Senator Kitchel moves that the report on the Committee on Appropriations be amended as follows:

First: In Sec. A.102.1 (relationship with 2020 Acts and Resolves No. 120; repeals) in subsection (b), by striking out “on October 1, 2020”.

Second: In Sec. B.1127 (farmers’ markets; relief assistance), by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) If Coronavirus Relief Funds appropriated to the Agency of Agriculture, Food and Markets under 2020 Acts and Resolves No. 138 remain unexpended or unencumbered after October 1, 2020, the Secretary of Agriculture, Food and Markets may use up to $140,000.00 of the unexpended or unencumbered Coronavirus Relief Funds in fiscal year 2021 for the purpose of awarding grants under this section to farmers’ markets in the State that have suffered verifiable lost revenues or expenses caused by the COVID-19 public health emergency.

Third: In Sec. B.1101.2 (Coronavirus Relief Fund – One-time list), in subsection (a), by striking out subdivision (5) in its entirety and inserting lieu thereof the following:
(5) To the Department of Disabilities, Aging, and Independent Living:

$2,000,000 for grants to Adult Day service providers to provide financial stability grant funding to the 12 adult day providers statewide to continue to support the facilities, service infrastructure, and necessary operating costs for October 2020 through December 20, 2020 as these programs remained closed due the COVID-19 crisis to prepare to reopen safely for the vulnerable populations they serve and to operate at reduced census upon reopening. Funds shall be distributed on or before October 10, 2020 to each program in accordance with the spreadsheet submitted by the providers to the Department prior to September 30, 2020. Any funds remaining subsequent to September 30, 2020 from prior Coronavirus Relief Funds appropriations for Adult Day service provides shall be carried forward until December 20, 2020 and shall remain available the Adult Day programs for their use prior to December 20, 2020.

Fourth: In Sec. G.109, 2020 Acts and Resolves No. 121, Secs. 11 and 12, in Sec. 11, by striking out “, and $600,000.00 of this transfer shall be from one-time Transportation Fund monies appropriated and authorized for expenditure pursuant to the fiscal year 2021 budget” and inserting in lieu thereof and shall include the $600,000.00 one-time transfer from the Transportation Fund pursuant to Sec B.1100.1 of the fiscal year 2021 budget.
Fifth: In Sec. G.113, 23 V.S.A. § 3502, in subdivision (a)(2)(B), by inserting the punctuation . at the end of the subdivision.

Sixth: By adding a new section to be Sec. E.307.1 to read as follows:

Sec. E.307.1 8 V.S.A. § 4089i is amended to read:

§ 4089i. PRESCRIPTION DRUG COVERAGE

*(h)*(1) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall limit a beneficiary’s total out-of-pocket responsibility for prescription insulin medications to not more than $100.00 per 30-day supply, regardless of the amount, type, or number of insulin medications prescribed for the beneficiary.

(2) The $100.00 monthly limit on out-of-pocket spending for prescription insulin medications set forth in subdivision (1) of this subsection shall apply regardless of whether the beneficiary has satisfied any applicable deductible requirement under the health insurance or health benefit plan.

(i) As used in this section:

*(7)* “Prescription insulin medication” means a prescription medication that contains insulin and is used to treat diabetes.
(j) The Department of Financial Regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Seventh: In Sec. H.100, effective dates, by redesignating subsection (b) to be subsection (c) and by inserting a new subsection (b) to read as follows:

(b) Sec. E.307.1 (8 V.S.A. § 4089i) shall take effect on January 1, 2021 and shall apply to health insurance and other health benefit plans on or after January 1, 2021 on such date as a health insurer or pharmacy benefit manager issues, offers, or renews the plan, but in no event later than January 1, 2022.

Eighth: By adding a four new section to be Sec. E.1121.1, E.1121.2, E.1121.3, and E.1121.4 to read as follows:

Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT PROGRAM

(a)(1) There is established in the Agency of Human Services the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain public safety, public health, health care, and human services employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible period or were providing essential services to Vermonters.
(2) The sum of $28,000,000.00 $50,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the administration and payment of grants pursuant to the Front-Line Employees Hazard Pay Grant Program established in subdivision (1) of this subsection.

(b) As used in this section:

(1) “Agency” means the Agency of Human Services.

(2)(A) “Covered employer” means an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

(i) an assisted living residence as defined in 33 V.S.A. § 7102;

(ii) a nursing home as defined in 33 V.S.A. § 7102 and any employer that a nursing home has contracted with for the provision of physical, speech, respiratory, or occupational therapy, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided in the nursing home;

(iii) a residential care home as defined in 33 V.S.A. § 7102;

(iv) a therapeutic community residence as defined in 33 V.S.A. § 7102;

(v) a health care facility as defined in 18 V.S.A. § 9432 or a physician’s office;

(vi) a dentist’s office or a dental facility;
(vii) a homeless shelter, including a lodging establishment as defined in 18 V.S.A. § 4301, that, during the eligible period, provided temporary housing to homeless individuals pursuant to an agreement with the Department for Children and Families;

(viii) a home health agency as defined in 33 V.S.A. § 6302 and any employer that a home health agency has contracted with to provide physical, speech, respiratory, or occupational therapy on its behalf, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided on behalf of the home health agency;

(ix) a federally qualified health center, rural health clinic, or clinic for the uninsured;

(x) a program licensed by the Department for Children and Families as a residential treatment program;

(xi) an ambulance service or first responder service as defined in 24 V.S.A. § 2651;

(xii) a morgue; or

(xiii) a provider of necessities and services to vulnerable or disadvantaged populations;

(xiv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and
(vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period;

(xv) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period;

(xvi) a grocery store;

(xvii) a pharmacy;

(xviii) a retailer identified as essential in Sec. 6, paragraphs f and h of Addendum 6 to Executive Order 01-20, provided that, during the eligible period, the retail establishment was open to the general public for in-person sales;

(xix) a wholesale distributor making deliveries to a retailer described in subdivisions (xiv)–(xvi) of this subdivision (b)(2)(A);

(xx) a trash collection or waste management service;
(xxi) a child care facility as defined in 33 V.S.A. § 3511 that provided child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;

(xxii) a vocational rehabilitation service provider;

(xxiii) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211; or

(xxiv) an agency licensed pursuant to 26 V.S.A. § 3172 that provides security services, as defined in 26 V.S.A. § 3151, to another covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided security services to another covered employer during the eligible period.

* * *

(3)(A) “Elevated risk of exposure to COVID-19” means the performance of a job that:

(i) has high potential for exposure to known or suspected sources of COVID-19, including through;

(I) providing in-person services or care to members of the public, patients, residents, or clients; or

(II) cleaning or sanitizing the premises of a covered employer in a location that is used by members of the public, patients, residents, clients, or individuals who are known or suspected to have COVID-19;
(ii)(I) requires frequent physical contact or close contact, or both, with people individuals who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

(II) involves regularly cleaning or sanitizing the premises of a covered employer in a location that is regularly used by individuals who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

(iii) is located in an area or facility with ongoing community transmission of SARS-CoV-2 and requires regular, close contact with members of the public, patients, residents, or clients.

(B) As used in this subdivision (b)(3), “close contact” means interactions with another individual that require the employee to be within six feet of that individual.

(4)(A) “Eligible employee” means an individual who:

(i) is was employed during the eligible period by a covered employer that has applied for a grant through the Program;

(ii) performs performed a job that had an elevated risk of exposure to COVID-19 during the eligible period;

(iii) was unable to perform his or her job remotely or to telework, including by providing health care or other services by telephone, videoconference, or telehealth;
(iv) except in the case of employees of home health agencies and nursing homes, earns an hourly base wage of $25.00 or less during the eligible period;

(v) worked at least 68 hours for a covered employer during the eligible period; and

(vi) is not eligible to receive monetary benefits for the performance of his or her job under any program authorized or implemented by the federal government.

***

(C) “Eligible employee” does not include:

(i) an independent contractor or self-employed individual; or

(ii) an individual who has received unemployment insurance benefits for any week during the eligible period.

***

(c)(1) A covered employer may apply to the Secretary for a lump sum grant to provide hazard pay to eligible employees in the following amounts for the eligible period:

***

(2)(A) The number of hours worked by an eligible employee during the eligible period shall include any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave
Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee because he or she contracted COVID-19 or was quarantined because of exposure to COVID-19.

(B) The number of hours worked by an eligible employee during the eligible period shall not include:

(i) any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee to care for another individual; and

(ii) any hours of remote or telework performed by the eligible employee, including the provision of healthcare or other services by telephone, videoconference, or telehealth; and

(iii) any hours of work performed as an independent contractor or a sole proprietor.

(3)(A) An eligible employee may elect not to receive hazard pay funded by a grant provided pursuant to the Program by providing notice to his or her employer pursuant to procedures adopted by the employer.

(B) For an individual who is eligible to receive a hazard pay grant directly from the Program pursuant to subsection (i) of this section, the eligible employee may elect not to receive the hazard pay grant by providing notice pursuant to procedures adopted by the Secretary.
* * *

(7) A covered employer may identify potentially eligible employees who are no longer employed by the employer by providing the former employee’s name, mailing address, and any other information required by the Secretary. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (j)(1) of section.

* * *

(i)(1) The definition of “covered employer” set forth in subdivision (b)(2) of this section shall be deemed to include to the types of employers listed in subdivision (b)(2) of this subsection to the extent permitted by federal law and any applicable guidance if either of the following occurs:

(A) the permissible uses of monies in the Coronavirus Relief Fund pursuant to Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as amended, and any related guidance are expanded to permit the payment of hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i); or

(B) a federal program that grants money directly to the State, which may be used to provide hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i), is enacted.
(2) The following types of employers may be deemed to be included within the definition of “covered employer” set forth in subdivision (b)(2) of this section if the requirements of subdivision (1) of this subsection are met:

(A) a grocery store;

(B) a pharmacy;

(C) a retailer identified as essential in Sec. 6, paragraphs f and h of addendum 6 to Executive Order 01-20, provided that, during the eligible period, the majority of the retail establishment was open to the general public for in-person sales rather than curbside pickup or delivery;

(D) a wholesale distributor making deliveries to a retailer described in subdivisions (A)–(C) of this subdivision (i)(2);

(E) a trash collection or waste management service;

(F) a janitorial service that provides cleaning or janitorial services to another covered employer;

(G) a child care facility as defined in 33 V.S.A. § 3511 that is providing child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;

(H) a vocational rehabilitation service provider; or

(I) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211.
(A) The Program shall provide each potentially eligible employee who has been identified as no longer employed by a covered employer with notice that he or she may be eligible to obtain a grant through the Program and information regarding how to apply for a grant. The notice and information shall be sent to the address provided by the individual’s former employer.

(B) The notice sent to each potentially eligible employee pursuant to this subdivision (1) shall inform the individual that he or she may elect to decline the grant and provide him or her with information regarding how to do so.

(2)(A) Eligible employees who apply for a grant pursuant to this subsection (i) shall receive a grant directly from the Program in the appropriate amount set forth in subdivision (c)(1) of this section.

(B) Each eligible employee who receives a grant payment pursuant to this subsection (i) shall, together with his or her grant payment, be provided with written notice that the grant may be subject to income tax.

(j) Any personally identifiable information that is collected by the Program, any entity of State government performing a function of the Program, or any entity that the Secretary contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.
EMPLOYEES

For each covered employer, as defined in Sec. B.1121.1 of this act, that submitted an application to the Front-Line Employees Hazard Pay Grant Program on or before the effective date of this act, the Secretary shall send notice to the covered employer that it may identify potentially eligible employees who were no longer employed by the employer at the time it submitted its initial application and provide information regarding how to identify such potentially eligible employees to the Program. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (i)(1) of Sec. B.1121.1 of this act.

Sec. B.1121.3. DELEGATION OF ADMINISTRATIVE RESPONSIBILITIES

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 6 to the contrary, the Secretary of Human Services may, with the approval of the Secretary of Administration, delegate administration of specific aspects of the Front-Line Employees Hazard Pay Grant Program to other agencies and departments of the State.

Sec. B.1121.4 2020 Acts and Resolves No. 136, Sec. 14 is amended to read:

Sec. 14. CHILD CARE PROVIDERS, SUMMER CAMPS, AFTERSCHOOL PROGRAMS; PARENT CHILD CENTERS;
CHILDREN’S INTEGRATED SERVICES

(a)(1) The sum of $12,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 for the purposes of providing:

(A) additional restart grants to summer camps, afterschool programs, and child care providers;

(B) a prospective workforce stabilization program for staff employed at child care programs regulated by the Department for Children and Families for risks associated with elevated exposure to COVID-19;

(C) the cost incurred by Parent Child Centers in responding to the COVID-19 public health emergency, including the increased demand for services by impacted families; and

(D) funds to address the immediate needs related to providing Children’s Integrated Services, including information technology training and the provision of equipment necessary for telehealth services.

(2) The Department shall determine the allocation of funding for this subsection and develop an application process to distribute funds to providers.

(b) Once the Department has determined how the appropriation set forth in this section shall be distributed, but not later than August 18, 2020, it shall report to the House Committees on Appropriations and on Human Services and
to the Senate Committees on Appropriations and on Health and Welfare regarding how the funds are to be distributed across programs.