

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 * * *

15 (2) Issuing, recording, renewing, and reinstating all licenses as ordered
16 by the boards, an appellate officer, the Director, an administrative law officer,
17 or a court.

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

20 * * *

* * *

PROFESSIONS; DISCIPLINE PROCESS AND RESCISSION PROCESSES

* * *

* * *

(1) it is discovered that an administrative mistake has occurred resulting
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.

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

§ 128. DISCIPLINARY ACTION TO BE REPORTED TO THE OFFICE

(a)(1) Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the Office, along with supporting information and evidence, any disciplinary action taken by it or its staff that limits or conditions the licensee's privilege to practice or leads to suspension or expulsion from the institution.

* * *

(3) This section shall ~~not~~ apply to cases of resignation, separation from service, or changes in privileges that are ~~unrelated~~ related to:

(A) a disciplinary or adverse action;

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

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

(D) misconduct or allegations of misconduct;

(E) the initiation or process of an action to limit, condition, or suspend a licensee's privilege to practice in an institution;

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

(G) any other action that could lead to an outcome described in subdivisions (A) through (F) of this subdivision (3).

* * *

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

2 § 129a. UNPROFESSIONAL CONDUCT

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

9 (1) Fraudulent or deceptive procurement or use of a license or attempted
10 fraudulent or deceptive procurement or use of a license by making or causing
11 to be made a false, fraudulent, or forged statement or representation.

12 * * *

13 (g) Notwithstanding the provisions of this section or any other law to the
14 contrary, a licensee may, pursuant to rules adopted by the Director, enter into a
15 program serving as an alternative to the disciplinary process for regulated
16 professionals with substance use disorders or other professional practice issues
17 as designated by the boards or Director.

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

19 § 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS

20 (a) Notwithstanding any provision of law to the contrary relating to terms
21 of office and appointments for members of boards attached to the Office of

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

14 * * *

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

16 § 137. UNIFORM PROCESS FOR FOREIGN CREDENTIAL
17 VERIFICATION

18 * * *

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

* * * Accountants * * *

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

§ 13. DEFINITIONS

As used in this chapter:

* * *

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

* * *

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

§ 71a. LICENSE BY EXAMINATION

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

(1) who is of good character;

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

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

1 (B) 150 or more semester hours of college credit at a college or
2 university recognized by the Board, including a baccalaureate degree and a
3 minimum of 42 semester hours of accounting, auditing, and related subjects as
4 the Board determines to be appropriate, and one year of experience in public
5 accounting, meeting the requirements prescribed by Board rule ~~or other~~
6 ~~experience or employment that the Board in its discretion considers~~
7 ~~substantially equivalent; and or~~

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

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

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

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

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

2 § 74c. ~~SUBSTANTIAL EQUIVALENCY~~ MOBILITY

3 (a) An individual whose principal place of business is not in this State shall
4 ~~be presumed to have qualifications substantially equivalent to this State's~~
5 ~~requirements and shall~~ have the privileges of licensure of this State, without
6 the need to obtain a license under section 72b of this title, if the individual:

7 (1) holds a valid license as a certified public accountant from a any state
8 ~~the Board determines has licensure requirements substantially equivalent to the~~
9 ~~requirements of the AICPA/NASBA Uniform Accountancy Act; or and~~

10 (2) ~~holds a valid license as a certified public accountant from any state,~~
11 ~~and the individual obtains verification from the NASBA National Qualification~~
12 ~~Appraisal Service that the individual's qualifications are substantially~~
13 ~~equivalent to the licensure requirements of the AICPA/NASBA Uniform~~
14 ~~Accountancy Act. An individual who passed the uniform CPA examination~~
15 ~~and holds a valid license issued by any state prior to January 1, 2012 shall be~~
16 ~~exempt from the education requirements of subdivision 5(c)(2) of the Uniform~~
17 ~~Accountancy Act for purposes of this section.~~ has passed the uniform CPA
18 examination and has met any one of the following requirements for education
19 and experience in accordance with rules adopted by the Board:

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

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

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

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

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

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

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

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

19 (d) Notification of termination required. A limited academic dentist license
20 holder must notify the Office within 48 hours after any termination as a full-

1 time dental instructor. Continued practice after termination constitutes
2 unauthorized practice under 3 V.S.A. § 127.

3 (e) Renewal. For license renewal, a limited academic dentist license holder
4 must:

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

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

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

10 § 662. FEES

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

13 (1) Application

14 (A) Dentist \$285.00

15 (B) Limited academic dentist \$0.00

16 (C) Dental therapist \$215.00

17 ~~(C)(D)~~ Dental hygienist \$200.00

18 ~~(D)(E)~~ Dental assistant \$80.00

19 (2) Biennial renewal

20 (A) Dentist \$655.00

21 (B) Limited academic dentist \$0.00

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

* * * Funeral Services; Report * * *

§ 1211. DEFINITIONS

* * *

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

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

3 (D) securing or filing certificates, permits, forms, or other
4 documents;

5 (E) supervising or arranging a funeral, memorial, viewing, or
6 graveside observance; ~~and~~

7 (F) holding oneself out to be a licensed funeral director by using the
8 words or terms “funeral director,” “mortician,” “undertaker,” or any other
9 words, terms, title, or picture that, when considered in context, would imply
10 that such person is engaged in the practice of funeral service or is a licensed
11 funeral director; and

12 (G) providing for the disposition of dead human bodies by cremation,
13 alkaline hydrolysis, or natural organic reduction.

14 * * *

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

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

1 (2) enter into contracts, without taking prepaid funds, for the ~~provision~~
2 ~~of dispositions~~ disposition by cremation, alkaline hydrolysis, or natural organic
3 reduction;

4 (3) arrange, direct, or perform the removal or transportation of a dead
5 human body, provided that removals are performed by licensed removal
6 personnel; and

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

8 Sec. 14. **DEPARTMENT OF HEALTH;** REPORT; DISPOSITION OF
9 HUMAN REMAINS BY OUTDOOR CREMATION

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

18 * * * Nursing; Advanced Practice Registered Nurses * * *

19 Sec. 15. 26 V.S.A. § 1614 is amended to read:

20 § 1614. **APRN RENEWAL**

1 An APRN license renewal application shall include:

2 (1) documentation of completion of the APRN practice requirement;

3 (2) possession of a current certification by a national APRN specialty
4 certifying organization; and

5 (3)(2) a current collaborative provider agreement if required for
6 transition to practice.

7 * * * Psychologists * * *

8 Sec. 16. TEMPORARY PSYCHOLOGIST LICENSURE EDUCATIONAL
9 SUPPLEMENTATION

10 (a) Notwithstanding the provisions of 26 V.S.A. chapter 55, 3 V.S.A.
11 chapter 25, or any contrary rule, the Director of the Office of Professional
12 Regulation may develop and implement temporary policies permitting
13 supplementation of a master's or doctoral degree, pursuant to 26 V.S.A.
14 § 3011a(a)(2), for the licensing of psychologists.

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

16 (1) developed in consultation with the Board of Psychological
17 Examiners and the Vermont Psychological Association;

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

19 (3) made available to the public.

20 (c) The Director's powers granted pursuant to this section and any
21 temporary policies adopted pursuant to this section shall be in effect only until

1 either July 1, 2029, or when the Board of Psychological Examiners adopts
2 permanent rules regarding supplementation of a master's or doctoral degree,
3 pursuant to 26 V.S.A. § 3011a(a)(2), for the licensing of psychologists,
4 whichever occurs first.

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

8 * * * Midwives * * *

9 Sec. 17. 26 V.S.A. chapter 85 is amended to read:

10 CHAPTER 85. MIDWIVES

11 * * *

12 § 4185. DIRECTOR; DUTIES

13 * * *

14 ~~(c)(1) The Director shall appoint an advisory committee to study and report~~
15 ~~to the Director and to the Commissioner of Health on matters relating to~~
16 ~~midwifery, including recommendations if necessary for revisions to the~~
17 ~~administrative rules. The Committee shall focus on improving communication~~
18 ~~and collaboration among birth providers.~~

19 ~~(2) The Committee shall be composed of at least six members: three~~
20 ~~midwives licensed under this chapter, two physicians licensed by the Board of~~
21 ~~Medical Practice or the Board of Osteopathic Physicians and Surgeons, and~~

1 ~~one advanced practice registered nurse midwife licensed by the Board of~~
2 ~~Nursing.~~

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

5 * * *

6 § 4187. RENEWALS

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

13 (A) completed 20 hours of continuing education approved by the
14 Director by rule;

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

16 (C) ~~submitted individual practice data;~~

17 ~~(D)~~ maintained current cardiopulmonary resuscitation certification;

18 and

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

1 (E) maintained current certification by the North American Registry
2 of Midwives.

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

6 (b) The Director shall renew a license that has lapsed for a period of three
7 years or less upon receipt of the renewal fee and late renewal penalty, the
8 reinstatement fee, and an application for renewal that shows that the person
9 still meets the eligibility requirements of this chapter and that all the
10 requirements for renewal, including continuing education, have been satisfied.
11 A person shall not be required to pay renewal fees for lapsed years.

12 (c) The Director may adopt rules to assure that an applicant whose license
13 has lapsed for a period greater than three years may be eligible for licensing,
14 but such rules shall not establish requirements greater than the eligibility
15 requirements of this chapter.

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

* * * Speech-Language Pathologist Assistants; Sunrise Report * * *

Sec. 18. OFFICE OF PROFESSIONAL REGULATION; SUNRISE REVIEW
REPORT; SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS

On or before November 15, 2026, the Office of Professional Regulation, in consultation with interested stakeholders, shall submit to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations a written report, in accordance with 26 V.S.A. chapter 57, on the advised nature of regulation and suggested level of credentialling for speech-language pathologist assistants practicing in the State.

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

Sec. 19. 26 V.S.A. chapter 105 is amended to read:

CHAPTER 105. MASSAGE THERAPISTS, BODYWORKERS, AND
TOUCH PROFESSIONALS

Subchapter 1. General Provisions

§ 5401. DEFINITIONS

As used in this chapter:

* * *

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

~~(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~~

1 ~~the premises of the business~~ where the practice of massage or the practice of
2 bodywork is regularly engaged in; or

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

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

12 * * *

13 § 5403. UNAUTHORIZED PRACTICE

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

18 § 5404. EXEMPTIONS

19 * * *

20 (c) Nothing in this chapter shall prohibit a massage therapist, bodyworker,
21 or touch professional from engaging in or offering the practice of massage or

the practice of bodywork at a location that is not ~~an~~ a registered establishment;
if:

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

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

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

(1) persons exempt from registration; or

(2) a single massage therapist, bodyworker, or touch professional.

* * *

§ 5411. DUTIES OF THE DIRECTOR

* * *

(b) Rules.

(1) The Director shall adopt rules requiring a massage therapist,
bodyworker, or touch professional to disclose to each new client before the
first treatment the following information:

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

(B) actions that constitute unprofessional conduct;

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

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

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

4 (A) the registrations of employed or contracted massage therapists,
5 bodyworkers, or touch professionals at an establishment; and

6 (B) information regarding unprofessional conduct and filing
7 complaints with the Office.

8 (3) The rules described in this subsection shall include provisions
9 relating to the manner in which the information disclosed shall be distributed
10 or displayed and a requirement that a massage therapist, bodyworker, or touch
11 professional and ~~his or her~~ the client sign an acknowledgement that the
12 information was disclosed.

13 (4) The Director may adopt other rules as necessary to perform ~~his or~~
14 ~~her~~ the Director's duties under this chapter.

15 (5) The Director may adopt rules limiting the applicability of this
16 chapter as applied to establishments operated within private homes.

17 * * *

18 § 5423. ESTABLISHMENTS; DESIGNEE AND INSPECTION

19 (a) An establishment shall ~~designate a massage therapist, bodyworker, or~~
20 ~~touch professional to be responsible for ensuring the establishment complies~~
21 ~~with the requirements of this chapter and the rules adopted by the Director~~

1 register with the Office of Professional Regulation. The operation of an
2 establishment without registration shall constitute unauthorized practice under
3 3 V.S.A. § 127.

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

8 (c) The Director may require that an application for establishment
9 registration include:

- 10 (1) the management and ownership of the business;
11 (2) the name, location, and licensing history of any past or present
12 massage establishment under the same management or ownership;
13 (3) the location and ownership of the establishment's premises;
14 (4) proof of business registration with the Secretary of State; and
15 (5) other information required by the Director in rule.

16 (d) The Director may deny an establishment registration of a location
17 where unprofessional conduct, as defined in subdivision 5427(2) or (3) of this
18 title, has previously occurred, even if under different ownership or
19 management. A denial on this basis shall follow the same procedures as a
20 denial for unprofessional conduct under 3 V.S.A. § 129.

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

* * *

§ 5426. DISPLAY OF REGISTRATION

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

(1) the establishment; and

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

§ 5427. UNPROFESSIONAL CONDUCT

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

(1) engaging in activities in violation of 13 V.S.A. § 2605 (voyeurism);

(2) ~~engaging in a sexual act~~ with a client in sexual conduct as defined in

13 V.S.A. § 2821:

1 (A) at an establishment; or

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

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

6 ~~(3)~~(4) conviction of a crime committed while engaged in the practice of
7 massage or the practice of bodywork;

8 ~~(4)~~(5) performing massage or bodywork that the massage therapist,
9 bodyworker, or touch professional knows or has reason to know has not been
10 authorized by a client or the client’s legal representative; ~~and~~

11 ~~(5)~~(6) engaging in conduct of a character likely to deceive, defraud, or
12 harm the public; and

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

15 Sec. 20. 13 V.S.A. § 2638 is amended to read:

16 § 2638. IMMUNITY FROM LIABILITY

17 (a) As used in this section:

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

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

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

- 5 (1) section 2632 of this title (prostitution);
6 (2) section 2601a of this title (prohibited conduct);
7 (3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);
8 (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);
9 (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);
10 (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);
11 (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic
12 drugs possession);
13 (8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);
14 (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); ~~and~~
15 (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession); and
16 (11) 26 V.S.A. § 5403 (unauthorized practice of massage or bodywork).

17 * * *

18 * * * Effective Dates * * *

19 **Sec. 21. EFFECTIVE DATES**

20 (a) This section, Secs. 1–10 (general powers, accountants), Secs. 13–18
21 (funeral services, advanced practice registered nurses, psychologists,

1 midwives, speech-language pathologist assistants report) shall take effect on
2 passage.

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

4 (c) Sec. 19 (massage therapists, bodyworkers, and touch professionals) and
5 Sec. 20 (13 V.S.A. § 2638) shall take effect on December 1, 2026.

6

7

8

9 (Committee vote: _____)

10

11

Representative _____

12

FOR THE COMMITTEE