

**Subject:** Public Testimony – Opposition to Sections 2, 3, 7, and 9 of S.28 (Free Speech in Health Care)

**Dear Chair Black, Vice Chair McFaun, and Members of the House Health Committee,**

I am writing as a licensed Vermont health care provider to express serious concern regarding Senate Bill S.28—specifically Sections 2, 3, 7, and 9. While I understand that the committee views this legislation as a way to protect access to certain health services, I do not support the direction or intent of the bill as written. I believe it introduces significant risk to free speech—both for licensed professionals and for Vermonters who engage in public discourse around health care.

Section 2 (3 V.S.A. § 129a) redefines “unprofessional conduct” to include speech that “*has a tendency to mislead or deceive*,” an ambiguous and subjective standard that opens the door to punitive actions against providers for simply offering good-faith second opinions or discussing emerging science.

Section 3 (9 V.S.A. § 2493) expands “advertising” to include online platforms, written materials, and spoken counseling, and applies not just to licensed professionals but to “*any person*.” It also grants the Attorney General enforcement power traditionally reserved for professional boards.

Section 7 (26 V.S.A. § 1354) expands the scope of misleading advertising and increases disciplinary risk for providers who diverge from “prevailing” standards.

Section 9 reinforces penalties related to delegation and communication, potentially affecting community education and advocacy roles.

Together, these provisions create a broad enforcement landscape that could chill not only doctor-patient communication but also lawful public expression—especially views not aligned with state-endorsed narratives.

This is not a hypothetical concern. In *Physicians for Informed Consent v. California Medical Board (2022)*, physicians challenged regulatory actions for so-called “misinformation,” arguing that First Amendment protections apply to professional speech. The court acknowledged that regulatory bodies must not penalize clinicians simply for expressing dissenting, evidence-based medical opinions.

**The recent federal ruling in Vermont** involving restrictions on speech by pregnancy centers also reinforces the need for precision and neutrality in health-related legislation to avoid infringing on protected speech.

I respectfully ask the Committee to amend or remove Sections 2, 3, 7, and 9 of S.28 to ensure the bill does not unintentionally suppress protected speech. I do not believe the bill serves Vermonters well in its current form. But if it moves forward, its language must be clarified to safeguard the rights of those who express differing perspectives—whether in a clinical setting or public forum.

**As the Committee seeks to support access to abortion and gender-affirming care, I ask you to also consider: how will this legislation protect the rights of Vermonters who may be adversely affected—those who support integrative, innovative, or non-mainstream health approaches, or who seek open conversations about informed consent and alternative care?** Vermont has long valued autonomy and diversity in health care. I urge you to ensure this legislation reflects those values for all.

Thank you for considering these concerns.

Sincerely,

**Dr. Heather Rice**

Wellspring Chiropractic Lifestyle Center

[hricedc@vtlink.net](mailto:hricedc@vtlink.net)

802-324-9393