

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 588 entitled “An act relating to professions and
4 occupations regulated by the Office of Professional Regulation” respectfully
5 reports that it has considered the same and recommends that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 * * * General Powers * * *

9 Sec. 1. 3 V.S.A. § 123 is amended to read:

10 § 123. DUTIES OF OFFICE

11 (a) The Office shall provide administrative, secretarial, financial,
12 investigatory, inspection, and legal services to the boards. The services
13 provided by the Office shall include:

14 * * *

18 (3) Revoking, rescinding, or suspending licenses as ordered by the
19 boards, the Director, an administrative law officer, or a court.

20 * * *

5 * * *

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

7 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR
8 PROFESSIONS; DISCIPLINE ~~PROCESS~~ AND RESCISSION
9 PROCESSES

10 * * *

11 (j) Hearings involving denials or rescissions of licensure or disciplinary
12 matters concerning persons in professions that have advisor appointees shall be
13 heard by an administrative law officer appointed by the Secretary of State.

16 § 129c. RESCISSIONS

17 (a) The Director may rescind a license issued by the Office of Professional
18 Regulation under the following circumstances:

19 (1) it is discovered that an administrative mistake has occurred resulting
20 in the erroneous issuance of the license;

1 (2) payment is not remitted for any licensing fee pursuant to section 125

2 of this title; and

3 (3) if, within 30 days after the State either completes a withdrawal from
4 any licensure compact described in Title 26 or other time in which a licensure
5 compact described in Title 26 becomes no longer binding on the State, the
6 licensee does not apply for a license to practice in the State.

7 (b) The rescission process shall be as set forth in this subsection.

8 (1) License active for less than 30 days.

9 (A) If the individual's license has been active for less than 30 days,
10 the Director shall initially rescind the license for any reason enumerated in
11 subsection (a) of this section.

12 (B) The individual shall be immediately notified of the rescission, the
13 reason for rescission, and procedural rights.

14 (C) The individual shall be provided an opportunity to have the
15 rescission reviewed by either an administrative law officer or the relevant
16 board. In any review, the Director shall have the burden of proving the
17 rescission is merited. Any review shall commence not later than 20 days after
18 the rescission, and a decision in any review shall be rendered within 30 days
19 following the rescission. The decision shall either reverse the Director's
20 rescission, in which case the license shall be immediately reinstated, or affirm

1 the Director's rescission and be deemed a final decision of the administrative
2 law officer or board.

3 (D) In the event of an administrative law officer or board affirming
4 the Director's rescission, the individual shall be provided notice and the ability
5 to appeal the Director's rescission in accordance with section 130a of this title;
6 however, the individual shall have the burden of proving the rescission is not
7 merited.

8 (2) License active for 30 days or more.

9 (A) If the individual's license has been active for 30 days or more,
10 and the Director determines there is a reason for rescission as enumerated in
11 subsection (a) of this section, the Director shall provide notice to the individual
12 that, after 30 days from issuing the notice, the Director intends to rescind the
13 individual's license. The notice shall also include the reason for rescission and
14 the individual's procedural rights.

15 (B) The individual shall be provided an opportunity to have a hearing
16 to determine the merits of a rescission. The individual shall have 30 days from
17 when the Director's notice was issued to indicate if the individual elects to
18 have a hearing. In the event the individual either elects not to have a hearing
19 or declines to answer within the allotted 30 days, Director shall rescind the
20 individual's license and the individual shall be foreclosed from appealing the
21 decision pursuant to subdivision (D) of this subdivision (b)(2). In the event the

1 individual elects to have a hearing, any rescission shall be stayed until a
2 hearing decision is rendered.

3 (C) Any hearing shall be held in accordance with section 129 of this
4 title and the resulting decision shall either affirm or reverse the Director's
5 rescission of the individual license.

6 (D) In the event of a hearing decision finding that the Director's
7 rescission of the individual's license is merited, the individual shall be
8 provided notice and the ability to appeal the Director's rescission in
9 accordance with section 130a of this title; however, the individual shall have
10 the burden of proving the rescission is not merited.

11 (c) A rescission of a license shall not be recorded as an adverse action
12 taken against the individual or any other misconduct or unprofessional conduct
13 for purposes of the individual's other currently held licenses or future licensure
14 applications.

15 (d) Upon becoming aware of the State either withdrawing from any
16 licensure compact described in Title 26 or when a licensure compact described
17 in Title 26 becomes no longer binding on the State, the Office of Professional
18 Regulation shall notify as soon as practicable all affected licensees practicing
19 in the State. An individual's license may not be rescinded if the Office fails to
20 provide the notice.

21 Sec. 4. 3 V.S.A. § 128 is amended to read:

1 § 128. DISCIPLINARY ACTION TO BE REPORTED TO THE OFFICE

7 * * *

10 (A) a disciplinary or adverse action;

11 (B) an adverse action report to the National Practitioner Data Bank;

12 (C) an unexpected adverse outcome in the care or treatment of a

13 patient;

14 (D) misconduct or allegations of misconduct;

15 (E) the initiation or process of an action to limit, condition, or

16 suspend a licensee's privilege to practice in an institution;

17 (F) an action to expel the licensee from an institution; or

18 (G) any other action that could lead to an outcome described in

19 subdivisions (A) through (F) of this subdivision (3).

20 * * *

21 Sec. 5. 3 V.S.A. § 129a is amended to read:

1 § 129a. UNPROFESSIONAL CONDUCT

11 * * *

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

18 **§ 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS**

19 (a) Notwithstanding any provision of law to the contrary relating to terms
20 of office and appointments for members of boards attached to the Office of
21 Professional Regulation, all board members appointed by the Governor shall

1 be the age of majority, appointed for staggered five-year terms, and shall serve
2 at the pleasure of the Governor. Appointments under this section shall not be
3 subject to the advice and consent of the Senate. The Governor may remove
4 any member of a board as provided in section 2004 of this title. Vacancies
5 created other than by expiration of a term shall be filled in the same manner
6 that the initial appointment was made for the unexpired portion of the term.
7 Terms shall begin on January 1 of the year of appointment and run through
8 December 31 of the last year of the term. The Governor may request
9 nominations from any source but shall not be bound to select board members
10 from among the persons nominated. As provided in section 2004 of this title,
11 board members shall hold office and serve until a successor has been
12 appointed.

14 Sec. 7. 3 V.S.A. § 137 is amended to read:

15 § 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL

VERIFICATION

18 (d) The provisions relating to ~~preliminary~~ license denials set forth in
19 subsection 129(e) of this subchapter shall apply to a license application that is
20 ~~preliminarily~~ denied for nonequivalence under this section.

21 * * * Accountants * * *

1 Sec. 8. 26 V.S.A. § 13 is amended to read:

2 § 13. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (11) “Principal place of business” means the office location designated
6 by the licensee for the purposes of substantial equivalency mobility and
7 reciprocity.

8 * * *

9 Sec. 9. 26 V.S.A. § 71a is amended to read:

10 § 71a. LICENSE BY EXAMINATION

11 (a) A license as a “certified public accountant” shall be granted by the
12 Board to any person:

13 (1) who is of good character;

14 (2) who completes any one of the following requirements for education
15 and experience:

16 (A) a post-baccalaureate degree from a college or university
17 recognized by the Board with a concentration in accounting or an equivalent
18 and one year of experience in public accounting, meeting the requirements
19 prescribed by Board rule;

20 (B) 150 or more semester hours of college credit at a college or
21 university recognized by the Board, including a baccalaureate degree and a

1 minimum of 42 semester hours of accounting, auditing, and related subjects as
2 the Board determines to be appropriate, and one year of experience in public
3 accounting, meeting the requirements prescribed by Board rule ~~or other~~
4 ~~experience or employment that the Board in its discretion considers~~
5 ~~substantially equivalent; and or~~

6 (C) a baccalaureate degree from a college or university recognized by
7 the Board with a concentration in accounting or an equivalent and two years of
8 experience in public accounting, meeting the requirements prescribed by Board
9 rule; and

10 (3) who has passed the examination required under subsection (b) of this
11 section.

12 (b) The Board shall administer an examination using a nationally
13 recognized uniform certified public accountants' examination and advisory
14 grading service.

15 (c) An applicant who has not yet completed a baccalaureate degree may sit
16 for the exam upon the completion of 120 semester hours at an institution
17 recognized by the Board, including a minimum of 30 semester hours of
18 accounting, auditing, and related subjects as the Board determines to be
19 appropriate.

20 Sec. 10. 26 V.S.A. § 74c is amended to read:

21 § 74c. **SUBSTANTIAL EQUIVALENCY MOBILITY**

1 (B) 150 or more semester hours of college credit at a college or
2 university, including a baccalaureate degree and a minimum of 42 semester
3 hours of accounting, auditing, and related subjects, and one year of experience
4 in public accounting; or

5 (C) a baccalaureate degree from a college or university with a
6 concentration in accounting or an equivalent and two years of experience in
7 public accounting.

8 * * *

15 * * * Dentists * * *

16 Sec. 11. 26 V.S.A. § 603 is added to read:

17 § 603. LIMITED ACADEMIC DENTIST LICENSE

18 (a) Scope of dentist practice. A limited academic dentist license is a
19 credential that authorizes the practice of dentistry only:

1 (1) at a teaching facility operated by a dental program that is accredited
2 by the American Dental Association's Commission on Dental Accreditation to
3 grant doctoral degrees in dental medicine or dental surgery; and

4 (2) under the general supervision of a dentist who is fully licensed in
5 good standing.

6 (b) Eligibility. To qualify for a limited academic dentist license, an
7 applicant must:

8 (1) be appointed as a full-time dental instructor of an accredited dental
9 program;

10 (2) hold a dental degree sufficient for licensure by examination under
11 section 601 of this title; and

12 (3) complete any courses in emergency office procedures or
13 cardiopulmonary resuscitation required for a licensed dentist.

14 (c) Specialties unavailable. A limited academic dentist license holder who
15 is not otherwise licensed as a dentist in this State is ineligible for sedation and
16 general anesthesia specialties.

17 (d) Notification of termination required. A limited academic dentist license
18 holder must notify the Office within 48 hours after any termination as a full-
19 time dental instructor. Continued practice after termination constitutes
20 unauthorized practice under 3 V.S.A. § 127.

1 (e) Renewal. For license renewal, a limited academic dentist license holder

2 must:

3 (1) meet all renewal requirements set forth in subsections 661(a)–(d) for
4 a licensed dentist, except no fee is required; and

5 (2) continue to be a full-time dental instructor of an accredited dental
6 program.

7 Sec. 12. 26 V.S.A. § 662 is amended to read:

8 § 662. FEES

9 (a) Applicants and persons regulated under this chapter shall pay the
10 following fees:

11 (1) Application

12 (A) Dentist \$285.00

13 (B) Limited academic dentist \$0.00

14 (C) Dental therapist \$215.00

15 (D) Dental hygienist \$200.00

16 (E) Dental assistant \$80.00

17 (2) Biennial renewal

18 (A) Dentist \$655.00

19 (B) Limited academic dentist \$0.00

20 (C) Dental therapist \$310.00

21 (D) Dental hygienist \$245.00

1 (D)(E) Dental assistant \$105.00

2 (b) The licensing fee for a dentist, dental therapist, or dental hygienist or
3 the registration fee for a dental assistant who is otherwise eligible for licensure
4 or registration and whose practice in this State will be limited to providing pro
5 bono services at a free or reduced-fee clinic or similar setting approved by the
6 Board shall be waived.

7 * * * Funeral Services; Report * * *

8 Sec. 13. 26 V.S.A. § 1211 is amended to read:

9 § 1211. DEFINITIONS

10 (a) As used in this chapter, unless a contrary meaning is required by the
11 context:

12 * * *

13 (6) “Practice of funeral service” means arranging, directing, or
14 providing for the care, preparation, or disposition of dead human bodies for a
15 fee or other compensation. This includes:

16 (A) meeting with the public to select a method of disposition or
17 funeral observance and merchandise;

18 (B) entering into contracts, either at-need or pre-need, for the
19 provision of dispositions, funeral observances, and merchandise;

20 (C) arranging, directing, or performing the removal or transportation
21 of a dead human body;

3 (E) supervising or arranging a funeral, memorial, viewing, or
4 graveside observance; **and**

12 * * *

13 (c) Notwithstanding this section, owners of a disposition facility and their
14 personnel may engage in the listed activities in subdivision (a)(6) of this
15 section only to the extent such functions are necessary to the performance of
16 their duties. Specifically, personnel at a disposition facility may:

17 (1) provide for the disposition of dead human bodies by cremation,
18 alkaline hydrolysis, or natural organic reduction and meet with the public to
19 arrange ~~and provide~~ for the disposition;

7 (4) secure and file certificates, permits, forms, or other documents.

8 Sec. 14. OFFICE OF PROFESSIONAL REGULATION; REPORT;
9
10 DISPOSITION OF HUMAN REMAINS BY OUTDOOR
11 CREMATION

11 On or before November 15, 2026, the Office of Professional Regulation, in
12 consultation with the Department of Health, the Agency of Natural Resources,
13 and other interested stakeholders, shall submit to the House Committee on
14 Government Operations and Military Affairs and the Senate Committee on
15 Government Operations a report on any aspects of professional licensure
16 necessary to facilitate regulating the disposition of human remains by outdoor
17 cremation, in consideration of public health and safety, religious freedoms, and
18 environmental impacts.

* * * Psychologists * * *

Sec. 15. TEMPORARY PSYCHOLOGIST LICENSURE EDUCATIONAL SUPPLEMENTATION

(a) Notwithstanding the provisions of 26 V.S.A. chapter 55, 3 V.S.A. chapter 25, or any contrary rule, the Director of the Office of Professional Regulation may develop and implement temporary policies permitting supplementation of a master's or doctoral degree, pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists.

(b) Policies adopted pursuant to this section shall be:

(1) developed in consultation with the Board of Psychological

Examiners and the Vermont Psychological Association;

(2) consistent with 26 V.S.A. chapter 57; and

(3) made available to the public.

(c) The Director's powers granted pursuant to this section and any

temporary policies adopted pursuant to this section shall be in effect only until either July 1, 2029, or when the Board of Psychological Examiners adopts permanent rules regarding supplementation of a master's or doctoral degree, pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists, whichever occurs first.

1 (d) On or before July 1, 2029, the Board shall adopt updated rules
2 regarding the supplementation of a master's or doctoral degree, pursuant to 26
3 V.S.A. § 3011a(a)(2), for the licensing of psychologists.

4 * * * Midwives * * *

5 Sec. 16. 26 V.S.A. chapter 85 is amended to read:

CHAPTER 85. MIDWIVES

* * *

8 § 4185. DIRECTOR; DUTIES

* * *

10 (e)(1) The Director shall appoint an advisory committee to study and report
11 to the Director and to the Commissioner of Health on matters relating to
12 midwifery, including recommendations if necessary for revisions to the
13 administrative rules. The Committee shall focus on improving communication
14 and collaboration among birth providers.

15 (2) The Committee shall be composed of at least six members: three
16 midwives licensed under this chapter, two physicians licensed by the Board of
17 Medical Practice or the Board of Osteopathic Physicians and Surgeons, and
18 one advanced practice registered nurse midwife licensed by the Board of
19 Nursing.

20 (3) Members of the Committee shall be entitled to compensation at the
21 rate provided in 32 V.S.A. § 1010.

1

* * *

2 § 4187. RENEWALS

3 (a)(1) ~~Biennially, the Director shall forward a renewal form to each~~
4 ~~licensed midwife~~ A license shall be renewed every two years upon the filing of
5 a renewal application, payment of the required fee, and proof of compliance
6 with renewal requirements. The completed form renewal application shall
7 include verification that during the preceding two years, the licensed midwife
8 has:

9 (A) completed 20 hours of continuing education approved by the
10 Director by rule;

11 (B) participated in at least four peer reviews;

12 (C) submitted individual practice data;

13 (D) maintained current cardiopulmonary resuscitation certification;

14 and

15 (E)(D) filed a timely certificate of birth for each birth at which he or
16 she the licensee was the attending midwife, as required by law; and

17 (E) maintained current certification by the North American Registry
18 of Midwives.

19 (2) Upon receipt of the completed form and of the renewal fee, the
20 Director shall issue a renewal license to applicants who qualify under this
21 section.

11 (d) The Director may, as a condition of license renewal, require that
12 licensed midwives submit individual practice data to the Office or its designee.
13 The required data may include information such as client demographics,
14 complications of labor and delivery, breastfeeding and postpartum health, and
15 such other information as the Director may require.

16 * * * Speech-Language Pathologist Assistants * * *

17 Sec. 17. 26 V.S.A. chapter 87 is amended to read:

18 Chapter 87: Speech-Language Pathologists; Speech-Language Pathologist

Assistants

20 § 4451. DEFINITIONS

21 As used in this chapter:

1

* * *

2

(4) “Practice of speech-language pathology” includes:

3

(A) screening, identifying, assessing and interpreting, diagnosing,
rehabilitating, treating, and preventing disorders of language and speech,
including disorders involving articulation, fluency, and voice;

6

(B) screening, identifying, assessing and interpreting, diagnosing,
and rehabilitating disorders of oral-pharyngeal function, including dysphagia
and related disorders;

9

(C) screening, identifying, assessing and interpreting, diagnosing,
and rehabilitating communication disorders;

10

(D) assessing, selecting, and developing augmentative and alternative
communication systems, and providing training in their use;

13

(E) providing aural rehabilitation, speech-language, and related
counseling services to individuals who are hard of hearing or experiencing
auditory processing problems and their families;

16

(F) enhancing speech-language proficiency and communication
effectiveness, including accent modification; and

18

(G) screening of hearing and other factors for the purpose of speech-
language evaluation, or the initial identification of individuals with other
communication disorders.

21

* * *

(6) “Speech-language pathologist” means a person licensed to practice speech-language pathology under this chapter.

3 (7) "Speech-language pathologist assistant" means a person licensed to
4 practice speech-language pathology under this chapter in a limited capacity as
5 determined by rule.

6 (8) “Speech-language pathology” means the application of principles,
7 methods, and procedures related to the development and disorders of human
8 communication, which include any and all conditions that impede the normal
9 process of human communication.

10 § 4452. PROHIBITIONS; PENALTIES

11 (a) A person shall not:

12 (1) practice or attempt to practice speech-language pathology or hold
13 oneself out as being permitted to do so in this State unless the person is
14 licensed in accordance with this chapter;

19 (3) practice speech-language pathology after the person's license under
20 this chapter has been suspended or revoked.

4 * * *

§ 4456. DIRECTOR DUTIES

6 (a) The Director shall administer the application and renewal process for all
7 licensees under this chapter, and shall:

8 (1) provide information to applicants for licensure under this chapter;

9 (2) administer fees collected under this chapter;

10 (3) explain appeal procedures to licensees and applicants and explain
11 complaint procedures to the public;

12 (4) explain sanctions, including license revocation and suspension, that

13 may be imposed in disciplinary cases, the criteria by which sanctions are

14 selected, and procedures for reinstatement where appropriate;

15 (5) receive applications for licensure, grant licensure under this chapter,

16 renew licenses, and deny, revoke, suspend, reinstate, or condition licenses as

17 directed by an administrative law officer;

18 (6) with the advice of the advisor appointees, adopt rules necessary to

19 implement the provisions of this chapter, which may include rules providing

20 for the issuance of a restricted, provisional license to a person in the process of

1 completing the postgraduate professional training required by subdivision

2 4457(3) of this chapter;

3 (7) prepare and maintain a registry of licensed speech-language

4 pathologists and speech-language pathologist assistants; and

5 (8) issue to each person licensed a certificate of licensure that shall be

6 prima facie evidence of the right of the person to whom it is issued to practice

7 as a licensed speech-language pathologist or speech-language pathologist

8 assistant, subject to the conditions and limitations of this chapter.

9 (b) [Repealed.]

10 § 4457. LICENSURE; APPLICATIONS; ELIGIBILITY

11 An applicant for licensure under this chapter shall submit an application to

12 the Office on a form furnished by the Office, along with payment of the

13 specified fee and evidence of the eligibility qualifications established by the

14 Director that shall include, at a minimum:

15 (1) for speech-language pathologists:

16 (A) a master's degree or equivalent in speech-language pathology

17 from an educational institution approved by the Director with course work

18 completed in areas specified by rule;

19 (2)(B) completion of a supervised clinical practicum, the length and

20 content of which shall be established by rule;

15 * * * Massage Therapists, Bodyworkers, and Touch Professionals * * *

16 Sec. 18. 26 V.S.A. chapter 105 is amended to read:

CHAPTER 105. MASSAGE THERAPISTS, BODYWORKERS, AND

TOUCH PROFESSIONALS

Subchapter 1. General Provisions

20 § 5401. DEFINITIONS

21 As used in this chapter:

1

* * *

2

(2)(A) “Establishment” means any ~~place of business that~~ location:

3

~~(i)(A) offers the practice of massage or the practice of bodywork~~
~~or where the practice of massage or the practice of bodywork is conducted on~~
~~the premises of the business where the practice of massage or the practice of~~
~~bodywork is regularly engaged in;~~ or

7

~~(ii)(B) that represents itself to the public by any title or description~~
of services incorporating the words “touch professional,” “bodywork,”
“massage,” “massage therapy,” “massage therapist,” “massage practitioner,”
“massagist,” “masseur,” “masseuse,” “energy work,” or other words identified
by the Director in rules.

~~(B) A “place of business” includes any office, clinic, facility, salon,~~
~~spa, or other location not otherwise exempted under section 5404 of this~~
~~chapter where a person or persons engage in the practice of massage or the~~
~~practice of bodywork.~~

16

* * *

17

§ 5403. UNAUTHORIZED PRACTICE

18

Any individual who owns or operates an unregistered establishment or who
engages in the practice of massage or the practice of bodywork without a
registration from the Office shall be subject to the penalties provided in 3
V.S.A. § 127 (unauthorized practice).

1 § 5404. EXEMPTIONS

* * *

3 (c) Nothing in this chapter shall prohibit a massage therapist, bodyworker,
4 or touch professional from engaging in or offering the practice of massage or
5 the practice of bodywork at a location that is not ~~an~~ a registered establishment,
6 if:

7 (1) so long as prior to engaging in that practice at that location, the
8 registrant massage therapist and his or her the client agree in advance that the
9 location is acceptable; and

10 (2) the location is not an establishment as defined in subdivision 5401(2)
11 of this title.

12 (d) Establishment registration is not required for a location where the
13 practice of massage or the practice of bodywork is provided solely by:

14 (1) persons exempt from registration; or
15 (2) a single massage therapist, bodyworker, or touch professional.

* * *

17 § 5411. DUTIES OF THE DIRECTOR

1 (b) Rules.

5 (A) the professional qualifications and experience of the registrant;

6 (B) actions that constitute unprofessional conduct;

7 (C) the method for filing a complaint against a registrant; and

8 (D) the method for making a consumer inquiry with the Office.

9 (2) The Director shall adopt rules regarding the display of:

10 (A) the registrations of employed or contracted massage therapists,
11 bodyworkers, or touch professionals at an establishment; and
12 (B) information regarding unprofessional conduct and filing
13 complaints with the Office.

3 * * *

4 § 5423. ESTABLISHMENTS; DESIGNEE AND INSPECTION

11 (b) An establishment is responsible for ensuring its lawful operation,
12 regardless of whether the establishment's owner is on-site or has personal
13 knowledge of its operations. The Office may prosecute an establishment for
14 unprofessional conduct or unauthorized practice occurring at the establishment.

15 (c) The Director may require that an application for establishment
16 registration include:

17 (1) the management and ownership of the business;

18 (2) the name, location, and licensing history of any past or present
19 massage establishment under the same management or ownership;

20 (3) the location and ownership of the establishment's premises;

1 (4) proof of business registration with the Secretary of State; and
2 (5) other information required by the Director in rule.
3 (d) The Director may deny an establishment registration of a location
4 where unprofessional conduct, as defined in subdivision 5427(2) or (3) of this
5 title, has previously occurred, even if under different ownership or
6 management. A denial on this basis shall follow the same procedures as a
7 denial for unprofessional conduct under 3 V.S.A. § 129.

8 (e) A person authorized by the Director may enter any establishment for the
9 purpose of inspection ~~when a complaint has been filed with the Office~~
10 ~~regarding the practice of massage or the practice of bodywork at that~~
11 ~~establishment. The Director may require an establishment to undergo~~
12 ~~inspection prior to registration.~~ A fee shall not be charged for any inspection
13 under this subsection.

14 * * *

15 § 5426. DISPLAY OF REGISTRATION

16 A ~~massage therapist, bodyworker, or touch professional shall conspicuously~~
17 ~~display his or her registration in any establishment where the registrant is~~
18 ~~engaged in the practice of massage or the practice of bodywork An~~
19 establishment must conspicuously display the registrations of:

1 (1) the establishment; and

2 (2) any massage therapist, bodyworker, or touch professional engaged in
3 the practice of massage or the practice of bodywork in the establishment.

4 § 5427. UNPROFESSIONAL CONDUCT

5 Unprofessional conduct means the conduct set forth in 3 V.S.A. § 129a and
6 the following:

7 (1) engaging in activities in violation of 13 V.S.A. § 2605 (voyeurism);
8 (2) engaging in a sexual act with a client in sexual conduct as defined in
9 13 V.S.A. § 2821:

10 (A) at an establishment; or

11 (B) while engaging in, offering to engage in, or purporting to engage
12 in the practice of massage or the practice of bodywork;

13 (3) meeting a client at an establishment for the purpose of sexual
14 conduct;

15 ~~(3)~~(4) conviction of a crime committed while engaged in the practice of
16 massage or the practice of bodywork;

17 ~~(4)~~(5) performing massage or bodywork that the massage therapist,
18 bodyworker, or touch professional knows or has reason to know has not been
19 authorized by a client or the client's legal representative; and

20 ~~(5)~~(6) engaging in conduct of a character likely to deceive, defraud, or
21 harm the public; and

1 (7) engaging in the practice of massage or the practice of bodywork at
2 an unregistered establishment.

3 Sec. 19. 13 V.S.A. § 2638 is amended to read:

4 § 2638. IMMUNITY FROM LIABILITY

5 (a) As used in this section:

6 (1) “Human trafficking” has the same meaning as in section 2651 of this
7 title.

8 (2) “Prostitution” has the same meaning as in section 2631 of this title.

9 (b) A person who, in good faith and in a timely manner, reports to law
10 enforcement that the person is a victim of or a witness to a crime that arose
11 from the person’s involvement in prostitution or human trafficking shall not be
12 cited, arrested, or prosecuted for a violation of the following offenses:

13 (1) section 2632 of this title (prostitution);

14 (2) section 2601a of this title (prohibited conduct);

15 (3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);

16 (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);

17 (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);

18 (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);

19 (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic
20 drugs possession);

- (8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);
- (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); and
- (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession); and
- (11) 26 V.S.A. § 5403 (unauthorized practice of massage or bodywork).

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* * * Effective Dates * * *

Sec. 20. EFFECTIVE DATES

(a) This section, Secs. 1–10 (general powers, accountants), Secs. 13–17

(funeral services, psychologists, midwives) shall take effect on passage.

10 (b) Secs. 11 and 12 (dentists) shall take effect on September 1, 2026.

11 (c) Sec. 18 (massage therapists, bodyworkers, and touch professionals) and

Sec. 19 (13 V.S.A. § 2638) shall take effect on December 1, 2026.

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(Committee vote: _____)

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Representative _____

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Representative _____

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FOR THE COMMITTEE