

1 S.313

2 Representatives Bartley of Fairfax, Krasnow of South Burlington, and
3 Mihaly of Calais move that the report of the Committee on Commerce and
4 Economic Development be amended as follows:

5 First: By adding a new section to be Sec. 8a to read as follows:

6 Sec. 8a. 21 V.S.A. § 471 is amended to read:

7 § 471. DEFINITIONS

8 As used in this subchapter:

9 * * *

10 (5) “Employee” means a person who, in consideration of direct or
11 indirect gain or profit, has been continuously employed by the same employer
12 for a period of one year for an average of at least 30 hours per week or meets
13 the service requirement set forth in 29 C.F.R. § 825.801 (airline flight crew
14 employees) or 29 C.F.R. § 825.110(c)(3) (full-time teachers, as defined in 29
15 C.F.R. § 825.102, of an elementary or secondary school system or institution
16 of higher education).

17 * * *

18 Second: By adding a new section to be Sec. 8b to read as follows:

19 Sec. 8b. 21 V.S.A. § 495d is amended to read:

20 § 495d. DEFINITIONS

21 As used in this subchapter:

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(15) “Crime victim” means any of the following:

(A) a person who has obtained a relief from abuse order issued under 15 V.S.A. § 1103;

(B) a person who has obtained an order against stalking or sexual assault issued under 12 V.S.A. chapter 178;

(C) a person who has obtained an order against abuse of a vulnerable adult issued under 33 V.S.A. chapter 69; ~~or~~

(D)(i) a victim as defined in 13 V.S.A. § 5301, provided that the victim is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction; and

(ii) shall include the victim’s child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant; or

(E) a person who is a survivor of domestic violence, sexual assault, or stalking and who has supporting documentation from any one of the following sources:

1 ~~unlimited tenure, who attains 70 years of age. Any employee whose tenure~~
2 ~~contract is terminated may, in the discretion of the institution, be allowed to~~
3 ~~continue in the employ of the institution on a nontenured basis. [Repealed.]~~

4 Fourth: By adding a new section to be Sec. 8d to read as follows:

5 Sec. 8d. 21 V.S.A. § 383 is amended to read:

6 § 383. DEFINITIONS

7 As used in this subchapter:

8 (1) “Commissioner” means the Commissioner of Labor or designee.

9 (2) “Employee” means any individual employed or permitted to work by
10 an employer except:

11 * * *

12 (H) outside salespersons; ~~and~~

13 (I) students working during all or any part of the school year or
14 regular vacation periods; and

15 (J) elected and appointed municipal officers.

16 * * *

17 Fifth: By adding a new section to be Sec. 8e to read as follows:

18 Sec. 8e. 21 V.S.A. § 495q is added to read:

19 § 495q. AGREEMENTS WITH HEALTH CARE PROVIDERS

20 (a) Any provision in a contract or agreement that creates or establishes the
21 terms of a partnership, employment, or any other form of professional

1 relationship with a health care provider regarding the health care provider's
2 provision of health care services in Vermont shall be void and unenforceable if
3 the provision:

4 (1) includes a restriction on the right of the health care provider to
5 provide health care services in any geographical area for any period of time
6 after the termination of such partnership, agreement, or professional
7 relationship;

8 (2) limits the ability of a separating health care provider to provide
9 notice of the provider's change of employment to individuals to whom the
10 separating provider provided direct health care services;

11 (3) restricts a health care provider from making disparaging statements
12 about another party to the contract or agreement or about another person
13 specified in the agreement as a third-party beneficiary of the agreement;

14 (4) is inconsistent with Vermont law; or

15 (5) requires litigation arising from the performance of the contract or
16 agreement in Vermont to be conducted in another state.

17 (b) The notice provided in subdivision (a)(2) of this section may include
18 the following information:

19 (1) that the health care provider is continuing to practice the provider's
20 profession;

21 (2) the health care provider's new professional contact information; and

1 (3) the recipient’s right to choose a health care provider.

2 (c) The provisions in subsection (a) of this section do not apply to
3 restrictions that limit a health care provider who contracts with a third-party
4 company for nonclinical business support services from opening a business
5 within a specific territory supported by a different third-party company
6 providing nonclinical services.

7 (d) “Health care provider” means a person licensed, certified, or authorized
8 by law to provide professional health care service in this State to an individual
9 during that individual’s medical care, treatment, or confinement.

10 (e) An employer shall not discharge or in any other manner retaliate against
11 an employee who exercises or attempts to exercise the employee’s rights under
12 this section. The provisions against retaliation in subdivision 495(a)(8) of this
13 subchapter and the penalty and enforcement provisions of section 495b of this
14 subchapter shall apply to this section.

15 (f) This section shall apply to contracts and agreements entered into on or
16 after July 1, 2026.