is amended to read:

§ 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED
MOTOR VEHICLES

(a) The Department shall make a reasonable attempt to locate and provide notice to an owner of an abandoned motor vehicle.

* * *

(3) The Department shall maintain and keep current on its website a list of vehicles for which an application for a certificate of abandoned motor vehicle has been filed and contact information for Department personnel to whom evidence of ownership may be presented under subsection (b) of this section. At a minimum and to the extent permitted by federal law, the list shall include the vehicle's make; registration plate number or public vehicle identification number, or both if available; model; model year; and the name and contact information of the person who applied for the certificate of abandoned motor vehicle.

* * *

* * * Diesel Fuel Tax * * *

Sec. 12. 23 V.S.A. § 3015 is amended to read:

§ 3015. COMPUTATION AND PAYMENT OF TAX

(a) Each report required under section 3014 of this title from licensed distributors, dealers, or users shall be accompanied by evidence of an electronic funds transfer payment or a remittance payable to the Department of Motor Vehicles for the amount of tax due, which shall be computed and transmitted in the following manner:

* * *

~~(3)(A)(b)(1)~~ Distributors and dealers filing a report required under subsection 3014(a) of this title shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer.

~~(B)~~(2) Users filing a report required under subsection 3014(b) of this title shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer payment or by a remittance through the U.S. mail. If a remittance is sent through the U.S. mail properly addressed to the Department of Motor Vehicles, it shall be deemed received on the date shown by the postmark on the envelope containing the report only for purposes of avoiding penalty and interest. In the event a mailing date is affixed to the envelope by a machine owned by or under the control of the person submitting the report and the U.S. Post Office has corrected or changed the date stamped thereon by causing the official U.S. Post Office postmark to also be imprinted on the envelope, the date shown by the official Post Office postmark shall be the accepted date if different from the original postmark.

(4)(c) All taxes, interest, user license fees, and penalties collected by the Department of Motor Vehicles under this chapter shall be paid immediately to the State Treasurer and credited to the Transportation Fund.

~~(5)~~(d) Notwithstanding ~~subdivision (4)~~ subsection (c) of this section, the one cent per gallon fee imposed by this chapter shall be deposited into the Petroleum Cleanup Fund established by 10 V.S.A. § 1941. These fees shall be deemed the petroleum distributor licensing fee established by 10 V.S.A. § 1942.

* * * Operation of Snowmobiles * * *

Sec. 13. 23 V.S.A. § 3207 is amended to read:

§ 3207. PENALTIES AND REVOCATION OR SUSPENSION OF
REGISTRATION

* * *

(c) A person who violates any of the following sections of this title shall be subject to a civil penalty of \$135.00 for each violation:

~~§ 3202 – operation of an unregistered snowmobile~~

* * *

(g) A person who violates the provisions of section 3202 of this chapter shall be subject to a civil penalty of \$450.00 for a first offense and \$500.00 for a second or subsequent offense within a three-year period.

(h) The Commissioner or ~~his or her~~ the Commissioner's authorized agent may suspend or revoke the registration of any snowmobile registered in this State and repossess the number and certificate to it, when ~~he or she~~ the Commissioner is satisfied that:

* * *

~~(h)~~(i) Civil penalties established under this section shall be mandatory and ~~may~~ shall not be reduced.

* * * Commercial Driver's Licenses * * *

Sec. 14. 23 V.S.A. § 4107 is amended to read:

§ 4107. COMMERCIAL DRIVER'S LICENSE REQUIRED

* * *

(d)(1) Notwithstanding the provisions of this section, during an emergency declared by the Governor, an employee of a State agency or a Vermont municipality may operate a commercial motor vehicle with a weight of 26,001 or more pounds without being required to hold a commercial driver's license while the emergency or emergency condition is ongoing if:

(A) expressly permitted to do so pursuant to the terms of the Governor's declaration; and

(B) the individual is performing official duties or activities related to the execution of emergency governmental functions pursuant to 49 C.F.R. 383.3(d)(2).

(2) An individual operating a vehicle pursuant to the provisions of this subsection shall have a valid operator's license issued pursuant to chapter 9 of this title or the applicable laws of another state.

(3) As used in this subsection, "emergency" means a situation, condition, or event that involves significant imminent or ongoing risk to public health and safety, infrastructure, or property.

Sec. 15. 23 V.S.A. § 4110 is amended to read:

§ 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR
COMMERCIAL LEARNER'S PERMIT

(a) The application for a commercial driver's license or commercial learner's permit shall include the following:

* * *

(8)(A) The applicable fee for the commercial driver's license being applied for. The four-year fee for a commercial driver's license shall be \$108.00. The two-year fee shall be \$72.00. The one-year fee for a nondomiciled commercial driver's license shall be \$40.00. In those instances where the applicant surrenders a valid Vermont Class D license, the total fees due shall be reduced by:

* * *

Sec. 16. 23 V.S.A. § 4125 is amended to read:

§ 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE VIOLATIONS

(a) Definitions. As used in this section:

(1) ~~“driving”~~ “Driving” means operating a commercial motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. “Driving” does not include operating a commercial motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

(2) “Hands-free use” means the use of a portable electronic device without utilizing either hand by employing an internal feature of, or an attachment to, the device or the commercial motor vehicle.

(3) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).

(4) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed or built to support the hands-free use of a portable electronic device that is not affixed to the windshield in violation of section 1125 of this title and either:

(A) is utilized in accordance with manufacturer specifications; or

(B) causes the portable electronic device to remain completely stationary under typical driving conditions.

(5) “Texting” means the reading or manual composing or sending of electronic communications, including text messages, instant messages, or email, using a portable electronic device.

(6) “Use” means the use of a portable electronic device in any way that is not a hands-free use, including an operator of a motor vehicle holding a portable electronic device in the operator’s hand or hands while operating a motor vehicle.

(b) General prohibition on texting.

(1) No operator shall engage in texting while driving a commercial motor vehicle on a public highway in Vermont or in a location that is either temporarily or permanently open to the public or the general circulation of vehicles.

(2) Texting while driving is permissible by operators of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

(3) No ~~person may~~ individual shall be issued traffic complaints alleging a violation of this section and a violation of section 1099 of this title from the same incident.

(4) The prohibition set forth in this subsection does not apply to:

(A) hands-free use;

(B) the activation or deactivation of hands-free use, provided the portable electronic device is securely mounted or the activation or deactivation is carried out through an internal feature of the device or the commercial motor vehicle being operated and without the operator utilizing either hand to hold the portable electronic device;

(C) the use of a global positioning or navigation system that is installed by the manufacturer of the commercial motor vehicle or securely mounted in the vehicle; or

(D) instances where the operator has moved the vehicle to the side of or off the public highway and has stopped the vehicle, with or without the motor running, in a location where the vehicle can safely and lawfully remain stationary.

* * *

* * * Motorboat Validation Stickers * * *

Sec. 17. 23 V.S.A. § 3305 is amended to read:

§ 3305. FEES

* * *

(b)(1) Annually or biennially, the owner of each motorboat required to be registered by this State shall file an application for a number with the Commissioner of Motor Vehicles on forms approved by ~~him or her~~ the Commissioner.

(2) The application shall be signed by the owner of the motorboat and shall be accompanied by:

(A) an annual fee of \$31.00, or a biennial fee of \$57.00, for a motorboat in class A; ~~by~~

(B) an annual fee of \$49.00, or a biennial fee of \$93.00, for a motorboat in class 1; ~~by~~

(C) an annual fee of \$80.00, or a biennial fee of \$155.00, for a motorboat in class 2; ~~by or~~

(D) an annual fee of \$153.00, or a biennial fee of \$303.00, for a motorboat in class 3.

(3)(A) Upon receipt of the application in approved form, the Commissioner shall enter the application upon the records of the Department of Motor Vehicles and issue to the applicant a registration certificate stating the number awarded to the motorboat and the name and address of the owner.

(B) The owner shall paint on or attach to each side of the bow of the motorboat the identification number in ~~such~~ the manner as may be prescribed by rules of the Commissioner in order that it may be clearly visible. Validation stickers shall be placed within six inches preceding the registration number on the port side of the motorboat and within six inches following the registration number on the starboard side of the motorboat.

(C) The registration shall be void one year from the first day of the month following the month of issue in the case of annual registrations or void two years from the first day of the month following the month of issue in the case of biennial registrations.

(D) A motorboat of less than 10 horsepower used as a tender to a registered motorboat shall be deemed registered, at no additional cost, and shall have painted or attached to both sides of the bow the same registration number as the registered motorboat with the number "1" after the number.

(E) The number shall be maintained in legible condition.

(F) The registration certificate shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

(G) A duplicate registration may be obtained upon payment of a fee of \$3.00 to the Commissioner.

(H) Registration fees shall be allocated in accordance with section 3319 of this title.

(c) ~~A person engaged in the business of selling or exchanging~~ dealer in motorboats, as defined in subdivision 4(8) of this title, of a type otherwise required to be registered by this subchapter shall register and obtain registration certificates for use as described under subdivision (1) of this subsection, subject to the requirements of chapter 7 of this title. A manufacturer of motorboats may register and obtain registration certificates under this section.

(1) A dealer motorboat registration number may be used:

(A) for the purpose of testing or adjusting motorboats in the immediate vicinity of ~~his or her~~ the dealer's place of business;

* * *

(C) for demonstration when the prospective purchaser is operating the motorboat and is not accompanied by the dealer or ~~his or her~~ the dealer's employee, but not for more than three days;

* * *

(4) The Commissioner shall issue a registration certificate of number for each identifying number awarded to the dealer in the manner described in subsection ~~(a)~~(b) of this section, except that a motorboat shall not be described in the certificate. A dealer's registration certificate expires one year from the first day of the month of issuance.

(5) A dealer's identifying number shall be displayed as required by subsection ~~(a)~~(b) of this section except that the number may be temporarily attached.

* * *

(d)(1) Registration of a motorboat ends when the owner transfers title to another. The former owner shall immediately return directly to the Commissioner the registration certificate previously assigned to the transferred motorboat with the date of sale and the name and residence of the new owner endorsed on the back of the certificate.

(2) When a person transfers the ownership of a registered motorboat to another, files a new application, and pays a fee of \$6.00, ~~he or she~~ the person may have registered in ~~his or her~~ the person's name another motorboat of the same class for the remainder of the registration period without payment of any additional registration fee. However, if the fee for the registration of the motorboat sought to be registered is greater than the registration fee for the transferred motorboat, the applicant shall pay the difference between the fee first paid and the fee for the class of motorboat sought to be registered.

* * *

(g) The owner shall notify the Commissioner of the transfer of any part of the owner's interest other than the creation of a security interest in a motorboat numbered in this State under subsections ~~(a) and (b)~~ and (c) of this section or of the destruction or abandonment of the motorboat, within 15 days after the transfer, destruction, or abandonment. The transfer, destruction, or abandonment shall end the certificate of number for the motorboat except that in the case of a transfer of a part interest that does not affect the owner's right to operate the motorboat, the transfer shall not end the certificate of number.

(h) Any holder of a registration certificate shall notify the Commissioner within 15 days if ~~his or her~~ the holder's address ceases to be the address appearing on the certificate and shall, as a part of the notification, furnish the Commissioner with ~~his or her~~ the holder's new address. The Commissioner may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

* * *

* * * Personal Flotation Devices * * *

Sec. 18. 23 V.S.A. § 3306 is amended to read:

§ 3306. LIGHTS AND EQUIPMENT

* * *

(b)(1) Personal flotation devices. Each vessel, except sailboards, shall, consistent with federal regulations, carry for each individual aboard at least one wearable U.S. Coast Guard-approved personal flotation device that is in good and serviceable condition and capable of being used in accordance with the U.S. Coast Guard approval label.

* * *

(4) Cold weather.

(A) Except as otherwise provided pursuant to subdivision (B) of this subdivision (b)(4), on or before May 1 of each year and on or after November 1 of each year, all individuals aboard a vessel, while under way and the individual is on an open deck, shall wear a properly secured wearable U.S. Coast Guard-approved personal flotation device as intended by the manufacturer.

(B) The requirements of this subdivision (b)(4) shall not apply to an individual who is:

(i) aboard a vessel that is located in water that is not more than three feet deep; and

(ii) actively engaged in hunting or bow fishing and who holds a valid license issued under 10 V.S.A. part 4.

(C) A violation of this subdivision (b)(4) shall not be subject to the penalty set forth in section 3317 of this chapter or constitute a traffic violation pursuant to section 2302 of this title.

(5) Inspected commercial vessels. U.S. Coast Guard-inspected commercial vessels shall be exempt from the provisions of this subsection.

* * *

Sec. 19. PERSONAL FLOTATION DEVICES; COLD WEATHER
REQUIREMENTS; EDUCATION AND OUTREACH

On or before September 30, 2026, the Department of Public Safety, in consultation with the U.S. Coast Guard and the Departments of Fish and Wildlife, of Forests, Parks, and Recreation, of Motor Vehicles, and of Health, shall develop and implement a public education and outreach campaign to make the public aware of the requirements under 23 V.S.A. § 3306(b)(4) related to the use of personal flotation devices from November 1 through May 1. The outreach campaign shall include online and written information, which may be distributed to municipalities, retailers, and public and water safety organizations.

* * * Kei Vehicles * * *

Sec. 20. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may otherwise be provided by law, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(28) “Pleasure car” ~~shall include~~ includes all motor vehicles not otherwise defined in this title and ~~shall include~~ includes plug-in electric vehicles, battery electric vehicles, or plug-in hybrid electric vehicles as defined pursuant to subdivision (85) of this section, and kei vehicles as defined pursuant to subdivision (90) of this section.

* * *

(72) “Farm truck” means a motor truck or kei truck that, at the option of the owner, may be registered under the provisions of subsection 367(f) of this title or may be unregistered when used in accordance with subsection 370(b) of this title.

* * *

(89) “Kei truck” means a kei vehicle that is designed, used, or maintained primarily for the transportation of property.

(90) “Kei vehicle” means a motor vehicle that has four wheels, an engine displacement of 660 cubic centimeters or less, an overall length of 130 inches or less, an overall height of 78 inches or less, and an overall width of 60 inches or less.

Sec. 21. 23 V.S.A. § 1044 is added to read:

§ 1044. OPERATION OF KEI VEHICLES

(a) A kei vehicle registered as a pleasure car shall be subject to all provisions of this title that are applicable to pleasure cars.

(b) A kei truck registered as a farm truck shall be subject to all provisions of this title that are applicable to farm trucks.

(c) The Traffic Committee and political subdivisions of this State shall not adopt any rules or ordinances that would have the effect of prohibiting:

(1) a kei vehicle that is registered as a pleasure car from being operated in the same manner and locations as other pleasure cars; and

(2) a kei truck that is registered as a farm truck from being operated in the same manner and locations as other farm trucks.

* * * Inspection Manual * * *

Sec. 22. INSPECTION MANUAL; AMENDMENT

(a)(1) The Department of Motor Vehicles shall amend the inspection manual to increase its focus on vehicle conditions that constitute genuine safety issues; eliminate outdated procedures; and provide clear, consistent guidance for both inspection mechanics and members of the public.

(2) It is the intent of the General Assembly that the amendments to the inspection manual adopted pursuant to this section shall ensure that:

(A) the inspection manual only requires failure of an inspection when, as determined by the Commissioner, the condition of a vehicle system or component constitutes an immediate safety risk; and

(B) a vehicle owner shall be advised of conditions of vehicle systems and components that do not constitute an immediate safety risk but may become a safety risk at some time in the future.

(3) In preparing the amendments to the inspection manual, the Department shall specifically determine whether amendments to the provisions relating to the following vehicle systems and components are necessary to comply with the legislative intent set forth in subdivision (2) of this subsection:

(A) tires;

(B) power steering;

(C) suspension;

(D) brake rotors;

- (E) lighting;
- (F) electrical systems and components;
- (G) windshield;
- (H) windows;
- (I) windshield wipers;
- (J) vehicle body; and
- (K) in the discretion of the Commissioner, any other vehicle systems or components.

(4) In preparing the amendments to the inspection manual, the Department shall determine whether any tests or procedures require amendment or elimination, including the on-highway road test for brakes and the headlamp aiming test.

(5) In preparing the amendments to the inspection manual, the Department shall provide additional visual guidance regarding when certain conditions warrant failure of an inspection.

(b) On or before August 1, 2026, the Department of Motor Vehicles shall:

(1) file with the Secretary of State pursuant to the provisions of 3 V.S.A. § 838 proposed amendments to the Inspection of Motor Vehicles rules (CVR 14-050-022) necessary to implement the provisions of this section; and

(2) adopt emergency rules pursuant to 3 V.S.A. § 844 to implement the provisions of this section while permanent rule amendments are pending, which shall be deemed to have met the standard for emergency rulemaking set forth in 3 V.S.A. § 844(a).

(c) The Commissioner of Motor Vehicles shall submit to the House and Senate Committees on Transportation the following reports regarding the rule amendments proposed pursuant to this section:

(1) Not more than five days after the Department files proposed rule amendments to the Inspection of Motor Vehicles rules (CVR 14-050-022) with the Secretary of State pursuant to 3 V.S.A. § 838, the Commissioner shall submit a summary of the proposed amendments and an annotated copy of the inspection manual that shows the proposed changes.

(2) Not more than five days after the Department files final proposed rule amendments to the Inspection of Motor Vehicles rules (CVR 14-050-022) with the Secretary of State and Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841, the Commissioner shall submit a summary of the proposed amendments, an annotated copy of the inspection manual that shows the proposed changes, and a copy of the responsiveness summary, if any, that is submitted with the final proposed rules pursuant to 3 V.S.A. § 841(b)(2).

(3) Not more than five days after the Department files the adopted rule amendments to the Inspection of Motor Vehicles rules (CVR 14-050-022) with the Secretary of State and Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843, the Commissioner shall submit a brief written statement of the date on which the rule amendments were submitted pursuant to 3 V.S.A. § 843, the effective date of the rule amendments, and any changes to the final proposed rule that were approved by the Legislative Committee on Administrative Rules.

(d) Nothing in this section shall be construed to permit the Department of Motor Vehicles to amend the rules relating to emissions inspections for motor vehicles.

* * * Limited-Use Specialty Vehicles * * *

Sec. 23. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may otherwise be provided by law, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(91) "Limited-use specialty vehicle" means a motor vehicle that is:

(A) built by either:

(i) a manufacturer that manufactures not more than 325 vehicles per year for sale in the United States; or

(ii) an individual and not for resale;

(B) maintained solely for occasional transportation, including exhibitions, club activities, parades, and other functions of public interest; and

(C) not used for daily transportation of passengers or property on any highway.

Sec. 24. 23 V.S.A. § 375 is added to read:

§ 375. LIMITED-USE SPECIALTY VEHICLES

(a) The Commissioner shall issue a certificate of registration for not more than 12 additional limited-use specialty vehicles per year.

(b) A vehicle that has been registered as a limited-use specialty vehicle shall not be permitted to be registered as any other type of vehicle.

(c) The annual fee for registration of a limited-use specialty vehicle shall be \$26.00.

(d) A vehicle registered under this section may be used on public highways:

(1) in exhibitions, club activities, parades, and other functions of public interest; and

(2) for occasional transportation of passengers or property, not to exceed one day per week.

Sec. 25. 23 V.S.A. § 1222 is amended to read:

§ 1222. INSPECTION OF REGISTERED VEHICLES

* * *

(f) Notwithstanding the provisions of subsection (a) of this section, a limited-use specialty vehicle registered pursuant to section 375 of this title shall undergo a safety inspection and visual emissions inspection each year but shall not be required to undergo an OBD systems inspection.

* * * License Plates * * *

Sec. 26. 23 V.S.A. § 511 is amended to read:

§ 511. MANNER OF DISPLAY

(a) Number plates.

(1) A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. ~~Such~~ The number plates shall be furnished by the Commissioner and shall show the number assigned to ~~such~~ the vehicle by the Commissioner. If only one number plate is furnished, the same plate shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle.

(2) Except as otherwise provided by law:

(A) ~~The number~~ Number plates shall be kept entirely unobscured, and the numerals and letters ~~thereon~~ on the plates shall be plainly legible at all times.

(B) A person shall not color, tint, or change in any manner the numerals, letters, or background of the plate from their appearance at the time the plate was issued.

(C) A person shall not cover or obscure any numerals or letters on a number plate with any material or substance.

(3) They Number plates shall be kept horizontal, shall be so fastened as not to swing, excepting, however, there may be installed on a motor truck or truck tractor a device that would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

* * *

(e) Temporary and in-transit registration plates. A motor vehicle issued a temporary or in-transit registration plate under ~~sections~~ section 312, 458, 463, and 516-518, or 517 of this title operated on any highway shall have the temporary or in-transit registration plate displayed horizontally in a conspicuous place on the rear of the vehicle, including in the rear window. The temporary or in-transit registration plate shall be kept entirely unobscured, and the numerals and letters ~~thereon~~ on the plate shall be plainly legible at all times as provided pursuant to subsection (a) of this section.

Sec. 27. REPEAL

23 V.S.A. § 518 (electronic issuance of temporary plate and temporary registration) is repealed.

* * * Tax Record Confidentiality; Disclosure; Agency of Transportation * * *

Sec. 28. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

* * *

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

* * *

(25) To the Agency of Transportation, provided that the disclosure relates to tax revenue generated on the premises of airports in the State and is necessary to demonstrate compliance with Federal Aviation Administration grant funding requirements relating to airport revenue.

* * *

* * * Motorcycle Exhaust Requirements * * *

Sec. 29. 23 V.S.A. § 1260 is added to read:

§ 1260. MOTORCYCLE EXHAUST; EXCESSIVE NOISE;
PROHIBITIONS

(a) A motorcycle operated on a highway shall be equipped with an exhaust system that includes a muffler or other mechanical device designed to reduce the noise emitted by the motorcycle.

(b) A motorcycle shall be in violation of this section if the motorcycle's exhaust system:

(1) has missing or removed internal baffles;

(2) has a cutout or bypass;

(3) has been modified to bypass the muffler system; or

(4) is a straight-pipe or similar type of exhaust system that does not include any mechanical features to reduce the noise emitted by the motorcycle.

(c) A motorcycle that violates the requirements of this section shall not pass an inspection required under section 1222 of this chapter.

(d) The provisions of this section shall not apply when a motorcycle is operated in a race, contest, or demonstration of speed or skill at an authorized public exhibition held in accordance with applicable State and municipal laws.

Sec. 30. MOTORCYCLE EXHAUST; INSPECTION MANUAL;
RULEMAKING

The Commissioner of Motor Vehicles shall, pursuant to the provisions of 3 V.S.A. chapter 25, amend the Inspection of Motor Vehicles rules (CVR 14-050-022) as necessary to implement the provisions of 23 V.S.A. § 1260.

* * * Effective Date * * *

Sec. 31. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Westman moved that the Senate concur in the House proposal of amendment with further proposals of amendment as follows:

First: By striking out Sec. 16, 23 V.S.A. § 4125, in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. 23 V.S.A. § 4125 is amended to read:

§ 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE VIOLATIONS

(a) Definitions. As used in this section:

(1) ~~“driving”~~ “Driving” means operating a commercial motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. “Driving” does not include operating a commercial motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

(2) “Hands-free use” means the use of a portable electronic device without utilizing either hand by employing an internal feature of, or an attachment to, the device or the commercial motor vehicle.

(3) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).

(4) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed or built to support the hands-free use of a portable electronic device that is not affixed to the windshield in violation of section 1125 of this title and either:

(A) is utilized in accordance with manufacturer specifications; or

(B) causes the portable electronic device to remain completely stationary under typical driving conditions.

(5) “Texting” means the reading or manual composing or sending of electronic communications, including text messages, instant messages, or email, using a portable electronic device.

(6) “Use” means the use of a portable electronic device in any way that is not a hands-free use, including an operator of a motor vehicle holding a portable electronic device in the operator’s hand or hands while operating a motor vehicle.

(b) General prohibition on texting.

(1) No operator shall engage in texting while driving a commercial motor vehicle on a public highway in Vermont or in a location that is either temporarily or permanently open to the public or the general circulation of vehicles.

(2) Texting while driving is permissible by operators of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

(3) No ~~person may~~ individual shall be issued traffic complaints alleging a violation of this section and a violation of section 1099 of this title from the same incident.

* * *

(e) The prohibitions set forth in this section do not apply to:

(A) hands-free use;

(B) the activation or deactivation of hands-free use;

(C) the use of a global positioning or navigation system that is installed by the manufacturer of the commercial motor vehicle or securely mounted in the vehicle; or

(D) instances where the operator has moved the vehicle to the side of or off the public highway and has stopped the vehicle, with or without the motor running, in a location where the vehicle can safely and lawfully remain stationary.

Second: By striking out Sec. 29, 23 V.S.A. § 1260, in its entirety and inserting in lieu thereof a new Sec. 29 to read as follows:

Sec. 29. 23 V.S.A. § 1260 is added to read:

§ 1260. MOTORCYCLE EXHAUST; EXCESSIVE NOISE;
PROHIBITIONS

(a) A motorcycle operated on a highway shall be equipped with an exhaust system that includes a muffler or other mechanical device designed to reduce the noise emitted by the motorcycle.

(b) A motorcycle shall be in violation of this section if the motorcycle's exhaust system:

(1) has missing or removed internal baffles;

(2) has a cutout or bypass;

(3) has been modified to bypass the muffler system;

(4) is not equipped with a muffler that meets the requirements of 40 C.F.R. § 205.169; or

(5) is a straight-pipe or similar type of exhaust system that does not include any mechanical features to reduce the noise emitted by the motorcycle.

(c)(1) A motorcycle that violates the requirements of this section shall not pass an inspection required under section 1222 of this chapter.

(2) Notwithstanding subdivision (1) of this subsection, if the orientation or location of a motorcycle's muffler prevents an inspection mechanic from reasonably determining if the muffler has a label certifying compliance with 40 C.F.R. § 205.169, the inspection mechanic shall presume that the muffler meets the requirements of 40 C.F.R. § 205.169.

(d) The provisions of this section shall not apply when a motorcycle is operated in a race, contest, or demonstration of speed or skill at an authorized public exhibition held in accordance with applicable State and municipal laws.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment with further proposals of amendment?, was decided in the affirmative.

Report of Committee of Conference Accepted and Adopted on the Part of the Senate

H. 660.

Senator Lyons, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

H. 660 An act relating to fiscal year 2027 Opioid Abatement Special Fund appropriations.

Respectfully reports that it has met and considered the same and recommends that the Senate 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:

* * * Opioid Abatement Special Fund * * *

Sec. 1. APPROPRIATIONS; OPIOID ABATEMENT SPECIAL FUND

(a) In fiscal year 2027, the following sums shall be appropriated from the Opioid Abatement Special Fund established in 18 V.S.A. § 4774:

(1)(A) \$455,000.00 to the Department of Health to fund 26 outreach or case management staff positions within the preferred provider network for the provision of services that increase the motivation of and engagement with individuals with substance use disorder in settings such as police barracks, shelters, social service organizations, and elsewhere in the community.

(B) It is the intent of the General Assembly that these positions shall be funded annually by the Opioid Abatement Special Fund unless and until the Special Fund does not have sufficient monies to fund this expenditure.

(2)(A) \$1,600,000.00 to the Department of Health for recovery residences certified by the Vermont Alliance for Recovery Residences.

(B) It is the intent of the General Assembly that recovery residences be funded annually by the Opioid Abatement Special Fund unless and until the Special Fund does not have sufficient monies to fund this expenditure.

(3)(A) \$850,000.00 to the Department of Health for syringe services.

(B) It is the intent of the General Assembly that syringe services be funded annually by the Opioid Abatement Special Fund unless and until the Special Fund does not have sufficient monies to fund this expenditure.

(4) \$1,100,000.00 to the Department of Corrections to provide peer recovery center coaches in Vermont correctional facilities and in probation and parole offices to provide group and individual coaching and reentry support, which shall not be used to cover administrative expenses.

(5) \$250,000.00 to the Department for Children and Families' Office of Economic Opportunity to support long-term programs at shelters for individuals experiencing homelessness, including harm-reduction supports, transportation to recovery meetings and appointments, and clinical nursing programs.

(6)(A) \$1,200,000.00 to the Department of Health for both the creation of new opioid use disorder residential treatment beds at American Society of Addiction Medicine level 3.1 and for the creation of new recovery residence beds at National Alliance for Recovery Residences (NARR) certification level III or above with priority given to unserved and underserved regions of the State.

(B) It is a priority of the General Assembly to fund treatment as part of opioid use disorder recovery.

(7) \$248,000.00 to the Department of Health for the Prehospital Vermont EMS Buprenorphine Treatment (PREVENT) Program to expand training for emergency service providers on carrying buprenorphine and administering buprenorphine after administering naloxone.

(8) \$35,000.00 to the Department of Health to subsidize room and board for individuals in Rutland Mental Health Services' transitional housing program.

(9) \$237,646.00 to the Department of Health for distribution to Springfield Project ACTION to support public safety enhancement team coordinator positions in Bennington, Springfield, Brattleboro, St. Johnsbury, and central Vermont for the purposes of providing administrative support, meeting facilitation, data tracking, outreach event coordination, and sustainability planning.

(10) \$500,000.00 to the Department of Health for distribution to recovery centers, upon consultation with the Vermont Recovery Network to determine allocations to individual recovery centers.

(11) \$287,000.00 to the Department of Public Safety to provide funding for expanding the Public Safety Enhancement Team's harm reduction and strategic community intervention efforts.

(12) \$875,000.00 to the Department for Disabilities, Aging, and Independent Living to fund specialized employment services to individuals with opioid use disorder through HireAbility Vermont.

(b) Notwithstanding 32 V.S.A. § 703, unless reverted by a future act of the General Assembly, the appropriations made in accordance with this section shall carry forward until fully expended.

Sec. 2. LEGISLATIVE INTENT; OVERDOSE PREVENTION CENTER

(a) It is the intent of the General Assembly to consider the operational status and funding needs of Burlington's overdose prevention center during the fiscal year 2027 budget adjustment process. If the General Assembly finds that a location for the overdose prevention center has been procured by lease or purchase, the overdose prevention center is being fit up for its intended use, and the overdose prevention center is currently or will imminently become operational, it intends to appropriate up to \$1,100,000.00 to the Department of Health for purpose of awarding a grant to the City of Burlington for the work of the overdose prevention center.

(b) It is the intent of the General Assembly to continue to appropriate funds annually from the Opioid Abatement Special Fund through at least fiscal year 2028 for the purpose of awarding grants to the City of Burlington for the operation of the overdose prevention center, unless the Special Fund does not have sufficient monies to fund this expenditure.

Sec. 3. LEGISLATIVE INTENT; HIREABILITY

It is the intent of the General Assembly that in fiscal year 2028 and thereafter, HireAbility Vermont be funded using General Fund monies.

Sec. 4. 2023 Acts and Resolves No. 22, Sec. 14, as amended by 2024 Acts and Resolves No. 113, Sec. C.112, is further amended to read:

Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND

In fiscal year 2023, the following monies shall be appropriated from the Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:

(1)(A) ~~\$1,500,000 divided equally between four opioid treatment programs~~ to cover costs associated with partnering with other health care providers to expand satellite locations for the dosing of medications, including costs associated with the satellite locations' physical facilities, staff time at the satellite locations, and staff time at opioid treatment programs to prepare medications and coordinate with satellite locations;

(B) the satellite locations established pursuant to this subdivision (1) shall be located in Addison County, and eastern or southern Vermont, ~~and in a facility operated by the Department of Corrections~~;

(2) ~~\$500,000 to establish a second Chittenden Clinic Addiction Treatment Center~~ satellite location in northwestern Vermont;

* * *

Sec. 5. 18 V.S.A. § 4772 is amended to read:

§ 4772. OPIOID SETTLEMENT ADVISORY COMMITTEE

* * *

(c) Powers and duties. The Advisory Committee shall demonstrate broad ongoing consultation with individuals living with opioid use disorder about their direct experience with related systems, including medication for opioid use disorder, residential treatment, recovery services, harm reduction services, overdose, supervision by the Department of Corrections, and involvement with the Department for Children and Families' Family Services Division. To that end, the Advisory Committee shall demonstrate consultation with individuals with direct lived experience of opioid use disorder, frontline support professionals, the Substance Misuse Oversight Prevention and Advisory Council, the Health Equity Advisory Commission, and other stakeholders to identify spending priorities as related to opioid use disorder prevention, intervention, treatment, and recovery services and harm reduction strategies for the purpose of providing recommendations to the Governor, the Department of Health, and the General Assembly on prioritizing spending from the Opioid Abatement Special Fund. Each ongoing funding proposal considered by the Advisory Committee shall include a sustainability plan from the applicant to ensure consideration of future expenses and available resources apart from the Opioid Abatement Special Fund. The Advisory Committee shall consider:

(1) the impact of the opioid crisis on communities throughout Vermont, including communities' abatement needs and proposals for abatement strategies and responses;

(2) the perspectives of and proposals from opioid use disorder prevention coalitions, recovery centers, and medication for opioid use disorder providers; and

(3) the ongoing challenges of the opioid crisis on marginalized populations, including individuals who have a lived experience of opioid use disorder.

* * *

(e) ~~Presentation~~ Recommendations. Annually, the Advisory Committee shall vote on its recommendations. Recommendations shall be informed by outcomes and measurements reported by previous grantees. In developing its recommendations, the Advisory Committee shall consult with the Office of the Attorney General regarding allowable uses of the Special Fund. If the recommendations are supported by an affirmative vote of the majority, the Advisory Committee shall present its recommendations for expenditures from the Opioid Abatement Special Fund established pursuant to this subchapter to the Department of Health and concurrently submit its recommendations in writing to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare. The Advisory Committee's written recommendations shall address how each recommendation meets one or more of the criteria listed in subsections 4774(b) and (c) of this subchapter. The Advisory Committee shall give priority consideration to services requiring funding on an ongoing basis.

* * *

Sec. 6. 18 V.S.A. § 4774 is amended to read:

§ 4774. OPIOID ABATEMENT SPECIAL FUND

(a)(1) There is created the Opioid Abatement Special Fund, a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and administered by the Department of Health. The Opioid Abatement Special Fund shall consist of all abatement account fund monies disbursed to the Department from the national abatement account fund, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, ~~and~~ harm reduction services, co-occurring mental health conditions, and co-occurring substance use disorders.

(2) The Department shall submit a spending plan to the General Assembly, informed by the recommendations of the Opioid Settlement Advisory Committee established pursuant to section 4772 of this subchapter, annually on or before January 15 and once funding is appropriated by the General Assembly from the Opioid Abatement Special Fund, the Department shall request to have the funds formally released from the national abatement account fund, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services, co-occurring mental health conditions, and co-occurring substance use disorders. The Department shall disburse monies from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.

* * *

Sec. 7. APPROPRIATION REVIEW; FISCAL YEAR 2028 PROPOSAL SUSPENSION

Notwithstanding 18 V.S.A. § 4772(e), the Opioid Settlement Advisory Committee shall not accept funding proposals or make funding recommendations from the Opioid Abatement Special Fund for fiscal year 2028, unless a program or initiative was previously identified in statute as intended for annual funding. It instead shall review the outcomes of programs and initiatives previously funded through the Opioid Abatement Special Fund to assess effectiveness, long-term sustainability, and the appropriateness of the Opioid Abatement Special Fund as a funding source, where applicable, to inform recommendations made in fiscal year 2029 and thereafter.

Sec. 8. QUARTERLY REPORTING; EXPENDITURE OF OPIOID ABATEMENT SPECIAL FUND MONIES

The Department of Health shall submit to the General Assembly quarterly reports regarding expenditures from the Opioid Abatement Special Fund. Specifically, the reports shall identify funds appropriated from the Special Fund that remain unobligated or unspent, or both, and shall include an explanation as to why the funds have not been fully distributed. Reports due on October 1, 2026, and July 1, 2027, shall be submitted to the Joint Fiscal Committee. Reports due on January 1, 2027, and April 1, 2027, shall be submitted to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare. The Department shall post reports required pursuant to this section on its website.

Sec. 9. REVERSIONS

Notwithstanding any provision of law to the contrary, in fiscal year 2027, the following amounts shall revert to the Opioid Abatement Special Fund from the accounts indicated:

<u>3420892313 VDH-Opioid Sp. Fund Prov Satellites</u>	<u>\$444,000.00</u>
<u>3420892313 VDH-Opioid Sp. Fund Wound Care</u>	<u>\$8,287.34</u>
<u>3420892501 VDH-Opioid Sp. Fund Stabilization Beds</u>	<u>\$1,000,000.00</u>

* * * Syringe Recovery Plan * * *

Sec. 10. PLAN; SYRINGE RECOVERY

On or before December 15, 2026, the Department of Health shall submit a plan to the House Committee on Human Services and to the Senate Committee on Health and Welfare containing recommendations for the implementation of one or more syringe recovery models throughout the State to enhance public health and safety. The plan shall require syringe service providers to report to the Department on the percentage of distributed syringes that are returned to the provider or otherwise collected.

* * * Substance Misuse Prevention Special Fund * * *

Sec. 11. APPROPRIATIONS; SUBSTANCE MISUSE PREVENTION
SPECIAL FUND

In fiscal year 2027, the following monies shall be appropriated from the Substance Misuse Prevention Special Fund established pursuant to 18 V.S.A. § 4812:

(1) \$288,935.00 to the Department of Health for distribution to Elevate Youth Services to support the creation of a low-barrier, drop-in teen center in Barre to provide food, activities, positive adults role models, peer counselors, prevention and recovery programming, and direct connection to treatments;

(2) \$124,999.00 to the Department of Health for distribution to the Greater Falls Connections to enhance youth engagement and education and to expand prevention-focused staffing and youth programming space in response to increasing community need;

(3) \$200,000.00 to the Department of Health for distribution to Interaction: Friends for Change to increase access to community-based therapy, housing, crisis, medical, recovery, and employment supports for youth in Windham County; and

(4) \$26,697.00 to the Department of Health for distribution to Winooski Partnership for Prevention to provide funding for staff time and stipends for partners to deliver medicine safety education to elementary-aged youth during school with family engagement.

Sec. 12. 18 V.S.A. § 4812 is amended to read:

§ 4812. SUBSTANCE MISUSE PREVENTION SPECIAL FUND

* * *

(e) As part of its annual budget presentation, the Department shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare on its specific spending proposal from the Substance Misuse Prevention Special Fund for the coming fiscal year. The report shall include an estimate of the monies in the Special Fund anticipated to remain unallocated at the end of the fiscal year.

* * * Effective Date * * *

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

and that after passage the title of the bill be amended to read: “An act relating to fiscal year 2027 Opioid Abatement Special Fund and Substance Misuse Prevention Special Fund appropriations”

*SEN. VIRGINIA V. LYONS
SEN. MARTINE LAROCQUE GULICK
SEN. JOHN BENSON
Committee on the part of the Senate

REP. THERESA A. WOOD
REP. ERIC MAGUIRE
REP. TIFFANY BLUEMLE
Committee on the part of the House*

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Report of Committee of Conference Accepted and Adopted on the Part of the Senate

H. 816.

Senator Gulick, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

H. 816 An act relating to regulating the use of artificial intelligence in the provision of mental health services.

Respectfully reports that it has met and considered the same and recommends that the Senate 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. PURPOSE

It is the purpose of this act to safeguard individuals seeking mental health services in Vermont from psychological harm, including death by suicide, by ensuring that these services are delivered by mental health professionals and not independently by artificial intelligence systems.

Sec. 2. 3 V.S.A. § 129a is amended to read:

§ 129a. UNPROFESSIONAL CONDUCT

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct:

* * *

(30) For any mental health professional, engaging in the prohibited use of artificial intelligence pursuant to 18 V.S.A. § 7115.

* * *

Sec. 3. 18 V.S.A. § 7115 is added to read:

§ 7115. PROHIBITED USES OF ARTIFICIAL INTELLIGENCE

(a) As used in this section:

(1) “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

(2) “Mental health professional” means an individual licensed, certified, or rostered, respectively, to provide mental health services as a physician pursuant to 26 V.S.A. chapter 23 or 33; an advanced practice registered nurse specializing in psychiatric mental health pursuant to 26 V.S.A. chapter 28; a psychologist pursuant to 26 V.S.A. chapter 55; a peer support provider or peer recovery support specialist pursuant to 26 V.S.A. chapter 60; a social worker

pursuant to 26 V.S.A. chapter 61; an alcohol and drug abuse counselor pursuant to 26 V.S.A. chapter 62; a clinical mental health counselor pursuant to 26 V.S.A. chapter 65; a marriage and family therapist pursuant to 26 V.S.A. chapter 76; a psychoanalyst pursuant to 26 V.S.A. chapter 77; an applied behavior analyst pursuant to 26 V.S.A. chapter 95; a nonlicensed or noncertified psychotherapist or a noncertified psychoanalyst; or any other professional who provides mental health services.

(3) “Mental health services” means services provided to diagnose, treat, or address an individual’s mental health or behavioral health through therapeutic communications and therapeutic decisions.

(4) “Therapeutic communication” means a written, verbal, or nonverbal interaction intended to diagnose or treat any type of mental or behavioral health concern, provide ongoing recovery support, or provide clinical advice on diagnosis, treatment, or recovery support, such as:

(A) engaging in direct interactions with clients or patients for the purpose of understanding or reflecting the client’s or patient’s mental health condition;

(B) providing clinical guidance, strategies, or interventions;

(C) offering clinical support, including reassurance or empathy in response to emotional or psychological distress;

(D) collaborating with a patient or client to develop or modify treatment plans or therapeutic mental health goals; and

(E) delivering feedback intended to promote growth or address mental health outcomes.

(5) “Therapeutic decision” means the final clinical determination regarding diagnosis or the selection, modification, or termination of treatment or care.

(b) A corporation or entity shall not provide, advertise, or otherwise offer mental health services, including through the use of artificial intelligence, to the public unless the mental health services are:

(1) provided by a mental health professional; or

(2) part of an approved institutional review board or privacy board study in accordance with 45 C.F.R. § 164.512(i)(1)(i)(A) and (B).

(c)(1) A violation of this section by a corporation or entity shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority, and private parties have the same rights and remedies, as provided under 9 V.S.A. chapter 63, subchapter 1.

(2) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

(d) Nothing in this section shall preclude a mental health professional who is operating within the professional's scope of practice from utilizing artificial intelligence tools that are compliant with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, provided that the mental health professional reviews and approves any mental health services. This includes a software-based medical product, including a digital therapeutic or software as a medical device product that is authorized, cleared, or approved by the U.S. Food and Drug Administration, provided the product's use is prescribed or recommended by a mental health professional.

Sec. 4. 26 V.S.A. § 1354 is amended to read:

§ 1354. UNPROFESSIONAL CONDUCT

(a) Prohibited conduct. The Board shall find that any one of the following, or any combination of the following, whether the conduct at issue was committed within or outside the State, constitutes unprofessional conduct:

* * *

(3) engaging in the prohibited use of artificial intelligence pursuant to 18 V.S.A. § 7115;

* * *

Sec. 5. 3 V.S.A. § 5023 is amended to read:

§ 5023. ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL

* * *

(b) Members.

(1) Members. The Advisory Council shall be composed of the following members:

* * *

(I) the Director of Professional Regulation or designee;

(J) the Executive Director of the Vermont Board of Medical Practice or designee;

(K) the Executive Director of Racial Equity or designee; and

~~(J)~~(L) the Attorney General or designee.

* * *

Sec. 6. USE OF ARTIFICIAL INTELLIGENCE BY MENTAL HEALTH PROFESSIONALS

On or before January 15, 2027, the Artificial Intelligence Advisory Council established in 3 V.S.A. § 5023 shall submit a written report to the House Committees on Government Operations and Military Affairs and on Health Care and to the Senate Committees on Government Operations and on Health and Welfare regarding the regulation of the use of artificial intelligence by mental health professionals, including recommendations for legislative action.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

SEN. MARTINE LAROCQUE GULICK

SEN. VIRGINIA V. LYONS

SEN. JOHN BENSON

Committee on the part of the Senate

REP. DAISY BERBECO

REP. BRIAN J. CINA

REP. VALORIE TAYLOR

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Rules Suspended; Report of Committee of Conference Accepted and Adopted on the Part of the Senate

H. 642.

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and House bill entitled:

An act relating to youthful offender proceedings.

Was taken up for immediate consideration.

Senator Hashim, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

H. 642 The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

An act relating to youthful offender proceedings.

Respectfully reports that it has met and considered the same and recommends that the Senate 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. 33 V.S.A. § 5285 is amended to read:

§ 5285. MODIFICATION OR REVOCATION OF DISPOSITION

(a)(1) If it appears that the youth has violated the terms of juvenile probation ordered by the court pursuant to subdivision 5284(c)(1) of this title, a motion for modification or revocation of youthful offender status may be filed in the Family Division of the Superior Court. The court shall set the motion for hearing as soon as practicable. The hearing may be joined with a hearing on a violation of conditions of probation under section 5265 of this title. A supervising juvenile or adult probation officer may detain in an adult facility a youthful offender who has attained 18 years of age for violating conditions of probation.

(2) Notwithstanding subdivision 5103(c)(2)(D) of this title, when a motion for revocation of youthful offender status is pending pursuant to this section, the Family Division's jurisdiction over the youth shall remain in effect until the youth is discharged or until probation is revoked. The Family Division may extend its jurisdiction over the youth beyond the youth's 22nd birthday to the extent necessary to maintain jurisdiction under this subdivision.

(b) A hearing under this section shall be held in accordance with section 5268 of this title.

(c)(1) If the court finds after the hearing that the youth has violated the terms of ~~his or her~~ the youth's probation, the court may:

~~(1)~~(A) maintain the youth's status as a youthful offender, with modified conditions of juvenile probation if the court deems it appropriate;

~~(2)~~(B) revoke the youth's status as a youthful offender and transfer the case with a record of the petition, affidavit, adjudication, disposition, and revocation to the Criminal Division for sentencing; or

~~(3)~~(C) transfer supervision of the youth to the Department of Corrections with all of the powers and authority of the Department and the Commissioner under Title 28, including graduated sanctions and electronic monitoring.

(2) For purposes of making its determination under subdivision (1) of this subsection, the court shall consider whether:

(A) under the criteria of subdivision 5284(a)(2) of this title, public safety will be protected by continuing to treat the youth as a youthful offender;

(B) the youth continues to be amenable to treatment or rehabilitation as a youthful offender; and

(C) there continue to be sufficient services in the juvenile court system, the Department for Children and Families, and the Department of Corrections to meet the youth's treatment and rehabilitation needs.

(d) If the youth fails to appear at a probation revocation hearing under this section, the court may, unless it finds there was good cause for the failure to appear, issue an order pursuant to subsection 5108(c) of this title for an officer to pick up the youth and bring the youth to court.

(e) If a youth's status as a youthful offender is revoked and the case is transferred to the Criminal Division pursuant to subdivision ~~(e)(2)(c)(1)(B)~~ of this section, the court shall enter a conviction of guilty based on the admission to or finding of merits, hold a sentencing hearing, and impose sentence. Unless it serves the ~~interest~~ interests of justice, the case shall not be transferred back to the Family Division pursuant to section 5203 of this title. When determining an appropriate sentence, the court may take into consideration the youth's degree of progress toward or regression from rehabilitation while on youthful offender status. The Criminal Division shall have access to all Family Division records of the proceeding.

Sec. 2. 33 V.S.A. § 5288 is amended to read:

§ 5288. RIGHTS OF VICTIMS IN YOUTHFUL OFFENDER PROCEEDINGS

(a) The victim in a proceeding involving a youthful offender shall have the following rights:

(1) To be notified by the prosecutor in a timely manner:

(A) when a court proceeding is scheduled to take place and when a court proceeding ~~to~~ of which the victim has been notified will not take place as scheduled; and

(B) of any conditions of release or conditions of probation and of any restitution unless otherwise limited by court order.

(2) To be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence; to attend the hearing on the motion to consider youthful offender status and the disposition hearing to present a victim impact statement and to express reasonably the victim's views concerning the offense and the youth, including testimony in support of the victim's claim for restitution; and to submit oral or written statements to the court at such other times as the court may allow. The court shall consider the victim's statement ~~when ordering disposition~~ pursuant to subsection (b) of this section.

(3) To be notified by the agency having custody of the youth before the youth is released into the community from a secure or staff-secured residential facility.

(4) To be notified by the prosecutor as to the final disposition of the case.

(5) To be notified by the prosecutor of the victim's rights under this section.

(b) In accordance with court rules, at a hearing on a motion to consider youthful offender status or at a hearing on ~~for~~ youthful offender ~~treatment disposition~~, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding the motion or disposition. In ordering youthful offender status or disposition, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding youthful offender status or disposition and shall take those views into consideration in ordering youthful offender status or disposition.

(c) No youthful offender proceeding shall be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.

(d) As used in this section, "victim" ~~shall have~~ has the same meaning as in 13 V.S.A. § 5301(4).

(e) This section shall not prohibit a victim from discussing underlying facts of the alleged offense that resulted in death or physical, emotional, or financial injury to the victim, provided that, unless otherwise provided by law or court order, a victim shall not disclose what occurs during a court proceeding or information learned through a court proceeding that is not an underlying fact of the alleged offense that resulted in death or physical, emotional, or financial injury to the victim.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

*SEN. NADER A. HASHIM
SEN. TANYA C. VYHOVSKY
SEN. CHRISTOPHER P. MATTOS*

Committee on the part of the Senate

*REP. KAREN N. DOLAN
REP. IAN GOODNOW
REP. THOMAS OLIVER*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nomination of

Murad, Jon of Burlington - Commissioner, Department of Corrections - March 8, 2026 to February 8, 2027.

Was confirmed by the Senate on a roll call, Yeas 26, Nays 2.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Morley, Norris, Perchlik, Plunkett, Watson, Weeks, Westman, Williams.

Those Senators who voted in the negative were: Ram Hinsdale, Vyhovsky.

Those Senators absent and not voting were: Hardy, White.

The nomination of

Hildebrant, Rick of Clarendon - Commissioner, Department of Health - October 13, 2025 to February 28, 2027.

Was confirmed by the Senate on a roll call, Yeas 26, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Morley, Norris, Perchlik, Plunkett, Watson, Weeks, Westman, Williams.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Hardy, Ram Hinsdale, Vyhovsky, White.

The nomination of

Hoffman, Sandi of Essex Junction - Commissioner, Department for Children and Families - March 22, 2026 to February 28, 2027.

Was confirmed by the Senate on a roll call, Yeas 28, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Morley, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, Williams.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Hardy, White.

The nomination of

Teachout, Sara of Stowe - Member, Green Mountain Care Board - July 28, 2025 to September 30, 2029.

Was confirmed by the Senate on a roll call, Yeas 28, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Morley, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, Williams.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Hardy, White.

The nomination of

Foster, Owen of Jericho - Chair, Green Mountain Care Board - October 1, 2024 to September 30, 2030.

Was confirmed by the Senate on a roll call, Yeas 28, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Morley, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, Williams.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Hardy, White.

Committee of Conference Appointed

H. 740.

An act relating to the greenhouse gas inventory and registry.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Watson
Senator Bongartz
Senator Williams

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Appointment Confirmed

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and the nomination of Jenney Samuelson as Secretary of the Agency of Human Services was taken up for immediate consideration.

The nomination of

Samuelson, Jenney of Shelburne - Secretary, Agency of Human Services - March 1, 2025 to February 28, 2027.

Was confirmed by the Senate on a roll call, Yeas 28, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Morley, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, Williams.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Hardy, White.

Rules Suspended; Action Messaged

On motion of Senator Baruth, the rules were suspended, and the action on the following bills was ordered messaged to the House forthwith:

S. 326. An act relating to miscellaneous amendments to laws relating to motor vehicles.

H. 527. An act relating to extending the sunset of 30 V.S.A. § 248a.

H. 642. An act relating to youthful offender proceedings.

H. 660. An act relating to fiscal year 2027 Opioid Abatement Special Fund appropriations.

H. 686. An act relating to expanding identification of certain lobbying advertisements.

H. 757. An act relating to manufactured homes and limited equity cooperatives.

H. 816. An act relating to regulating the use of artificial intelligence in the provision of mental health services.

H. 817. An act relating to mental health literacy and peer-to-peer supports in schools.

H. 902. An act relating to approval of amendments to the charter of the City of Barre.

H. 953. An act relating to approval of an amendment to the charter of the Town of Pantton.

Point of Privilege Journalized

During announcements, on a point of personal privilege, Senator Williams addressed the President, and on motion of Senator Chittenden, his remarks were ordered entered into the Journal and are as follows:

“Mr President,

“As we approach Memorial Day, I rise briefly for a point of personal privilege to ask that, in the midst of our work in this chamber, we take a moment to reflect.

“Every day we stand here in this people's house to debate, to disagree, to advocate, and to exercise the rights secured to us under our Constitution. We do so freely - not by accident, and not without cost.

“Memorial Day is not simply the beginning of summer, nor merely a day off from work. It is a solemn reminder of the great Americans who gave their lives so that this Republic might endure.

“For 250 years, our constitutional Republic has withstood hardship, division, war, and uncertainty. It has endured because generations of brave men and women answered the call of duty and made the ultimate sacrifice so that liberty might live on.

“Many of us here have not borne that sacrifice ourselves. yet every one of us benefits from it.

“The freedoms we often speak of in this chamber - the freedom to worship, to speak, to disagree, to assemble, and to govern ourselves - are liberties protected through the service and sacrifice of others and, as many of us believe, granted by our Creator.

“So as we continue our work on behalf of Vermonters, let us pause and remember those who gave everything so that we might stand here today, free to do this work.

“May we honor them not only with our words, but by serving with humility, gratitude, and devotion to the Republic they died to preserve.

“Thank you, Mr. President.”

Message from the House No. 75

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 considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 325. An act relating to regional planning and Act 250 Tier jurisdiction.

And has adopted the same on its part.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted in concurrence:

Offered by House Committee on Environment,

H.C.R. 306.

House concurrent resolution honoring George Springston for his exemplary roles in environmental and natural resources management.

Offered by Reps. Burrows and others,

Offered by Senators Clarkson, Major and White,

H.C.R. 307.

House concurrent resolution honoring Representative Kevin "Coach" Christie of Hartford for his inspirational civic leadership and extending future best wishes.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, May 26, 2026, at ten o'clock in the forenoon pursuant to J.R.S. 54.