

1 Introduced by Committee on Government Operations and Military Affairs

2 Date:

3 Subject: Professional and occupations; miscellaneous amendments

4 Statement of purpose of bill as introduced: This bill proposes to amend
5 various provisions of the statutes governing professions and occupations to
6 remove motor vehicle racing from the regulatory authority of the Office of
7 Professional Regulation, adjust the scope and amounts of fees associated with
8 professional licensure, authorize the Office to apply a disciplinary action
9 surcharge following a finding of unprofessional conduct, require
10 cosmetologists to be trained in the care of textured hair, and repeal provisions
11 relating to escrow agents for prepaid funeral expenses.

12 An act relating to professions and occupations regulated by the Office of
13 Professional Regulation

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 3 V.S.A. § 122 is amended to read:

16 § 122. OFFICE OF PROFESSIONAL REGULATION

17 The Office of Professional Regulation is created within the Office of the
18 Secretary of State. The Office shall have a director who shall be qualified by
19 education and professional experience to perform the duties of the position.

20 The Director of the Office of Professional Regulation shall be a classified

1 position with the Office of the Secretary of State. The following boards or
2 professions are attached to the Office of Professional Regulation:

3 * * *

4 (21) ~~Motor Vehicle Racing~~ [Repealed.]

5 * * *

6 Sec. 2. 3 V.S.A. § 123 is amended to read:

7 § 123. DUTIES OF OFFICE

8 * * *

9 (k) For any profession attached to it, the Office shall provide a pre-
10 application determination of an individual's criminal background. This
11 determination shall not be binding on the Office in a future application if the
12 individual violates probation or parole or is convicted of another crime
13 following the determination.

14 * * *

15 (2) The individual shall submit this request online, accompanied by the
16 fee for preapplication determinations set forth in section 125 of this
17 subchapter. ~~If the individual thereafter applies for licensure, this~~
18 ~~preapplication fee shall be deducted from that license application fee.~~

19 * * *

1 (c) ~~Notwithstanding any provisions of law to the contrary, a board shall not~~
2 ~~require payment of renewal fees for years during which a license was lapsed.~~

3 [Repealed.]

4 * * *

5 Sec. 4. 3 V.S.A. § 125 is amended to read:

6 § 125. FEES

7 * * *

8 (b) Unless otherwise provided by law, the following fees shall apply to all
9 professions regulated by the Director in consultation with advisor appointees
10 under Title 26:

11 * * *

12 (4) Biennial renewal, \$275.00, except biennial renewal for:

13 * * *

14 (V) Peer support providers or peer recovery support specialists,
15 ~~\$50.00~~ \$75.00.

16 * * *

17 Sec. 5. 3 V.S.A. § 127 is amended to read:

18 § 127. UNAUTHORIZED PRACTICE

19 * * *

20 (b)(1) A person practicing a regulated profession without authority or an
21 employer permitting such practice may, upon the complaint of the Attorney

1 General or a State’s Attorney or an attorney assigned by the Office of
2 Professional Regulation, be enjoined therefrom by the Superior Court where
3 the violation occurred or the Washington County Superior Court and may be
4 assessed a civil penalty of not more than \$5,000.00.

5 (2)(A) The Attorney General or an attorney assigned by the Office of
6 Professional Regulation may elect to bring an action seeking only a civil
7 penalty of not more than ~~\$2,500.00~~ \$5,000.00 for practicing or permitting the
8 practice of a regulated profession without authority before the board having
9 regulatory authority over the profession or before an administrative law officer.

10 * * *

11 Sec. 6. 3 V.S.A. § 129 is amended to read:

12 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR
13 PROFESSIONS; DISCIPLINE PROCESS

14 (a) In addition to any other provisions of law, a board or the Director, in the
15 case of professions that have advisor appointees, may exercise the following
16 powers:

17 * * *

18 (3) Issue warnings or reprimands, suspend, revoke, limit, condition,
19 deny, or prevent renewal of licenses, after disciplinary hearings or, in cases
20 requiring emergency action, immediately suspend, as provided by section 814
21 of this title. In a case involving noncompliance with a statute or rule relating

1 to administrative duties not related to patient, client, or customer care, a board
2 or hearing officer may determine that ordering a monetary civil penalty does
3 not constitute a finding of unprofessional conduct. After a finding of
4 unprofessional conduct, a respondent shall pay a disciplinary action surcharge
5 pursuant to subdivision 125(b)(12) of this title. The proceeds from the
6 disciplinary action surcharge shall be deposited into the Professional
7 Regulatory Fee Fund.

8 * * *

9 Sec. 7. 26 V.S.A. § 281 is amended to read:

10 § 281. POSTSECONDARY SCHOOL OF BARBERING AND
11 COSMETOLOGY; CERTIFICATE OF APPROVAL

12 (a) A school of barbering or cosmetology shall not be granted a certificate
13 of approval unless the school:

14 * * *

15 (4) Requires a school term of training consistent with formal training
16 requirements established by rule, which shall include practical demonstrations
17 and theoretical studies in sanitation, sterilization, the use of antiseptics, and the
18 use of appliances, devices, treatments, ~~and~~ preparations relevant to the field of
19 licensure, and training on the care, styling, and treatment of textured hair. For
20 purposes of this subdivision, “textured hair” means hair that is coiled, curly, or

1 wavy. The training on the care, styling, and treatment of textured hair shall

2 include:

3 (A) techniques for cutting, styling, and chemical treatments for
4 textured hair;

5 (B) knowledge of products and tools specifically designed for
6 textured hair;

7 (C) best practices for hair health and scalp care for clients with
8 textured hair; and

9 (D) cultural competency and historical education on the significance
10 of textured hair in diverse communities.

11 * * *

12 Sec. 8. 26 V.S.A. § 1272 is amended to read:

13 § 1272. RULES; PREPAID FUNERAL FUNDS

14 The Director shall adopt rules to carry out the provisions of this subchapter
15 to ensure the proper handling of all funds paid pursuant to a prepaid funeral
16 agreement and to protect consumers in the event of default. The rules shall
17 include provisions relating to the following:

18 * * *

19 ~~(2) The appointment of an escrow agent who may be a bank or other~~
20 ~~category of individual such as an attorney, a local elected official, next of kin,~~
21 ~~or the executor of a buyer's estate. All prepaid arrangement funds shall be paid~~

1 ~~directly to the escrow agent and not to the funeral director or establishment.~~

2 [Repealed.]

3 * * *

4 Sec. 9. REPEALS

5 (a) 26 V.S.A. § 1275 (prepaid funeral expenses; duties of escrow agents) is
6 repealed.

7 (b) 26 V.S.A. chapter 93 (motor vehicle racing) is repealed.

8 Sec. 10. EFFECTIVE DATES

9 This act shall take effect on July 1, 2025, except that Sec. 4 (fees; peer
10 support providers) shall take effect on July 1, 2027.