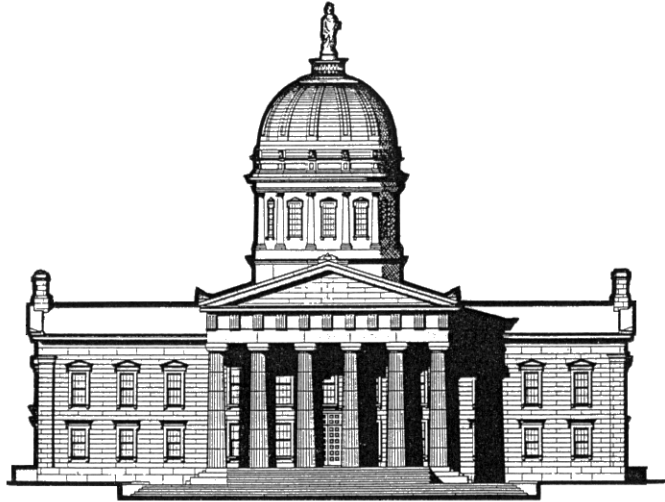


# STATE OF VERMONT



## SUMMARY OF THE ACTS of the 2019 VERMONT GENERAL ASSEMBLY

*Note: This document is current as of July 1, 2019.*

*It is divided into three sections:  
2019 Acts, 2019 Municipal Acts, 2019 Bills Vetoed by the Governor*

**Prepared by the  
Office of Legislative Council**

## **2019 ACTS**

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These act summaries are provided for the convenience of the public and members of the General Assembly. They are intended to provide a general summary of the acts and may not be exhaustive. They have been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. They are not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

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### **Act No. 1 (H.3). Education; ethnic and social equity studies standards; public schools**

#### **An act relating to ethnic and social equity studies standards for public schools**

This act creates the Ethnic and Social Equity Standards Advisory Working Group to review standards for student performance adopted by the State Board of Education and, on or before June 30, 2021, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. The Board of Education is required, on or before June 30, 2022, to consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group. The Working Group may also review State statutes, State Board rules, and school district and supervisory union policies that concern or impact standards for student performance or curriculum used in schools and is required to include in its report to the General Assembly any statute, State Board rule, or school district or supervisory union policy that it has identified as needing review or amendment.

This act also requires the State Board to report, to the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status.

Effective Date: March 29, 2019

**Act No. 2 (S.11). Elections; periodic reapportionment; senatorial districts; limitation**

**An act relating to limiting senatorial districts to a maximum of three members**

This act provides that for the upcoming legislative reapportionment—which by Vt. Const. Ch. II, § 73 must occur during the 2021–2022 biennium—the Legislative Apportionment Board will be required to propose a Senate reapportionment plan with not more than three members in each Senate district, and the final Senate plan enacted by the General Assembly is to adhere to that three-member maximum.

Effective Date: January 1, 2021

**Act No. 3 (S.109). Insurance; captive insurance companies; risk retention groups**

**An act relating to captive insurance companies and risk retention groups**

This act makes various amendments to Vermont law as it pertains to captive insurance companies and risk retention groups. For example, it specifies that an incorporated protected cell may pay dividends and make distributions, subject to the approval of the Commissioner of Financial Regulation; permits a captive insurance company, a sponsored captive insurance company, and an incorporated protected cell to be formed as any type of entity, subject to the approval of the Commissioner; extends the examination period from three to five years; gives companies greater latitude with respect to their investments; clarifies that a sole proprietorship may participate in a sponsored captive insurance company; and requires affiliated reinsurance companies to report using statutory accounting principles consistent with NAIC (National Association of Insurance Commissioners) standards. In addition, the act revises the statutory definition of “independent director” applicable to the board of directors of a risk retention group and requires risk retention groups to perform an “own risk and solvency assessment.”

Effective Date: April 18, 2019

**Act No. 4 (H.218). Health; public health**

**An act relating to lead poisoning prevention**

This act amends 2018 Acts and Resolves No. 149. Act 149 aimed to provide regulatory authority over lead poisoning prevention practices, which are currently divided between the State of Vermont and the U.S. Environmental Protection Agency (EPA), to the State. This act incorporates further amendments requested by the EPA prior to its approval of the Vermont Department of Health’s proposal to house all regulatory authority over lead poisoning prevention practices within the State.

Effective Date: Upon the Commissioner of Health’s written confirmation to the Speaker of the House and the Senate President Pro Tempore that the U.S. Environmental Protection Agency has authorized the program as administered by Vermont

**Act No. 5 (S.14). Health; home health agencies; certificate of need**

**An act relating to extending the moratorium on home health agency certificates of need**

This act extends until January 1, 2025 the existing moratorium on certificates of need for new home health agencies and the offering of home health services.

Effective Date: July 1, 2019

**Act No. 6 (H.532). Appropriations and finance**

**An act relating to fiscal year 2019 budget adjustments**

This act is the fiscal year 2019 budget adjustment act. For more information, see the website of the Joint Fiscal Office at: <https://ljfo.vermont.gov/subjects/appropriations-and-budget/fy-2019>

Multiple effective dates, beginning on April 22, 2019

**Act No. 7 (H.7). Crimes and criminal procedures; domestic assault**

**An act relating to second degree aggravated domestic assault**

This act permits an out-of-state domestic assault conviction to qualify as a prior conviction for purposes of a second degree aggravated domestic assault prosecution in Vermont.

Effective Date: April 23, 2019

**Act No. 8 (H.19). Crimes and criminal procedures; sexual exploitation of a person in law enforcement officer custody**

**An act relating to sexual exploitation of a person in law enforcement officer custody**

This act creates the crime of sexual exploitation of a person in the custody of a law enforcement officer. The crime prohibits a law enforcement officer from engaging in a sexual act with a person whom the officer is detaining, arresting, or otherwise holding in custody or who the officer knows is being detained, arrested, or otherwise held in custody by another officer.

Effective Date: April 23, 2019

**Act No. 9 (H.394). Internal security and public safety; health; deaths, burials, and autopsies; Vermont Veterans Memorial Cemetery**

**An act relating to the disposition of the remains of veterans**

This act permits a funeral director, crematory operator, or the Office of the Chief Medical Examiner to have the unclaimed cremated remains of a deceased veteran interred at the Vermont Veterans Memorial Cemetery if at least 180 days have passed since the remains were cremated, there is no claimant for the remains, and the deceased veteran is eligible to be interred at the Cemetery.

Effective Date: April 23, 2019

**Act No. 10 (H.427). Professions and occupations; Secretary of State, Office of Professional Regulation; foreign credential verification**

**An act relating to a uniform process for foreign credential verification in the Office of Professional Regulation**

This act requires the Director of the Office of Professional Regulation (OPR) to adopt rules that prescribe a process for the Director to assess the equivalence of a license applicant's professional credentials earned outside the United States as compared to Vermont license requirements for those OPR professions that do not already have laws addressing the verification and recognition of such credentials. The Director is permitted to rely upon third-party credential verification services in order to conduct this assessment, and the Director's determination of equivalence would be binding upon the relevant OPR board or regulatory program. A person whose license application is preliminarily denied for nonequivalence would be able to petition for review of that decision under 3 V.S.A. § 129(e), as is provided for other OPR applicants.

Effective Date: April 30, 2019

**Act No. 11 (H.436). Probate; decedents' estates; international wills**

**An act relating to international wills**

This act establishes requirements to permit recognition of international wills in Vermont.

Effective Date: July 1, 2019

**Act No. 12 (S.118). Executive Branch; Vermont Administrative Procedure Act; rulemaking; time frame for adoption**

**An act relating to the time frame for the adoption of administrative rules**

This act clarifies the procedure for administrative rulemaking by providing that an Executive Branch agency may adopt a final proposed rule 45 days after filing that final

proposal, which conforms that time frame to the amount of time the Legislative Committee on Administrative Rules has to review and object to a final proposed rule.

Effective Date: April 30, 2019

**Act No. 13 (H.146). Judiciary**

**An act relating to increasing the number of examiners on the Board of Bar Examiners from nine to 11 members**

This act increases the number of examiners on the Board of Bar Examiners from nine to 11. The new members must be attorneys.

Effective Date: April 30, 2019

**Act No. 14 (H.358). Legislature; Vermont Statutes Annotated; technical corrections**

**An act relating to technical corrections**

This act makes technical corrections to several sections of the Vermont Statutes Annotated, including statutes relating to conservation and development, health care, taxation, and transportation.

Effective Date: April 30, 2019

**Act No. 15 (H.204). Health; Department of Vermont Health Access; Medicaid**

**An act relating to miscellaneous provisions affecting navigators, Medicaid records, and the Department of Vermont Health Access**

This act eliminates the duty of Vermont Health Benefit Exchange navigators to assist employers with establishing certain federally authorized tax-advantaged plans. The act makes clarifying changes regarding the confidentiality of Medicaid applications and records and transfers from the Department of Vermont Health Access to the Green Mountain Care Board responsibility for preparing a report on the impact of chiropractic and physical therapy co-payment limits on utilization of chiropractic and physical therapy services.

Effective Date: May 6, 2019

**Act No. 16 (H.321). Crimes and criminal procedures; aggravated murder**

**An act relating to aggravated murder for killing a firefighter or an emergency medical provider**

This act expands the aggravated murder statute to include the killing of a firefighter or an emergency medical provider. As a result, if a person murders a firefighter or emergency medical personnel member knowing that the victim is

performing his or her official duties, the person can be charged with aggravated murder and sentenced to life without parole.

Effective Date: May 6, 2019

**Act No. 17 (S.53). Health; primary care; health care spending**

**An act relating to determining the proportion of health care spending allocated to primary care**

This act directs the Green Mountain Care Board and Department of Vermont Health Access to identify which health care providers and services constitute primary care, determine the percentage of health care spending currently allocated to primary care by certain public and private payers and by Vermont's health care system overall, and report the percentages and related information to the General Assembly by January 15, 2020.

Effective Date: May 6, 2019

**Act No. 18 (S.68). General provisions; legal holidays; Columbus Day; Indigenous Peoples' Day**

**An act relating to Indigenous People's Day**

This act redesignates the second Monday in October as Indigenous People's Day and makes technical clarifications to the laws on legal holidays and business days.

Effective Date: July, 1 2019

**Act No. 19 (S.89). Health; health insurance; reflective health benefit plans**

**An act relating to allowing reflective health benefit plans at all metal levels**

This act allows health insurers to offer nonqualified reflective health benefit plans to individuals and small groups at all metal levels in the event that federal cost-sharing reduction payments to insurers are suspended or discontinued. It directs the Green Mountain Care Board to ensure that the rates for some or all of the qualified health benefit plans offered through the Vermont Health Benefit Exchange include funding to offset the loss of the federal cost-sharing reduction payments and that the rates for the reflective health benefit plans to do not include such funding. It instructs the Green Mountain Care Board to ensure, to the extent not expressly prohibited under federal law, that the funding to offset the loss of the federal cost-sharing reduction payments is included exclusively in silver-level qualified health benefit plans offered through the Vermont Health Benefit Exchange. The act also makes conforming changes in other statutes that refer to reflective health benefit plans.

Effective Date: January 1, 2020

**Act No. 20 (S.154). Banking**

**An act relating to miscellaneous banking provisions**

This act reorganizes and makes miscellaneous changes to provisions of Vermont statute governing financing and related services and licensees regulated by the Department of Financial Regulation.

Effective Date: July 1, 2019

**Act No. 21 (S.49). Environmental health; water supply; water quality; polyfluoroalkyl substances; perfluoroalkyl substances**

**An act relating to the regulation of polyfluoroalkyl substances in drinking and surface waters**

This act requires all public community water systems and all nontransient noncommunity water systems (water systems) to conduct monitoring on or before December 1, 2019 for the maximum number of perfluoroalkyl substances and polyfluoroalkyl substances (PFAS) detectable using standard analytical methods. After initial monitoring, water systems shall conduct continued monitoring until the Agency of Natural Resources (ANR) adopts a maximum contaminant level (MCL) for five listed PFAS (regulated PFAS contaminants). If initial monitoring detects regulated PFAS contaminants at or above 20 parts per trillion (ppt), a system shall conduct quarterly monitoring. If initial monitoring detects regulated PFAS contaminants at or above 2 ppt but below 20 ppt, a system shall monitor annually. If initial monitoring detects regulated PFAS contaminants below 2 ppt, a system shall conduct monitoring every three years. If monitoring confirms regulated PFAS contaminants in excess of 20 ppt, the water system shall implement treatment to reduce PFAS contaminants in the drinking water below 20 ppt.

On or before February 1, 2020, ANR shall adopt by rule a MCL for regulated PFAS substances. The initial monitoring requirements for water systems shall be repealed upon adoption of the MCL. On or before March 1, 2021, ANR shall either file a proposed water supply rule to regulate PFAS substances as a class or subclass or summarize why it will not adopt the rule.

The act requires ANR to issue a plan to regulate PFAS substances in surface waters. On or before January 1, 2020, ANR shall adopt, at a minimum, water quality standards for the regulated PFAS contaminants. ANR also shall issue a plan for the statewide investigation of potential sources of contamination from PFAS substances. The act authorizes ANR to require any entity permitted by the Agency to monitor for any constituent for which the Department of Health has issued a health advisory. ANR also shall report to the legislature regarding management of contaminants of emerging concern in leachate at landfills.

Effective Date: May 15, 2019



**Act No. 22 (H.26). Health; tobacco; electronic cigarettes; retail sales; Internet sales**

**An act relating to restricting retail and Internet sales of electronic cigarettes, liquid nicotine, and tobacco paraphernalia in Vermont**

This act prohibits anyone from causing “tobacco substitutes” (e-cigarettes), substances containing nicotine or otherwise intended for use with e-cigarettes, or tobacco paraphernalia that is ordered or bought by mail, by phone, or over the Internet to be shipped to anyone in Vermont other than a licensed wholesale dealer or retailer. It also prohibits anyone from selling e-cigarettes, substances containing nicotine or otherwise intended for use with e-cigarettes, or tobacco paraphernalia unless the person is a wholesaler or purchased the items from a wholesaler.

Effective Date: July 1, 2019

**Act No. 23 (H.275). Economic development; agriculture; Farm-to-Plate Investment Program**

**An act relating to the Farm-to-Plate Investment Program**

This act updates the authority, tasks, and duties of the Farm-to-Plate Investment Program. The act would require the Sustainable Jobs Fund to report to the General Assembly on or before January 1, 2031 regarding whether the Farm-to-Plate Investment Program should continue to operate as authorized by statute or whether the Program should be repealed.

Effective Date: July 1, 2019

**Act No. 24 (H.278). Domestic relations; parentage**

**An act relating to acknowledgment or denial of parentage**

This act makes small changes to the Vermont Parentage Act (enacted in 2018). First, the act permits a person to rescind an acknowledgment of parentage or denial of parentage within the earlier of 60 days after the effect date of the acknowledgement or denial or within 60 days after the date of the first court hearing in a proceeding in which the signatory is a party to adjudicate an issue relating to the child, including a proceeding seeking child support. Second, the act reenacts language that was inadvertently repealed in 2018 and clarifies that while the records relating to acknowledgment or denial of parentage are confidential, they may be released by the Department of Health (DOH) to the Office of Child Support for the sole purpose of initiating a parentage or support proceeding on behalf of a dependent child or to the Family Services Division of the Department for Children and Families (DCF) for the sole purpose of addressing parentage or support proceedings related to the care of a child in DCF care. Finally, the act clarifies that in parentage cases involving reproductive technology or gestational carriers, the birth orders are also a judgment on parentage and the Probate Division shall forward a copy of those orders to DOH and intended parents.

Multiple effective dates, beginning on May 16, 2019

**Act No. 25 (H. 523). Retirement; State's retirement system**

**An act relating to miscellaneous changes to the State's retirement systems**

This act makes miscellaneous technical changes to the State's defined contribution retirement plan, the State Teachers' Retirement System, and the Municipal Employees' Retirement System. This act also authorizes the Treasurer to conduct a study on the membership requirements in Group C of the Vermont State Employees' Retirement System relating to law enforcement positions.

Effective Date: May 16, 2019

**Act No. 26 (H.528). Health; rural health care; mental health; housing**

**An act relating to the Rural Health Services Task Force**

This act creates the 14-member Rural Health Services Task Force to evaluate the current state of rural health care in Vermont and identify ways to sustain the system and to ensure it provides access to affordable, high-quality health care services. The Task Force must provide its findings and recommendations to the General Assembly by January 15, 2020.

The act directs the Department of Mental Health to evaluate and determine the mental health bed needs for residential programs across the State by geographic area and provider type and to report its findings and recommendations to the General Assembly by December 15, 2019. The act also requires the Department of Mental Health, in collaboration with community service organizations, to initiate efforts to increase the number of affordable housing opportunities for individuals with mental health needs by identifying potential funding sources for supportive housing and by maximizing the use of Section 8 vouchers. If funding is available to invest in affordable housing opportunities, the act expresses legislative intent that the funds be used to create new options for affordable permanent housing around the State based on evidence-based supportive housing models.

Effective Date: May 16, 2019

**Act No. 27 (S.86). Health; tobacco; electronic cigarettes; smoking age**

**An act relating to increasing the legal age for buying and using cigarettes, electronic cigarettes, and other tobacco products from 18 to 21 years of age**

This act increases the legal age for possessing and purchasing cigarettes, "tobacco substitutes" (e-cigarettes), and other tobacco products from 18 to 21 years of age.

Effective Date: September 1, 2019

**Act No. 28 (H.47). Taxation and fees; tobacco products**

**An act relating to the taxation of electronic cigarettes**

This act amends the definition of “other tobacco products” in 32 V.S.A. § 7702 to include tobacco substitutes, as defined in 7 V.S.A. § 1001; liquids, whether nicotine based or not; and devices sold separately for use with tobacco substitutes. By amending this definition, this act subjects these products to the 92 percent wholesale tax imposed on other tobacco products. This act exempts marijuana-related supplies sold by a registered dispensary to registered patients and registered caregivers are this 92 percent wholesale tax.

This act also amends the definition of “tobacco substitute” in 7 V.S.A. § 1001 to include products that contain or that are designed to deliver nicotine or other substances into the body through the inhalation of vapors.

Multiple effective dates, beginning on May 23, 2019

**Act No. 29 (H.82). Taxation; taxation of timber harvesting equipment**

**An act relating to the taxation of timber harvesting equipment**

This act provides that traction enhancement accessories, tire chains, track systems, and winch cables for timber harvesting equipment are exempt from the sales and use tax when sold for use on any timber harvesting machinery that is listed as exempt from the sales and use tax.

Effective Date: May 23, 2019

**Act No. 30 (H.104). Professions and occupations; Secretary of State, Office of Professional Regulation**

**An act relating to professions and occupations regulated by the Office of Professional Regulation**

This act enacts the 2019 annual Office of Professional Regulation Bill, which provides amendments to laws impacting the professions and occupations regulated by the Secretary of State’s Office of Professional Regulation (OPR). The bill amends provisions of Title 3, which governs OPR generally, as well as provisions of Title 26, which governs the individual professions regulated by OPR. Aside from substantive amendments, the act eliminates Title 26 provisions that duplicate those set forth in Title 3 and provides other technical clean-up. Substantive amendments include the following:

- *OPR generally.*
  - Sec. 3 increases permitted penalties for unauthorized practice.
  - Sec. 4 adds a new unprofessional conduct standard that applies to all OPR professions regarding sexual harassment, exploitation, professional boundaries, and expectations of privacy. This section

- also increases the permitted administrative penalties for any unprofessional conduct.
- Sec. 5 requires OPR to hold one or two public meetings each year for advisor professions, depending on the size of the profession.
  - Sec. 6 permits the Director of OPR to allow a lapsed licensee to renew his or her license under requirements less burdensome than completing all education that would have been required during active licensure.
  - Sec. 7 requires OPR, the Agency of Education, the Agency of Human Services, the Agency of Natural Resources, the Department of Public Safety, and the Department of Health to collaborate in analyzing the professions they regulate to determine whether their professional regulation should be transferred to a different agency, with a report due to committees of jurisdiction by January 15, 2020.
  - Secs. 7a and 7b require OPR and the Agency of Administration to collect from the same agencies and departments listed in Sec. 7 information and recommendations regarding apprenticeship pathways to licensure (Sec. 7a) and bridge-to-licensure programs for Canadian credentials (Sec. 7b) and to report to committees of jurisdiction by January 15, 2020.
- *Accountants.* Sec. 9 requires accountants and firms to have in place a plan for handling client records in case of unexpected incapacity or firm dissolution.
  - *Dental Hygienists.* Sec. 10 allows the Board of Dental Examiners to set guidelines for “public-health hygienists” who are dental hygienists that practice in out-of-office settings under the supervision of a dentist.
  - *Optometrists.* Sec. 12 adds glaucoma treatment as part of the standard scope of optometry practice, rather than requiring a special endorsement.
  - *Pharmacy.* Sec. 14 adds a pharmacy technician to the Board of Pharmacy; adds references within the pharmacy chapter to virtual manufacturing and distribution, wholesale manufacturers, and third-party logistics providers; and requires the Board to adopt rules regarding the inspection of any regulated entity or commercial location where legend drugs are manufactured or kept. Sec. 15 requires OPR, in consultation with relevant stakeholders, to evaluate whether pharmacists should have prescribing authority, with a report back to committees of jurisdiction by January 15, 2020.
  - *Real Estate Brokers and Salespersons.* Sec. 16 eliminates an initial post-licensure continuing education requirement for real estate salespersons.
  - *Opticians.* Sec. 17 adds a new apprenticeship pathway to licensure as an optician via a national program and reduces the current standard optician apprenticeship requirement from three years to two.

- *Radiology.* Sec. 18 converts the radiology profession from a board model to an advisor model.
- *Alcohol and Drug Abuse Counselors.* Sec. 20 adds “process disorders” (such as gambling addiction) to alcohol and drug abuse counselors’ scope of practice.
- *Real Estate Appraisers.* Sec. 21 converts the real estate appraiser profession from a board model to an advisor model.
- *Acupuncture.* Sec. 23 updates the definition of the practice of acupuncture; specifies an acupuncturist’s scope of practice; and reduces education and practice requirements for acupuncture licensure. This section also eliminates a specialized certification for acupuncture detoxification and in lieu thereof permits the unlicensed practice of auriculotherapy under specified practice conditions.
- *Athletic Trainers.* Sec. 24 eliminates restrictions on the settings where athletic trainers may practice and adds podiatrists, physical therapists, and naturopaths to the list of medical professionals who may refer a patient to an athletic trainer.
- *Notaries Public.* Sec. 26 confirms that notarial acts are part of the official duties of a town clerk and his or her assistants when they are commissioned as notaries public and specifies that a town clerk may take required oaths without being so commissioned. Sec. 27 updates the definition of “notarial officer” to recognize people outside Vermont who may perform notarial acts. Sec. 28 amends the provisions of the notary public chapter from which judiciary-related and law enforcement-related employees are exempted.
- *Massage Services.* Sec. 30 requires OPR to consult with stakeholders and submit by January 15, 2020 an addendum to its 2016 sunrise report on massage therapy in order to specifically assess whether new regulation of businesses or individuals offering massage services will enhance public safety in regard to sexual misconduct and human trafficking.

Effective Date: July 1, 2019

**Act No. 31 (H.133). Public service; energy; reporting; energy storage**

**An act relating to miscellaneous energy subjects**

This act makes multiple changes to Title 30.

This act:

- consolidates multiple reports from the Department of Public Service into the Annual Energy Report.

- makes the Secretary of Transportation a voting member on the Connectivity Advisory Board. It also changes the dates for the accounting of the fund and its submission to the Board.
- makes multiple amendments to the Dig Safe chapter.
- allows thermal energy and process fuel efficiency funds to be used for design and engineering of a district heating system, as well as construction.
- amends the formula for the Standard Offer Program contract price for existing hydroelectric power.
- extends the Department of Public Service's existing Public Records Act exemption for consumer complaint information to the Public Utility Commission.
- makes multiple changes to the Public Utility Commission's certificate of public good hearing process and rate change hearing process.
- creates the position of Deputy Clerk at the Public Utility Commission.
- requires energy storage facilities greater than 500 kW to receive a certificate of public good.
- makes changes to the Standard Offer Program exemption.

Effective Date: July 1, 2019

**Act No. 32 (H.460). Crimes and criminal procedures; criminal history records**

**An act relating to sealing and expungement of criminal history records**

This act:

- expands the list of crimes a court may vacate if the person committed the criminal conduct as a result of being a victim of human trafficking;
- allows for sealing or expungement of criminal history records of convictions for possession of a controlled substance, uttering a forged or counterfeited instrument, burglary into an occupied dwelling under certain circumstances, and any offense for which a person has been granted an unconditional pardon from the governor;
- allows for sealing of criminal history records of convictions of a first DUI offense under certain circumstances and makes those records accessible to law enforcement for purposes of levying an enhanced penalty for a subsequent DUI offense;
- changes the timelines by which a court may order sealing or expungement of criminal history records when there is no conviction;

- changes the statutory requirements for the process by which criminal history records are expunged and sealed;
- establishes a special fund for the filing fees collected for petitions filed to seal a DUI record and makes those funds accessible to the Office of the Court Administrator, the Office of the State's Attorneys and Sheriffs, the Department of Motor Vehicles, and the Vermont Crime Information Center to offset the administrative costs of sealing those records;
- creates a 20-year lookback provision for DUI offenses, so that an enhanced civil or criminal penalty for a second or subsequent DUI offense may only be levied if the person committed an earlier DUI offense within the last 20 years;
- removes the required filing fee for petitions to expunge or seal any criminal history record except for petitions to seal a record of a first DUI offense;
- directs the Vermont Sentencing Commission to do a comprehensive assessment of the statutes governing sealing and expungement of criminal history records, including evaluating the appropriateness of making civil offenses and negligent operation of a motor vehicle eligible for expungement or sealing, and requires the Commission to report to the Joint Legislative Justice Oversight Committee with recommendations to improve the sealing and expungement process and any additional crimes or civil offenses appropriate for expungement or sealing;
- directs the Joint Legislative Justice Oversight Committee to work with the Council of State Governments to review the expungement and sealing chapter and develop a comprehensive policy approach to helping people with criminal records to overcome barriers to employment and licensing;
- directs the Vermont Center for Crime Victim Services, the Office of Court Administrator, Vermont Legal Aid, and the Special Investigative Units to study the issue of requiring a person seeking expungement or sealing of a criminal history record to pay all associated surcharges prior to the court granting their petition and requires the group to report to the Joint Legislative Justice Oversight Committee with its findings; and
- directs the Attorney General, the Vermont Center for Crime Victim Services, and the Vermont Network Against Sexual and Domestic Violence to review the human trafficking statutes and make recommendations on proposed improvements to the General Assembly.

Multiple effective dates, beginning on July 1, 2019

**Act No. 33 (H.549). Municipal charters; Rutland Fire District No. 10; dissolution**

**An act relating to approval of the dissolution of Rutland Fire District No. 10**

This act approves the dissolution of Rutland Fire District No. 10.

Effective Date: May 23, 2019

**Act No. 34 (H.79). Agriculture; education; farm-to-school; school nutrition purchasing**

**An act relating to eligibility for farm-to-school grant assistance**

This act clarifies that technical service providers are eligible for assistance from the Farm-to-School grant program. It amends the maximum grant from the Farm-to-School Program to change the maximum award from \$15,000.00 to 20 percent of the total amount of available grant money, except that the Secretary of Agriculture, Food and Markets may award grants that exceed the cap for awards to technical service providers or to school districts that merged under one of three previous school merger acts, provided that the grant is used to expand farm-to-school programs to additional schools in a new school district.

The act requires the Agency of Agriculture, Food and Markets to consult with the Agency of Education (AOE) to increase the purchase of foods grown in Vermont. The act specifies that, under the State school food program, it is a State goal that by the year 2022, school boards operating a school meals program shall purchase at least 20 percent of all food from local producers. The act requires school boards annually to submit to AOE an estimate of the amount of locally produced food purchased as part of a school meals program. The act sets the simplified acquisition threshold for food purchased by a school board at the federal level of \$250,000.00 instead of the current State mandated threshold of \$25,000.00.

The act also requires the Department of Taxes to review whether it can use existing tax data to maximize enrollment in State and federal assistance programs, and, if so, how to increase enrollment in reduced and free lunch programs.

Effective Date: July 1, 2019

**Act No. 35 (H.205). Agriculture; pesticides; pollinator protection; neonicotinoid pesticides**

**An act relating to the regulation of neonicotinoid pesticides**

This act requires the Secretary of Agriculture, Food and Markets (Secretary) to register neonicotinoid pesticides approved for outdoor use as restricted use pesticides. Restricted use pesticides shall be sold by only a licensed dealer and shall only be applied by State certified applicators. Pet care products, personal care products, indoor pest



control products, and treated article seeds are exempt from the requirement that the Secretary register neonicotinoid pesticides as restricted use pesticides.

The act increases the annual registration fee for pesticides from \$175.00 to \$200.00. The increased \$25.00 in fees shall be used to offset additional inspection costs of pesticide products and to provide technical assistance and educational services to pesticide applicators, beekeepers, and the general public. The fees also shall be used to establish two new positions at the Agency of Agriculture, Food and Markets to assist in pesticide enforcement and pollinator protection.

The act clarifies the requirements for owners of bees, apiaries, colonies, or hives in the State to register with the Secretary in writing. Beekeepers shall be required to submit a varroa mite and pest mitigation plan to the Secretary as part of an annual report. The act authorizes the Secretary to adopt rules related to the importation of bees, equipment, or bee products and registration and reporting requirements of persons owning bees, apiaries, colonies, or hives.

The act provides that bees, used equipment, or colonies shall not be imported into the State unless permitted by the Secretary. The Secretary shall not issue a permit unless the bees, used equipment, or colonies are accompanied by a valid certificate of inspection from the state of origin issued within the previous 60 days. Bees, used equipment, and colonies that are registered in Vermont, were transported no more than 75 miles from the registered location, and are imported back into the State within 90 days of original transport shall be exempt from the import permit requirement.

Effective Date: July 1, 2019

**Act No. 36 (H.287). Probate; decedents' estates**

**An act relating to small probate estates**

This act clarifies the procedures for small probate estates and increases the small estate threshold from \$10,000.00 to \$45,000.00.

Effective Date: July 1, 2019

**Act No. 37 (H.330). Court procedure; civil statutes of limitations; actions based on child sexual abuse**

**An act relating to repealing the statute of limitations for civil actions based on child sexual abuse.**

This act eliminates the statute of limitations for civil actions based on childhood sexual abuse. The elimination of the statute of limitations is fully retroactive, which means that an action based on childhood sexual abuse may be brought at any time, even if it would have been barred by the existing statute of limitations. If the defendant is an entity, the plaintiff can recover only if there has been gross negligence on the part of the entity.

Effective Date: July 1, 2019

**Act No. 38 (H.526). Municipal government; town clerks; records; fees**

**An act relating to town clerk recording fees and town restoration and preservation reserve funds**

This act amends Title 32 and other titles to increase town clerk fees and revise statutes relating to the recording of instruments. This act includes provisions that:

- Raise the fees for town clerk services and require each town to dedicate \$4 from per page recording fees to the Restoration and Preservation Reserve Fund.
- Require the consolidated town fee report and request to contain an account of the amounts retained and spent from each town's Restoration and Preservation Reserve Fund.
- Require that a digital copy of a survey plat be filed with the Vermont Center for Geographic Information whenever a survey plat is filed for record.
- Require that a survey plat be recorded whenever a parcel is subdivided or a parcel boundary is changed.
- Deem an instrument recorded when a town clerk receives the instrument, recording fees, and required materials, and indorses a certificate of the date and time of reception on the instrument.
- Require a town clerk to enter certain information concerning an instrument in a day book, printed index, or digital index within three days of the date the instrument is indorsed.

Multiple effective dates, beginning on July 1, 2019

**Act No. 39 (H.511). Crimes and criminal procedures; statutes of limitations**

**An act relating to criminal statutes of limitations**

This act extends the statute of limitations for the following crimes: manslaughter, maiming, sexual exploitation of a minor, sexual abuse of a vulnerable adult, and first degree aggravated domestic assault.

Effective Date: May 30, 2019

**Act No. 40 (H.512). Judiciary; court procedure**

**An act relating to miscellaneous court and Judiciary related amendments**

This act makes a number of changes to court and Judiciary procedures, including prohibiting the court from permitting public access via the Internet to probate case records; permitting the parties to agree to have the court divide the land instead of

appointing commissioners to do so in a partition action; permitting each county probate court to maintain its own records for notices of intent to retain parental rights in adoption proceedings; permitting the court in a probate proceeding involving adoption, guardianship, or termination of parental rights to view the court records from a juvenile proceeding involving the same child; adjusting the alimony guidelines to be consistent with new Federal tax law and requiring the court to consider the impact of both parties reaching retirement or social security age when awarding alimony; increasing the penalty if a person fails to pay taxes on income received from the unlawful sale of regulated drugs; and creating the Task Force on Campus Sexual Harm.

Effective Date: July 1, 2019

**Act No. 41 (H.518). Public safety; fair and impartial policing**

**An act relating to fair and impartial policing**

This act provides that the model fair and impartial policing policy establishes a baseline that all law enforcement agencies and constables are required to adopt, and individual agencies and constables may choose to include more robust requirements in their own policies. It also clarifies the process by which the Office of the Attorney General and the Vermont Criminal Justice Training Council assess whether each law enforcement agency and constable is in compliance with the requirements of the fair and impartial policing policy statute. The act also allocates funds for the position of Director of Policy, Education, and Outreach from the funds appropriated to the Human Rights Commission for fiscal year 2020.

Effective Date: May 30, 2019

**Act No. 42 (543). Appropriations and finance; capital construction; bonding**

**An act relating to capital construction and State bonding**

This act sets out the State's fiscal year 2020 and fiscal year 2021 capital budget and authorizes the State to issue general obligation bonds in the amount of \$123,180,000.00 and to reallocate \$1,375,341.06 from prior capital appropriations. It also provides that there will be a budget adjustment process in the second year of the biennium and that fiscal year 2020 appropriations are subject to budget adjustment unless otherwise specified. This act also:

Appropriations

- Appropriates capital funds in the amount of \$124,555,341.00 over two years for capital construction projects
- Appropriates \$6,500,000.00 in fiscal year 2020 and \$6,790,813.00 in fiscal year 2021 to statewide major maintenance projects

- Appropriates \$3,000,000.00 in fiscal year 2020 and \$7,500,000.00 in fiscal year 2021 for the parking garage at 108 Cherry Street in Burlington
- Appropriates \$3,000,000.00 in fiscal year 2020 and \$1,500,000.00 in fiscal year 2021 to replace the Middlesex Secure Residential Recovery Facility
- Appropriates \$4,750,000.00 in fiscal year 2020 and \$3,900,000.00 in fiscal year 2021 for the Integrated Eligibility and Enrollment program
- Appropriates \$1,496,398.00 in fiscal year 2020 to the Judiciary for a judicial case management IT system
- Appropriates \$1,800,000.00 in fiscal year 2020 and \$1,400,000.00 in fiscal year 2021 for the Building Communities Grants Program
- Appropriates \$1,300,000 in fiscal year 2020 and \$1,000,000 in fiscal year 2021 for construction, renovation, and major maintenance at the University of Vermont
- Appropriates \$2,100,000 in fiscal year 2020 and \$2,000,000 in fiscal year 2021 for construction, renovation, and major maintenance at the Vermont State Colleges
- Appropriates \$12,100,000.00 in fiscal year 2020 and \$13,900,000.00 in fiscal year 2021 for various clean water initiatives
- Appropriates \$1,500,000.00 in fiscal year 2020 for School Safety and Security Grants
- Appropriates \$5,400,000.00 in fiscal year 2021 for construction of the Williston Public Field Safety Field Station
- Appropriates \$1,800,000.00 in fiscal year 2020 and \$1,800,000.00 in fiscal year 2021 to the Vermont Housing and Conservation Board for housing projects

#### Clean Water Initiatives

- Directs the Clean Water Fund Board to review and recommend Clean Water Act implementation programs for fiscal year 2021 funding and submit a list of recommended programs to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and the Governor for inclusion in the fiscal year 2021 capital budget report by December 1, 2019
- Requires any agency receiving fiscal year 2020 and fiscal year 2021 capital funding for clean water initiatives to consult with the State Treasurer to ensure that the projects are capital eligible

- Increases the term for loans from the EPA Drink Water State Revolving Fund to municipalities from the current maximum of 20 years to up to a maximum of 30 years
- Allows for municipalities that meet the Vermont statutory definition of “disadvantaged municipality” (defined in 24 V.S.A. § 4752) to extend a loan term with a current maximum of 30 years to up to a maximum of 40 years

#### Department of Buildings and General Services (BGS)

- Authorizes the Commissioner of Buildings and General Services to:
  - sell five properties, known as the Jay Peak properties, that were acquired by the State through the EB-5 enforcement actions, transferring the net proceeds from the sale of these properties to the Newport Economic Development Settlement Fund at the Department of Economic Development
  - transfer a parcel of land located on the Monacacy National Park Battlefield in Maryland to the U.S. National Park Service and move a granite monument commemorating the 10<sup>th</sup> Vermont Volunteer Infantry Regiment that was placed on the Battlefield to the U.S. National Park Service provided that conditions are put into place to ensure rights of access, public visitation, and preservation of the monument
- Names the courthouse at 9 Merchants Row in Rutland the “Francis B. McCaffrey Courthouse.”
- Requires that BGS include the estimated cost of deferred infrastructure maintenance in State buildings and facilities in the State capital needs and projections for the 10-year capital plan that is submitted with the Governor’s annual capital budget request
- Requires the Commissioner of BGS and the Sergeant at Arms to conduct an assessment of space needs in the State House for legislative staff and the capital police and report back by January 15, 2020, with options for space reconfiguration

#### Human Services

- Sets forth the General Assembly’s intent to replace the Middlesex Secure Residential Facility by constructing a 16-bed State-owned facility and exploring the placement of an interim secure residential recovery facility
- Directs the Department of Disabilities, Aging, and Independent Living to amend its rules pertaining to therapeutic community residences to allow secure residential recovery facilities to utilize emergency involuntary procedures

- Directs the Legislative Branch to contract the Council on State Governments to work with the Executive, Legislative, and Judicial Branches to conduct a review of programming and population trends in Vermont's correctional facilities

#### Information Technology

- Directs the Executive Branch to transfer one vacant position for use in the Joint Fiscal Office or for the Joint Fiscal Office to hire a consultant to provide support to the General Assembly to conduct independent reviews of State information technology projects and operations for a two-year period

#### Public Safety

- Authorizes the Commissioner of Buildings and General Services to purchase land for a public field station and an equipment storage facility and to sell the current Williston Public Safety Field Station and adjacent land
- Amends the requirements for the School Safety and Security Grant program by expanding the definition of a "school" that is eligible for a grant, clarifying that a school is only eligible for one grant award under the program, clarifying that a school that applied in FY 2019 but did not receive a grant award is still eligible to apply again in FY 2020, and amending the repeal date of the program from July 1, 2019, to July 30, 2020.

Multiple effective dates, beginning on May 30, 2019

### **Act No. 43 (S.43). Health; insurance; medication-assisted treatment**

#### **An act relating to limiting prior authorization requirements for medication-assisted treatment**

This act prohibits health insurance plans from imposing prior authorization requirements for all counseling and behavioral therapies associated with medication-assisted treatment and for prescription drugs for a patient receiving medication-assisted treatment if the dosage prescribed is within the U.S. Food and Drug Administration's dosing recommendations. The act requires health insurance plans that provide prescription drug coverage to ensure that at least one medication from each drug class approved by the U.S. Food and Drug Administration for the treatment of substance use disorder is available on the lowest cost-sharing tier of the plan's prescription drug formulary. It further requires the Department of Vermont Health Access to submit reports to the General Assembly annually between 2020 and 2022 regarding prior authorization processes for medication-assisted treatment in Vermont's Medicaid program.

Multiple effective dates, beginning on July 1, 2019

**Act No. 44 (S.58). Agriculture; State Hemp Program; hemp products**

**An act relating to the State Hemp Program**

This act amends existing statutes regulating the growing of hemp to establish the State Hemp Program and to bring State law into conformance with the requirements of the 2018 Federal Farm Bill for the growing and selling of hemp and hemp products. The act defines the terms “hemp” and “hemp products.”

The act requires a person who intends to grow, process, or test hemp to register annually with the Secretary of Agriculture, Food and Markets (Secretary). Applications for registration shall include a registration fee and all information required under State and federal law. The registration fees are deposited into a special fund to be used by the Secretary to administer the State Hemp Program, including three new Agency of Agriculture, Food and Markets staff positions.

A person registered with the Secretary may purchase or import hemp genetics from other states compliant with federal hemp laws. A person registered with the Secretary shall allow inspection of the site where hemp will be grown or processed. The general location of a registered business is public, but information regarding land where hemp is grown shall be confidential.

The Secretary may enforce the requirements of the State Hemp Program, including by issuing a stop sale order or prohibition on processing or movement of hemp or a hemp product for a violation of the State requirements. The Secretary may assess administrative penalties for violations. In addition, buildings where extraction of plant botanicals is conducted shall be public buildings for purposes of compliance with the State building and fire code.

Effective Date: May 30, 2019

**Act No. 45 (S.133). Judiciary; Family Division jurisdiction**

**An act relating to juvenile jurisdiction**

This act makes technical and clarifying amendments to the chapters of Title 33 governing juvenile delinquency and youthful offender proceedings and provides that youthful offender consideration hearings for people 18-21 years of age must be open to the public.

Effective date: May 30, 2019

**Act No. 46 (H.536). Taxation and fees; education finance; sales tax**

**An act relating to education finance**

This act:

- changes the term “nonresidential” to “nonhomestead” in statute;

- clarifies the applicability of the sales tax to third-party sales made over the Internet;
- provides an exemption from the sales tax for:
  - prescription drugs intended for animal use,
  - durable medical equipment and prosthetics intended for animal use, and
  - veterinary supplies intended for animal use; and
- sets the statewide education property tax yields and nonresidential rate for fiscal year 2020.

Multiple effective dates, beginning on June 4, 2019

### **Act No. 47 (H.57). Health; reproductive rights**

#### **An act relating to preserving the right to abortion**

This act establishes as a fundamental right the right to choose or refuse contraception or sterilization and the right to carry a pregnancy to term, to give birth to a child, or to have an abortion. It prohibits law enforcement from prosecuting an individual for inducing, performing, or attempting to induce or perform the person's own abortion.

The act also prohibits a governmental entity from:

- denying or interfering with a fundamental right as established by the act;
- depriving a person of the choice to have an abortion;
- interfering with or restricting the choice of a person to have an abortion;
- prohibiting a health care provider acting within the scope of the provider's license from performing an abortion; or
- interfering with the choice of a health care provider acting within the scope of the provider's license to provide an abortion.

The act also establishes a private right of action in Superior Court for a person injured as a result of a violation of the act.

Effective Date: June 10, 2019

### **Act No. 48 (H.132). Housing**

#### **An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence**

Secs. 1–4 of this act create new protections against housing discrimination for victims of domestic and sexual violence. Secs. 5–8 address rental housing safety



inspections. Sec. 9 directs the Treasurer to review and make recommendations concerning the financing of affordable housing.

Effective Date: July 1, 2019

**Act No. 49 (H.135). Executive Branch; Agency of Digital Services; information technology**

**An act relating to the authority of the Agency of Digital Services**

This act statutorily creates the Agency of Digital Services, provides for the organization and oversight of the Agency, and sets forth the powers and duties of the Agency. This act also repeals the creation, powers, and duties of the Department of Information and Innovation. In addition, this act makes technical changes to statutorily replace the duties of the Department of Information and Innovation with the Agency of Digital Services.

Effective Date: June 10, 2019

**Act No. 50 (H.292). Conservation and land development; sign law; hunting**

**An act relating to miscellaneous natural resources and energy subjects**

This act makes various changes as follows:

- Amends the list of signs exempt from the general prohibition on signs to include banners and allows them to be hung within the limits of a highway right-of-way.
- Changes the designation of September from River Green Up Month to River Cleanup Month.
- Exempts removal of existing constructed features in a lake shoreland protection area from the requirement for a lake shoreland protection permit, provided that the area where removal occurs is revegetated.
- Changes the maximum number of moose hunting permits the Fish and Wildlife Board may set aside for auction to 10 percent of the total number of annual moose permits authorized for the season, not to exceed six.
- Changes the maximum number of moose hunting permits the Commissioner of Fish and Wildlife may set aside for Vermont veterans to 10 percent of the total number of moose permits authorized for the season, not to exceed six.
- Permits the Department of Fish and Wildlife to freeze bonus points accumulated by auction participants and veterans when a moose hunting season is not approved or a small number of permits is issued.

- Repeals the bonus point and lottery system under the Fish and Wildlife Board's current Moose Management Rule.
- Repeals the authority of the Commissioner of Fish and Wildlife to adopt by rule qualifications for an adult or child to receive a no-cost moose license.
- Repeals the Commissioner of Fish and Wildlife's Special Opportunity Youth Moose License Rule.
- Repeals the second muzzle loader license.
- Repeals the second archery license requirement for taking a wild deer with a bow and arrow.
- Repeals the hunting permit requirement to use a crossbow and eliminates the limitation on the use of crossbows strictly as an alternative to a standard bow for disabled individuals.
- Eliminates the cross reference to 10 V.S.A § 4711 regarding crossbow hunting permits.
- Requires the Fish and Wildlife Board to designate a youth deer hunting weekend prior to the opening day of deer season; previously required to be the weekend before opening day.
- Requires the Agency of Natural Resources to adopt rules and an interim certification process regarding the manufacture, sale, purchase, installation of operation of wood heating appliances for institutional, commercial, and industrial use.

Multiple effective dates, beginning on June 10, 2019

**Act No. 51 (H.514). Taxation and fees; various**

**An act relating to miscellaneous tax provisions**

This act makes numerous substantive, administrative and technical changes to Vermont's tax laws. The primary substantive changes are that the act:

- Changes the calculation of Vermont's corporate income tax sales factor from cost of performance to market-based sourcing;
- Extends the already established income tax withholding exemption for publicly traded partnerships to lower-tier pass-through affiliates of the partnerships;
- Permits fire departments to qualify for the nonprofit exclusion from "taxable meals" even when they serve meals off their premises at up to two events per year;
- Changes Vermont's law on 529 plans to adjust to federal changes by:

- Shifting “postsecondary education” definitions to reference Vermont law rather than federal law and other conforming changes;
- Requiring repayment of tax credit when participant uses 529 funds for purposes other than postsecondary education;
- Requiring VSAC to report the amount of 529 funds withdrawn for purposes other than postsecondary education each year;
- Permits the creation of merged property assessment districts to match merged school districts;
- Moves the collection and administration of the fire safety insurance tax, the direct placement insurance tax, and the surplus lines tax from the Department of Financial Regulation to the Department of Taxes; and
- Makes numerous other administrative and technical changes.

Multiple effective dates, beginning on January 1, 2019

**Act No. 52 (S.7). Human services; health care; social service integration**

**An act relating to social service integration with Vermont’s health care system**

This act requires the Agency of Human Services to submit a plan to the General Assembly related to coordinating the financing and delivery of Medicaid home- and community-based services with the all-payer financial target services.

This act directs the Green Mountain Care Board (Board) to submit to the General Assembly a report that evaluates the manner and degree to which social services are integrated into the accountable care organization (ACO). It also requires that the Board include a new criterion in its budget review of the ACO pertaining to the extent to which the ACO provides resources to primary care practices to ensure that care coordination and community services are available to patients without imposing undue burdens on primary care providers or on ACO member organizations.

This act requires the Director of Trauma Prevention and Resilience Development to serve as a resource in ensuring that new models used by community social service providers are aligned with the State’s goals for trauma-informed prevention and resilience. It also requires the Directors of Trauma Prevention and Resilience Development and of Maternal and Child Health to jointly submit a report to the General Assembly assessing models of social service and pediatric primary care integration.

Effective Date: July 1, 2019

**Act No. 53 (S.31). Health; hospitals; price transparency; health information technology; Vermont Health Information Exchange**

**An act relating to informed health care financial decision making and the consent policy for the Vermont Health Information Exchange**

This act specifies that patients of hospitals and ambulatory surgical centers must receive an itemized, detailed, and understandable explanation of charges and must be provided with information about financial assistance and billing and collections practices. It requires the Green Mountain Care Board to collect and review certain data from psychiatric hospitals, to examine health care price transparency initiatives in other states, and to consider and provide recommendations on potential modifications to health care billing processes. The act directs the Board to provide its findings and recommendations regarding price transparency initiatives and billing processes to the legislative committees of jurisdiction by November 15, 2019.

The act specifies that, beginning on March 1, 2020, patients' electronic health information contained in the Vermont Health Information Exchange will be accessible to health care facilities, health care professionals, and public and private payers unless a patient affirmatively opts not to have his or her electronic health information shared in that manner. The act requires the Department of Vermont Health Access to administer a robust stakeholder process to develop an implementation strategy for the opt-out consent policy and to provide updates to the legislative committees of jurisdiction and the Green Mountain Care Board by August 1 and November 1, 2019, with a final report due by January 15, 2020.

Multiple effective dates, beginning on June 10, 2019

**Act No. 54 (S.41). Commerce and trade; Department of Financial Regulation; health savings accounts; health reimbursement arrangements; flexible spending accounts**

**An act relating to regulating entities that administer tax-advantaged accounts for health-related expenses**

This act directs the Commissioner of Financial Regulation to adopt rules to license and regulate entities administering or proposing to administer one or more health reimbursement arrangements, health savings accounts, flexible spending accounts, or similar tax-advantaged accounts for health-related expenses, or a combination of these, in Vermont. The act establishes a \$600 initial licensing fee and a \$600 renewal fee to be paid once every three years. The act requires the Department of Financial Regulation to provide an update on its rulemaking process to the General Assembly by February 15, 2020 and to adopt its final rule by September 1, 2020.

Effective Date: June 10, 2019

**Act No. 55 (S.73). Health; ambulatory surgical centers; hospitals; Green Mountain Care Board**

**An act relating to licensure of ambulatory surgical centers**

This act establishes licensure requirements for ambulatory surgical centers and directs the Commissioner of Health to make available on its website each ambulatory surgical center's performance results from federal quality reporting programs. It requires applicable licensing agencies to post reports on their websites summarizing ambulatory surgical centers' and hospitals' licensure violations and any necessary corrective actions. The act requires the Green Mountain Care Board to collect and review certain data from ambulatory surgical centers until January 16, 2026 and to describe its oversight of the centers in the Board's 2021–2026 annual reports. The act specifies that the Board is not required to collect, review, or report further data on an ambulatory surgical center that was in operation on January 1, 2019 following submission of the Board's 2023 annual report.

Multiple effective dates, beginning on June 10, 2019

**Act No. 56 (S.112). Corrections; earned good time**

**An act relating to earned good time**

This act restores the concept of earned good time to Vermont criminal sentencing law. Good time permits an inmate to earn reductions in his or her sentence if the inmate behaves well and complies with Department of Corrections (DOC) programming requirements while the inmate is under DOC supervision. The act requires the DOC to file a proposed rule implementing the earned good time program on or before July 1, 2020.

Effective Date: June 10, 2019

**Act No. 57 (S.131). Insurance; innovation waivers; property and casualty; the Vermont Financial Services Education and Victim Restitution Fund**

**An act relating to insurance and securities**

This act makes changes to Vermont law as it pertains to the regulation of insurance companies. For example, it gives the Commissioner of Financial Regulation authority to grant innovation waivers to insurance products and services that otherwise would be prohibited under Vermont law; it specifies that the capital and surplus requirements of foreign and alien insurance companies are for the benefit of Vermonters; it permits "domestic surplus lines insurers" to offer and sell surplus lines insurance to Vermonters; it establishes a three percent premium tax on all surplus lines insurance regardless of where the risk is located; and it makes HIV testing requirements applicable to life insurance policies consistent with federal standards. In addition, with respect to securities law, it exempts from paying a filing fee persons who file a registration statement in connection with the New England Crowdfunding Initiative, and it establishes

a new special fund, the Vermont Financial Services Education and Victim Restitution Fund, for the purpose of carrying out the goals of the existing Financial Services Education and Training Special Fund (which the act repeals), as well as funding restitution awards to victims of securities fraud.

Effective Date: July 1, 2019

**Act No. 58 (S.134). Executive; federal tax information; background investigations**

**An act relating to background investigations for State employees with access to federal tax information**

This act proposes to permit additional State agencies to conduct background investigations of employees with access to federal tax information, to permit periodic background reinvestigations of employees with access to federal tax information, and to require the State to bargain with the collective bargaining representative of the employees' bargaining unit in relation to the impact of the results of those background investigations. This act also clarifies the circumstances in which the Commissioner of Human Resources may authorize a temporary employee to work more than 1,280 hours in a calendar year, provides an exemption from the 1,280 hour per calendar year limitation for seasonal employees, and provides temporary and seasonal workers with the same whistleblower protections as permanent State employees. Finally, this act creates 30 new Correctional Officer I positions in the Department of Corrections and requires the Executive and Judicial branches to submit reports regarding their use of temporary and seasonal employees.

Multiple effective dates, beginning on July 1, 2019

**Act No. 59 (H.529). Transportation; motor vehicles; natural resources and energy; judiciary**

**An act relating to the Transportation Program and miscellaneous changes to laws related to transportation**

This act:

- Transportation Program Adopted; Definitions. Adopts the Agency of Transportation's ("Agency") Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) except as amended in the act ("Transportation Program"), defines terms used throughout the act, and corrects a typographic error in the Transportation Program.
- Fiscal Year 2020 Transportation Investments Intended to Reduce Transportation-Related Greenhouse Gas Emissions, Reduce Fossil Fuel Use, and Save Vermont Households Money. Summarizes certain transportation investments.
- Toll Credits. Contingently, based on whether the Agency's fiscal year 2019 maintenance of effort requirement is attained and toll credits are

approved by the Federal Highway Administration in fiscal year 2020, reduces spending authority in Program Development by the amount of toll credits approved, but not to exceed \$845,416.64, in transportation funds and increases spending authority in Program Development by the amount of toll credits approved, but not to exceed \$845,416.64, in federal funds.

- Program Development—Roadway. Reduces spending authority for Burlington MEGC M 5001(1) in Program Development by \$5,000,000.00, with \$150,000.00 coming from transportation infrastructure bond funds, \$4,750,000.00 coming from federal funds, and \$100,000.00 coming from local match and changes the funding source of \$150,000.00 in spending for Waterbury FEGC F 013-4(13) from transportation funds to transportation infrastructure bond funds.
- Program Development—Traffic & Safety. Increases spending authority for Shelburne – South Burlington – NHG SGNL(51) in Program Development by \$115,000.00 with all \$115,000.00 coming from federal funds.
- Municipal Mitigation Assistance Program. Decreases spending authority for grants in the Municipal Mitigation Assistance Program by \$800,000.00 in special funds from the Clean Water Fund and contingently, based on whether the Agency’s fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, increases spending authority for grants in the Municipal Mitigation Assistance Program by \$200,000.00 in transportation funds.
- State Aid for Town Highways. Contingently, based on whether the Agency’s fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, increases spending authority in the Town Highway Aid Program by \$680,416.64 in transportation funds.
- Maintenance Program. Increases spending authority in the Maintenance Program by \$100,000.00 in transportation funds.
- Public Transit Program. Reduces spending authority in the Public Transit Program for the Opioid Treatment Pilot by \$200,000.00 in transportation funds.
- Aviation Program. Reduces spending authority in the Aviation Program for the Clarendon SRE Building by \$100,000.00 in transportation funds.
- Voluntary Cancellation of Municipal Projects. Permits the Agency to cancel a municipal project upon the request or concurrence of the municipality provided that notice of the cancellation is included in the Agency’s annual proposed transportation program.

- Project Cancellations. Cancels the Colchester – Improvements to the Mill Pond/Severence Road intersection project in the Bike and Pedestrian Facilities Program and the Belvidere BO 1448 ( ), Springfield BO 1442 (40), and Woodstock BO 1444 ( ) projects in the Town Highway Bridge Program.
- Project Additions. Adds the Colchester – Bayside Intersection Roundabout and Stormwater Improvements project to the candidate list of the Program Development—Traffic & Safety Program and the Shelburne – South Burlington – Automated Traffic Signal Performance Measures project to the Transportation Program in the Program Development—Traffic & Safety Program, with a spending authorization of \$65,000.00 in spending from \$13,000.00 in transportation funds and \$52,000.00 in federal funds.
- Better Utilizing Investments to Leverage Development (BUILD) Grant (Rail). Authorizes the Agency to accept the Better Utilizing Investments to Leverage Development (BUILD) grant awarded in federal fiscal year 2019 for the Vermont Regional Freight Rail Corridor Upgrade Project in the amount of \$20,000,000.00.
- Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant (Rail). Authorizes the Agency to accept the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant in the amount of \$2,082,519.00 for the Windsor-St. Albans CRISI (17) Vermonter Amtrak Safety Project, which is added to the Transportation Program with a spending authorization of \$2,082,519.00 in federal funds.
- Central Garage. Transfers \$355,358.00 from the Transportation Fund to the Central Garage Fund, reduces authorized spending in fiscal year 2020 operating expenses in the Central Garage by \$39,904.00 in internal service funds, and modifies the existing formula that governs the amount of the annual transfer from the Transportation Fund to the Central Garage Fund to have a minimum transfer of \$1,355,358.00 starting in fiscal year 2021 that must be adjusted annually from inflation based on the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the two most recently closed State fiscal years.
- Appropriation for State Aid for Town Highways. Modifies the existing formula that governs the appropriation for State aid for town highways to adjust annually for inflation based on percentage increases during the two most recently closed State fiscal years.
- Public Transit. Modifies public transit policy goals and weighting, modifies how the Agency distributes State and federal funds to public transit systems, and requires the Agency to study and report on methods to increase public transit ridership in Vermont by January 15, 2020 and costs/construction timeline to upgrade the State-owned



railroad line between Montpelier and Barre to meet commuter rail standards by December 1, 2019.

- State Highway Condemnation and Acquisition. Clarifies that notice goes to owners of property to be acquired, adds a definition for “survey,” and specifies that acquisition of property through condemnation or conveyance in lieu of condemnation shall not require subdivision approval.
- Public-Private Partnership (P3). Clarifies how “partnership” and “partner” are used in the subchapter of Title 23 on public-private partnerships.
- Highway Work; Minimum Wages. Clarifies that it is the Agency and not the “board” that shall fix the minimum wages that a contractor is bound to pay in specifications and advertisements for bids on highway work.
- Junior Operator Use of Portable Electronic Devices. Establishes the minimum and maximum civil penalties for first and second or subsequent violations of the existing prohibition on a person under 18 years of age using a portable electronic device while operating a motor vehicle on a highway.
- School Bus Driver Blood Alcohol Concentration Limitation. Expands when an individual’s blood alcohol concentration cannot be more than 0.02 to cover anyone operating a vehicle when the operation requires an operator’s license with a school bus endorsement.
- Evidentiary Blood Sample. Expands who can draw an evidentiary blood sample to also include an intermediate or advanced emergency medical technician; specifies where an evidentiary blood sample can be drawn to include at a medical facility, police or fire department, or other safe and clean location as determined by the individual withdrawing blood; prohibits a law enforcement officer, even if trained to withdraw blood, acting in that official capacity, from withdrawing blood for the purpose of determining the presence of alcohol or another drug; and establishes a \$75.00 maximum fee that can be charged for an evidentiary blood sample.
- Plug-In Electric Vehicle Definition. Adds a definition for a plug-in electric vehicle.
- Electric Vehicle Supply Equipment Definition. Adds definitions for electric vehicle supply equipment and electric vehicle supply equipment available to the public.
- Electric Vehicle Supply Equipment as Weights and Measures. Adds electric vehicle supply equipment available to the public to the definition of weights and measures and requires the Agency of

Agriculture, Food and Markets to report on the National Institute of Standards and Technology's progress towards adopting code on electric vehicle fueling systems, along with a recommendation for an annual licensing fee for electric vehicle supply equipment available to the public.

- Net Metering at Electric Vehicle Supply Equipment. Excludes from the definition of a net metering system a plant for generation of electricity that primarily supplies electricity to electric vehicle supply equipment for the resale of electricity.
- Vehicle Incentive and Emissions Repair Programs. Establishes the vehicle incentive and emissions repair programs, which provide point-of-sale vouchers for the purchase or lease of new plug-in electric vehicles and the purchase of used highly efficient vehicles and point-of-repair vouchers to repair certain motor vehicles that failed the on board diagnostic (OBD) systems inspection, and requires the Department of Labor to report on whether to establish a program to provide vehicle repairs to certain Vermonters and how to fund such a program by February 1, 2020.
- Public Utility Commission Tariff Design Report. Requires the Public Utility Commission to report on steps necessary to implement fees on plug-in electric vehicle charging and how to address net metering and net metering credits by December 15, 2019.
- Fees for Electric Vehicle Supply Equipment Owned or Controlled by the State. Permits State agencies that own or control electric vehicle supply equipment to establish, set, and adjust fees at less than its costs, to cover its costs, or to equal the retail rate charged for the use of electric vehicle supply equipment available to the public for three years starting on July 1, 2019.
- Public Utility Commission Jurisdiction Over Electric Vehicle Supply Equipment. Specifies that the Public Utility Commission does not have jurisdiction over persons otherwise not regulated by the Public Utility Commission that engage in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging a plug-in electric vehicle and that these persons may charge by the kWh but shall not be treated as an electric distribution utility for doing so.
- State Vehicle Fleet. Requires the Commissioner of Buildings and General Services, to the maximum extent practicable, to purchase and lease hybrid or plug-in electric vehicles for the State fleet with a minimum of 50%, bumped to 75% on July 1, 2021, of newly purchased and leased vehicles being hybrid or plug-in electric vehicles and requires the Commissioner to, whenever possible and provided that the vehicles are comparable and meet the State's needs, only purchase or

lease the lowest-cost year of the selected make and model and only the latest year model when it is the least expensive.

- Transportation Alternative Grants Program. Eliminates the Transportation Alternatives Grant Committee but vests the responsibilities of the eliminated committee with the Agency and specifies that awards under the Transportation Alternatives Grant Program shall not exceed \$300,000.00 per grant allocation.
- Emissions Inspections. Requires all motor vehicles registered in the State to undergo an annual visual emissions and safety inspection but only motor vehicles registered in the State that are 16 model years old or less to undergo an annual on board diagnostic (OBD) systems inspection and requires the Department of Motor Vehicles to update the Periodic Inspection Manual accordingly through rulemaking within 14 days after passage and the tablet software used by inspection stations accordingly by July 1, 2019.
- Feebate and Vehicle Incentive Programs Funding Report. Requires the Agency, in consultation with the Joint Fiscal Office, to report on whether Vermont should establish a time-of-acquisition vehicle feebate program and how to fund vehicle incentive programs by October 15, 2019.
- Weight-Based Registration Report. Requires the Agency, in consultation with the Joint Fiscal Office, to report on the feasibility of implementing an annual motor vehicle registration fee system by December 15, 2019.
- Sign Law Violations. Eliminates the criminal fine and possible term of imprisonment for a violation of the sign law, 10 V.S.A. chapter 21, and replaces it with a \$50.00 civil penalty and gives the Vermont Judicial Bureau jurisdiction over violations of the sign law related to the prohibition on outdoor advertising.

Multiple effective dates, beginning on June 14, 2019

See chart on following page.

<b>H.529 FY20 Transportation Program</b>				
Line #	All funding sources	FY19 As Passed	FY20 As Passed	FY20 vs FY19
1	<b>Administration-finance-planning</b>			
2	Central Admin & Finance	14,655,914	15,497,069	841,155
3	Policy & Planning	11,086,484	11,192,221	105,737
4	Transportation Board	271,543	282,191	10,648
5	Department of Motor Vehicles	31,360,732	33,150,701	1,789,969
6	Sub-total	57,374,673	60,122,182	2,747,509
7	<b>Facilities</b>			
8	Rest Areas	744,802	679,706	-65,096
9	AOT Buildings	1,578,050	907,746	-670,304
10	Sub-total	2,322,852	1,587,452	-735,400
11	<b>Alternate modes</b>			
12	Public Transit	29,020,229	33,824,399	4,804,170
13	Aviation	13,799,763	9,244,636	-4,555,127
14	Pedestrian & Bike Facilities	10,866,048	13,040,923	2,174,875
15	Park & Ride	3,807,556	2,651,588	-1,155,968
16	Multi-Modal Facilities	0	0	0
17	Rail infrastructure	21,249,051	26,635,351	5,386,300
18	Amtrak	8,350,000	8,300,000	-50,000
19	Sub-total	87,092,647	93,696,897	6,604,250
20	<b>State Highway Infrastructure</b>			
21	Maintenance	87,896,279	94,013,939	6,117,660
22	Paving	104,199,583	100,682,429	-3,517,154
23	Roadway	51,972,218	48,779,614	-3,192,604
24	State bridges	57,636,326	54,100,006	-3,536,320
25	Interstate bridges	24,543,000	30,831,313	6,288,313
26	Traffic Operations	21,515,547	20,925,379	-590,168
27	PD Admin & Tech Services	22,748,320	23,817,481	1,069,161
28	Sub-total	370,511,273	373,150,161	2,638,888
29	<b>Town programs</b>			
30	TH Aid	25,982,744	26,017,744	35,000
31	Town Bridges	13,324,994	13,833,851	508,857
32	TH Class 2	7,648,750	7,648,750	0
33	TH Structures	6,333,500	6,333,500	0
34	TH Class 1 supplemental grants	128,750	128,750	0
35	Enhancements	3,600,875	3,268,618	-332,257
36	TH State aid nonfederal disasters	1,150,000	1,150,000	0
37	TH State aid federal disasters	180,000	180,000	0
38	FEMA grant program	5,059,457	4,140,000	-919,457
39	TH VT Local Roads	403,714	406,307	2,593
40	Municipal mitigation grants	9,082,342	2,898,000	-6,184,342
41	Sub-total	72,895,126	66,005,520	-6,889,606
42	EV Purchase Incentives Program		300,000	
43	<b>Total All Programs</b>	<b>590,196,571</b>	<b>594,862,212</b>	<b>4,365,641</b>
44	Central Garage Internal Service Funds		20,112,038	
45	<b>Total Appropriations</b>		<b>614,974,250</b>	
46	EV Purchase Incentives Program one time funds		1,700,000	

**Act No. 60 (S.149). Transportation; motor vehicles**

**An act relating to miscellaneous changes to laws related to vehicles and the Department of Motor Vehicles**

This act:

- Public Records. Deletes language on what Department of Motor Vehicles (“Department”) records are public records and replaces it with language requiring the Department to comply with the Driver’s Privacy Protection Act, 18 U.S.C. chapter 123 as amended and updates the fee structure for public records requests for Department records requiring custom computer programming.
- Credentialing. Eliminates the requirement that renewed junior operator’s licenses meet the requirements of 23 V.S.A. § 610(b), increases how long a photograph for a license lasts from eight years to nine years, and establishes that nondriver identification cards and operator’s licenses expire at midnight on the eve of the second or fourth anniversary of the holder’s birth.
- Commercial Driver License. Permits the Commissioner of Motor Vehicles (“Commissioner”) to waive the knowledge test and the tests required for passenger endorsement, tank vehicle endorsement, and hazardous materials endorsement in addition to the skills test if the driver meets certain requirements and extends the commercial learner’s permit length from six months to one year.
- Reciprocity. Permits the Commissioner to consider a nonresident operator who does not have a license or permit to operate a motor vehicle issued by another United States jurisdiction as licensed or permitted for vehicle operation in Vermont for one year, as opposed to 30 days for vacation purposes, if the individual meets the following requirements: holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States; is at least 18 years of age, is lawfully present in the United States, and has been in the United States for not more than one year; and possesses an international driving permit. Also permits the Commissioner to waive the operator’s license examination for someone with a chauffeur’s or operator’s license from another jurisdiction, not just state, where the required examination is similar to Vermont’s.
- Replacement License. Clarifies when a replacement license may be issued and eliminates the usage of the phrase “duplicate license.”
- Administrative Penalties for Inspection Stations and Mechanics. Clarifies that the lookback period for administrative penalties for inspection stations and mechanics is three years and eliminates parenthetical descriptions for the different categories of administrative penalties.

- Display of Inspection Sticker Penalty. Separates out the prohibition on displaying an inspection sticker on a different vehicle than the one to which it was issued as a new subdivision.
- Trailer Registration. Eliminates the requirement that vehicle owners who have apportioned power units registered in Vermont under the International Registration Plan register their trailers in Vermont.
- Automated Vehicle Testing. Adds a new chapter to codified law on automated vehicle testing, adds approval of the testing of automated vehicles on public highways as a responsibility of the Traffic Committee, and directs the Agency of Transportation (“Agency”) to identify the municipalities that want to preapprove automated vehicle testing and prepare an Automated Vehicle Testing Guide by January 1, 2021.
- Transfer of Motor Vehicles. Extends deadlines to file with the Commissioner applications for certificates of title and notifications regarding the issuance of number plates to at least 30 days after acquisition of the motor vehicle prior to transfer and creates a new process to show proof of transfer to the Commissioner if title is held by a finance source.
- Translation of Documents for Operator Licensing. Requires that any written forms, applications, or tests used by the Department for operator licensing be translated into primary languages of nations from which individuals assisted by the U.S. Committee for Refugees and Immigrants Vermont in the prior 10 years hail, as determined on an annual basis by the Department in consultation with the U.S. Committee for Refugees and Immigrants Vermont.
- Use of Interpreters at Oral Examination and Road Test for Operator Licensing. Permits an applicant for an operator’s license to have an individual of his or her choosing at the oral examination or road test to serve as an interpreter.
- Department of Motor Vehicles Training. Requires the Commissioner, in collaboration with the U.S. Committee for Refugees and Immigrants Vermont and the Association of Africans Living in Vermont, to provide an online or in-person training that emphasizes strategies to recognize and address cultural differences and other potential barriers to equal access to all Department employees who directly interact with the public by January 1, 2020, and then on an on-going basis, within one month of an employee who directly interacts with the public’s date of hire.
- Junior Operator Use of Portable Electronic Devices. Establishes minimum and maximum civil penalties and point assessments for first and second or subsequent violations of the existing prohibition on a person under 18 years of age using a portable electronic device while operating a motor vehicle on a highway.

- Master License Agreement Study. Requires the Agency, in consultation with the Vermont League of Cities and Towns, to report on the use and contents of master license agreements and other agreements or contracts by the Agency when a municipality, utility, or other person needs to use the right-of-way for the line of railroad owned by the State by November 15, 2019.
- Proof of Motor Vehicle Registration. Creates a \$5.00 civil penalty exempt from surcharges under 13 V.S.A. § 7282(a) when an individual is cited for operating a motor vehicle without carrying proof of registration or having the registration sticker displayed within the 14 days following the expiration of the motor vehicle's registration.
- Proof of Motor Vehicle Inspection. Exempts the already existing \$5.00 civil penalty for operating a motor vehicle without proof of inspection within the 14 days following expiration of the motor vehicle inspection sticker from surcharges under 13 V.S.A. § 7282(a).

Multiple effective dates, beginning on June 14, 2019

**Act No. 61 (H.16). Executive branch; Secretary of State, Vermont State Archives and Records Administration; State boards and commissions**  
**An act relating to boards and commissions**

This act makes miscellaneous amendments regarding State boards and commissions. Many of this act's provisions stem from 2018 Sp. Sess. Act No. 2, which established the temporary Sunset Advisory Commission to propose amendments regarding or the repeal of the various State boards and commissions and required the Secretary of State to maintain an online inventory of them. In addition to technical clean-up, the act's substantive amendments include the following:

- *VSARA registry*. Sec. 1 specifies that it is the Secretary of State's Vermont State Archives and Records Administration (VSARA) that will be maintaining information regarding State boards and commissions in a registry. This section also requires VSARA to track the original creation of State boards and commissions created by State law and any amendments to those laws so that the General Assembly may consider eliminating them after five years; it also more specifically defines a "State board or commission." Sec. 2 provides that VSARA's requirement to maintain a registry of State boards and commissions will begin on January 1, 2023.
- *Per diems and expense reimbursement*. For multiple State boards and commissions whose enabling law is amended by this act, the act standardizes language regarding members' per diem compensation and expense reimbursement, including by cross-

referencing Sec. 4's 32 V.S.A. § 1010 and specifying the State entity that is required to pay these costs.

- *Repeals.* The following sections repeal these seven State boards and commissions: Sec. 8. State and Regional Economic Development and Planning Services Oversight Panel; Sec. 9. Development Cabinet; Sec. 11. Film and New Media Advisory Board; Sec. 12. Vermont Rehabilitation Corporation; Sec. 13. State Natural Resources Conservation Council Board of Adjustment; Sec. 16. Sustainable Agriculture Council; Sec. 17. Vermont Transportation Authority.
- *Reports.* Sec. 14 eliminates an annual Pesticide Advisory Council report on the State's progress in reaching pesticide use targets, but still requires the Council to measure that progress. Sec. 15 provides the Vermont Milk Commission with discretion to report as needed on its activities, rather than requiring an annual Commission report.
- *Capitol Complex Commission.* Sec. 18 adds two legislative appointees to the Capitol Complex Commission, prohibits any Commission member from being a legislator, and requires that at least two members be residents of the City of Montpelier.
- *Vermont Enhanced 911 Board.* Sec. 19 requires the Secretary of Administration to report to committees of jurisdiction by January 15, 2020 with a recommendation regarding to which agency or department the Vermont Enhanced 911 Board should report beginning in Fiscal Year 2021.
- *Contract negotiations.*
  - Sec. 21 permits an impasse in collective bargaining negotiations between the State of Vermont and its employees or the Department of State's Attorneys and Sheriffs and its employees to be resolved by an arbitrator when requested by either party as an alternative to requiring such an impasse to be submitted to the Vermont Labor Relations Board. The other aspects of the dispute resolution process for these contract negotiations remain the same as in current law.
  - Sec. 22 provides that if an impasse in contract negotiations between a municipality and its unionized public safety employees is not resolved through mediation and fact finding, the dispute is required to be submitted to arbitration. This section does not apply to bargaining units that include both municipal public safety employees and other municipal employees. Sec. 23 defines "municipal public safety employees" as municipal fire, police, and emergency medical employees.



- Sec. 24 provides that Secs. 21–23 apply to contract negotiations that begin on or after July 1, 2019.

Effective Date: July 1, 2019

**Act No. 62 (H.63). Natural resources; bottle redemption; energy; weatherization**

**An act relating to weatherization, a Public Utility Commission proceeding, and unclaimed beverage container deposits.**

This act contains a number of provisions concerning thermal efficiency and weatherization, including authorizing Efficiency Vermont to use unallocated funds for such services (Sec. 1), encouraging the Vermont Low Income Trust for Electricity (VLITE) to invest some of its resources in the Home Weatherization Assistance Fund (Secs. 4 and 5), appropriating \$350,000.00 to Efficiency Vermont (Sec. 6), and removing restrictions concerning how up to \$5,000,000.00 can be invested for accelerated weatherization and housing improvements (Sec. 7).

Sec. 2 requires the Public Utility Commission (PUC) to conduct a proceeding to consider and make recommendations concerning various issues, including whether an all-fuels efficiency program should be created and whether efficiency programs and services should be expanded to include strategies such as storage and demand response. The PUC is required to issue a preliminary report in January 2020 and a final report in January 2021.

Secs. 12-14 concern the establishment and duties of two working groups: The Residential Building Energy Labelling Working Group and the Commercial and Multiunit Building Energy Labeling Working Group.

Finally, Secs. 8-10 amend the requirements for remittance of unclaimed beverage container deposits to the State. The act eliminates the requirement that a beverage manufacturer or distributor that collects a beverage container deposit establish a separate interest-bearing account for the container deposits. Beverage manufacturers or distributors shall remit the unclaimed deposits to the Department of Taxes quarterly according to a system of collection of similar fees or taxes. The act also clarifies the authority of the Department of Taxes to enforce the remittance of the unclaimed beverage container deposits.

Effective Date: The beverage container redemption sections take effect on June 17, 2019; all other sections take effect on July 1, 2019

**Act No. 63 (H.524). Health; health insurance; individual mandate; association health plans**

**An act relating to health insurance and the individual mandate**

The act requires each individual filing a Vermont income tax return to indicate whether the individual maintained minimum essential coverage in accordance with Vermont's individual mandate for the entire taxable year or was exempt from the coverage requirement. Any individual indicating that he or she

had minimum essential coverage must provide to the Department of Taxes, upon request, a copy of the statement of coverage provided to the individual in accordance with federal law. The act directs the Department of Vermont Health Access to use information from the Department of Taxes about Vermont residents without minimum essential coverage to provide targeted outreach to help these individuals to enroll in appropriate and affordable health coverage.

The act establishes in Vermont law certain consumer protections for health insurance plans that are currently in place pursuant to federal law: a prohibition on preexisting condition exclusions, the setting of annual limitations on cost sharing, a ban on annual and lifetime limits on the dollar amount of essential health benefits, a prohibition on cost sharing for certain preventive services, and a requirement that major medical health insurance plans cover an insured's adult child up to 26 years of age.

The act allows an association health plan that provided coverage for the 2019 plan year to be renewed for coverage of existing association employer members for subsequent plan years to the extent allowed under federal law, but not to enroll any new employer members for coverage after the 2019 plan year. It prohibits any new association health plans from being offered or issued for plan years 2020 and after. The act also prohibits a licensed insurance broker from accepting payment for enrolling a Vermont resident in any arrangement involving the sharing of health-related expenses that does not qualify as insurance under Vermont law.

The act specifies that the Green Mountain Care Board must include the impact of the Medicaid and Medicare cost shifts and uncompensated care on health insurance premiums in the Board's annual report to the General Assembly. The act requires the Agency of Human Services, in consultation with interested stakeholders, to look at ways to make health insurance more affordable for all Vermont residents, to explore requiring certain Medicaid beneficiaries to pay higher co-payments for their health care services and using the State funds saved to increase access to affordable health insurance for Vermonters with lower incomes, and to explore the potential for establishing a regional, publicly financed, universal health care program in cooperation with other states. The Agency must submit its findings and recommendations to the General Assembly by December 1, 2019. The act also directs the Agency of Human Services, in consultation with interested stakeholders, to evaluate Vermont's health insurance markets and recommend to the General Assembly by December 1, 2019 whether there should be any modifications to the current market structure.

Multiple effective dates, beginning on June 17, 2019

**Act No. 64 (H.525). Agriculture; agricultural seed; raw milk; farm-to-school; water quality; wetlands permitting**

**An act relating to miscellaneous agricultural subjects**

This act requires the Agency of Agriculture, Food and Markets (AAFM) to review new genetically engineered seed prior to sale, distribution, or use in the State. After consultation with a review committee, AAFM may approve, deny, or

condition the use of a new genetically engineered seed. The reporting deadline for manufacturers of genetically engineered seed would be changed from January 15 to February 15 of each year. The act requires seed manufacturers to report the quantity of treated and untreated seed sold in the State in the previous calendar year.

The act allows sales of raw milk at farmer's markets and eliminates the requirement that raw milk be pre-ordered before delivery. The act revises the content of the required label on raw milk products and amends the content and size requirements for the sign required on a farm or at a farmer's market. When raw milk is sold at a farmer's market, the vendor shall be required to verbally inform the customer of the need to keep the milk refrigerated. The act establishes standards for the sale of commercial animal feed manufactured with raw milk.

The act clarifies that technical service providers are eligible for assistance from the Farm-to-School grant program. It amends the maximum grant from the Farm-to-School program to change the maximum award from \$15,000.00 to 20 percent of the total amount of available grant money, except that AAFM can award grants that exceed the cap for awards to technical service providers or to school districts that merged under one of three merger bills, provided that the grant is used to expand Farm-to-School projects to additional schools in the new district.

The act defines what is "good standing" for the purposes of participation in agricultural water programs. The act amends the required agricultural practices (RAPs) to remove obsolete dates and clarify that the AAFM has authority under the RAPs to establish standards for areas of land that are excluded from the definition of wetlands. The act authorizes AAFM to establish agricultural water quality financing programs. The act amends the existing Capital Equipment Assistance Program to clarify eligible recipients and clarify the priority system for allocation of grants.

The act removes dates by which AAFM is required to adopt rules for the certification of nutrient management technical service providers. The date when nutrient management plans will be required to be created by a certified nutrient management technical service provider is amended to be 45 days after the effective date of the rules for technical service providers. The act requires the audit of the Clean Water Fund to assess the capacity of the Department of Environmental Conservation to effectively administer and enforce agricultural water quality requirements on farms.

The act creates an Environmental Stewardship Program to enhance the economic viability of farms, improve soil health and productivity, encourage regenerative farming practices, and reduce agricultural waste entering waters. The act creates a Conservation Reserve Enhancement Program at AAFM to provide financial assistance for alternative nutrient reduction practices. The act creates the Agricultural Environmental Management Program at AAFM to provide financial assistance for alternative nutrient reduction practices. The act amends AAFM's emergency public health authority to allow it to spend up to \$25,000.00 from available funds to prevent public health hazards or protect the environment.

The act requires commercial slaughterhouses to retain records for three years pertaining to the number of animals slaughtered at the facility, the origin of each animal, the date of slaughter of each animal, and official identification numbers of slaughtered animals. The act authorizes the Agency of Natural Resources (ANR) to approve the use of a sewage pumpout tanks for buildings that will not be used to host events on more than 28 days in a year.

The act creates a legislative study committee to clarify State wetlands statutes and permitting. The act sets a maximum fee for a wetlands permit at \$200.00 for water quality improvement projects in Class II wetlands or buffers. The maximum fee for construction of a permanent farming structure would be capped at \$5,000.00, provided that the fee for a waste storage facility or bunk silo shall be \$200.00 when constructed according to specified standards. The act also requires ANR to commence a study of approaches to licensing and certifying wetlands scientists.

Multiple effective dates, beginning on June 17, 2019

**Act No. 65 (S.30). Conservation and land development; air pollution; hydrofluorocarbons**

**An act relating to the regulation of hydrofluorocarbons**

This act establishes a schedule for when certain products must be manufactured without hydrofluorocarbons. It also requires the Agency of Natural Resources to conduct rulemaking and report back to the General Assembly on any delay in the rulemaking.

Effective Date: July 1, 2019

**Act No. 66 (S.40). Public health; education; schools; drinking water; lead**

**An act relating to testing and remediation of lead in the drinking water of schools and child care facilities**

This act requires all school districts, supervisory unions, independent schools, and child care providers to test for lead in the drinking water from outlets in each building or facility it owns or controls. Initial sampling shall be conducted by December 31, 2020. Prior to sampling, a school or child care provider shall notify parents, guardians, and staff of: requirements for testing, sampling results, and the response to be taken if lead is present in drinking water at or above the action level of 4 parts per billion (ppb). A school or child care provider may apply to the Department of Health (DOH) for a waiver from testing if it conducted sampling of all drinking water outlets on or after November 1, 2017 according to an approved methodology.

DOH shall pay to conduct the testing of samples taken by schools and child care providers. If testing indicates lead is present in drinking water from an outlet at or above the action level of 4 ppb, the act requires the school or child care provider to take the outlet out of service and conduct remediation to eliminate or reduce lead in the drinking water from the outlet. The school or child

care provider shall: notify parents, guardians, and staff of the remedial action, submit a lead remediation plan to DOH, and notify DOH when the plan is complete. DOH shall retain all records of testing and remedial action and shall make the records available on its website. The State shall pay the costs of testing. The State shall pay the actual cost of replacement of outlets that are at or above the action level up to a capped maximum amount per type of drinking water fixture replaced.

The act also requires DOH to adopt rules to implement the testing program, including requirements or guidance for taking samples, frequency and scope of continued sampling, and implementation of a lead remediation plan. DOH shall provide guidance to schools and child care providers on sampling and shall issue guidance documents on lead implementation plans and communications with parents, guardians, and staff. In addition, the remediation costs incurred by a school shall not be calculated as education spending for the purpose of calculating excess spending by a school district.

Effective Date: June 17, 2019

#### **Act No. 67 (S.107). Elections; miscellaneous**

##### **An act relating to elections corrections**

This act makes miscellaneous amendments to election law. In addition to technical clean-up, substantive amendments include the following:

- *“Voters”*; *gender neutrality*. The act substitutes throughout Title 17 the gender neutral term “voters” for “freemen” and “freewomen.”
- *Ratification of constitutional proposals*. Sec. 1 makes miscellaneous amendments to the Title 17 chapter on ratifying proposed articles of amendment to the Vermont Constitution, including by adding language reflecting the Governor’s duty to issue a proclamation prior to the ratification vote in accordance with Vt. Const. Ch. II, § 72.
- *Automatic voter registration agencies*. Sec. 7 allows the Secretary of State to designate voter registration agencies that will provide automatic voter registration as part of the agency’s applications for services. The head of such an agency must approve this designation.
- *Municipal voter checklists*. As is already provided in law for the Statewide Voter Checklist or a municipality’s portion of it, Sec. 8a prohibits a public agency from knowingly disclosing any municipal voter checklist to a foreign government or the federal government for three specified purposes.
- *Political party organization*. Sec. 9 makes miscellaneous amendments to the Title 17 chapter on political party organization, including by changing the threshold that requires a special notice

for town committee meetings; revising the requirements to file political party certificates of organization with the Secretary of State; and eliminating several requirements regarding the procedure for political party organization.

- *Nominations.* Sec. 10 prohibits primary petitions and independent candidates' statements of nomination from containing more than one office for which a person seeks to be a candidate; eliminates the limitation on the number of primary petitions and statements of nomination that a voter may sign; requires political party committees to decide primary election ties after a recount; and specifies the time frame in which the Secretary of State must keep disclosure forms posted.
- *Political materials in polling places.* Sec. 13 revises the prohibitions on political materials in polling places in accordance with Minnesota Voters Alliance v. Mansky, 138 S.Ct. 1876 (2018).
- *Early or absentee voters.* Sec. 14 makes miscellaneous amendments to the Title 17 subchapter on early or absentee voters, including:
  - providing town clerks with discretion to accept requests for early voter absentee ballots after the request deadline in cases of emergency;
  - adding injuries and emergencies as bases for ballot delivery by justices of the peace;
  - eliminating reference to the type of disability a voter might have that would permit such delivery;
  - allowing ballots to be electronically delivered to voters who are ill, are injured, or have a disability or in cases of emergency;
  - providing justices of the peace with discretion to deliver early voter absentee ballots outside their town;
  - allowing a board of civil authority to vote to permit early voting in the town clerk's office using vote tabulators, in accordance with procedures the Secretary of State is required to adopt for this purpose; and
  - revising the conditions under which an early voter absentee ballot is considered defective.
- *Unused ballots.* Sec. 15 allows town clerks to destroy or distribute unused ballots following an election, consistent with the Vermont State Archives and Records Administration's retention policy.
- *Local incompatible offices.* Sec. 19 provides a new exception to incompatible local offices when a school district prepares and reports its budget independently from a town and is audited by an independent public accountant.

- *Local nominating petitions.* Similar to Sec. 10, Sec. 20 eliminates the limitation on the number of local nominating petitions a voter may sign. Sec. 20 also eliminates the requirement that a candidate's name on a local nominating petition appear exactly as it does on the voter checklist.
- *Campaign finance reports.* Sec. 22 revises the dates for July and August campaign finance reporting.

Multiple effective dates, beginning on June 17, 2019

**Act No. 68 (S.111). National Guard; veterans; Airborne Hazards and Open Burn Pit Registry**

**An act relating to the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry**

This act requires the Commissioner of Health and the Adjutant General to develop educational materials to provide information about health effects associated with chemicals identified at open burn pits used during overseas military deployments and how to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry. In addition, this act requires the Commissioner, the Adjutant General, and the Vermont Office of Veterans Affairs to distribute the materials to health care providers, members of the Vermont National Guard, and veterans living in Vermont. Finally, this act requires the Adjutant General to encourage the U.S. Department of Veterans Affairs to take certain steps to improve the registration process for the Registry and to request that the Periodic Health Assessment for members of the Vermont National Guard include a determination of whether each member is eligible to participate in the Registry and provide for the automatic enrollment in the Registry of members who are determined to have been potentially exposed to open burn pits used during overseas military deployments.

Effective Date: June 17, 2019

**Act No. 69 (S.113). Conservation and land development; solid waste; single-use products; carryout bags**

**An act relating to the management of single-use products**

This act enacts multiple requirements for single-use products provided by a store or food establishment that go into effect July 1, 2020. A store or food establishment is prohibited from providing single-use plastic carryout bags. A "single-use plastic carryout bag" is a carryout bag that is made of plastic, is a single-use product, and is not a reusable grocery bag. A carryout bag is a bag provided by a store or food service establishment at the point of sale to transport groceries or retail goods. A carryout bag does not include: paper bags with a basis weight of 30 pounds or less; pharmacy bags for prescription medication; bags used inside a store to package loose items, frozen foods, meat, fish, or flowers; or dry cleaning bags.

A store or food service establishment may provide a consumer a recyclable paper carryout bag at the point of sale if the bag is provided for a charge of not less than \$0.10 per bag. The monies collected are retained by the store or food service establishment. A recyclable paper carryout bag is defined as a carryout bag that is made of paper and is recyclable.

The act prohibits a food service establishment from selling or providing a single-use plastic straw to a customer, except upon request of a person. Hospitals, nursing homes, residential care homes, assisted living homes, and independent living facilities are exempt. The Public Accommodation Act still applies if a person needs a straw to accommodate a disability or medical condition. The act also prohibits a food service establishment from providing a single-use plastic stirrer to a customer.

A person shall not sell an expanded polystyrene food service product in the State. A store or food service establishment shall not provide food or beverages in expanded polystyrene food service products. An “expanded polystyrene food service product” is a product made of expanded polystyrene that is used to sell or provide food or beverages to be used once for eating or drinking or is generally recognized as an item to be discarded after one use. Several uses are exempt, and a person may store or package a food or beverage in an expanded polystyrene food service product for distribution out of State.

A person, store, or food service establishment that violates any of the prohibitions established under the act is subject to a civil penalty. A store or food service may provide a carryout bag, single-use plastic straw, single-use stirrer, or expanded polystyrene food service product purchased prior to May 15, 2019 if the product is provided to a consumer on or before July 1, 2021. The act preempts municipal law that regulates single-use plastic carryout bags; single-use, recyclable paper carryout bags; single-use plastic straws; single-use plastic stirrers; and expanded polystyrene food service products.

The act creates the Single-Use Products Working Group to evaluate current State and municipal requirements for management of unwanted single-use products and recommend to the General Assembly how to improve statewide management of single-use products, divert single-use products from landfills, and prevent contamination by discarded single-use products.

Multiple effective dates, beginning on June 17, 2019

## **Act No. 70 (H.527). Taxation and fees**

### **An act relating to Executive Branch and Judicial Branch fees**

This act amends Executive Branch and Judicial Branch fees as follows:

Secs. 1–1a make changes to the fees charged by the Department of Financial Regulation for financial and related services. These changes include moving the fees to a new chapter, fee adjustments, and new fees.

Secs. 2–3a make changes to the fees charged by the Department of Financial Regulation for insurance services. These changes include fee adjustments and changing a fee from a biennial to an annual basis.



Sec. 4 adjusts the fees charged by the Department of Financial Regulation for securities services.

Secs. 5–6 adjust the fees charged by the Department of Fish and Wildlife.

Sec. 7 pertains to the Department of Labor and maintains the Workers' Compensation Fund premium rate at 1.4 percent for fiscal year 2020.

Sec. 8 adjusts the fee charged for registration of an all-terrain vehicle.

Sec. 9 adjusts the gross receipts taxes charged to public service companies by the Department of Public Service and the Public Utility Commission. Each of these taxes is now split, in varying proportions, between the Department of Public Service and the Public Utility Commission.

Secs. 10–12 create the fees charged by the Department of Public Service and the Public Utility Commission in their role of reviewing applications under section 248 of Title 30. They also establish how these fees are refunded and direct the supported entities to evaluate and report on the use of billback mechanisms to recover the costs related to reviewing certain applications.

Secs. 13–26 make changes to the fees charged by the Office of Professional Regulation. These changes include fee adjustments, new fees, and the change for certain professions from the board model to the advisory profession model.

Secs. 27–28 make changes to the fees charged by the Judicial Branch. These changes include new fees, the elimination of fees, and the clarification of when two fees must be paid.

Sec. 29 adjusts the fee that is charged to pharmaceutical manufacturers or labelers of prescription drugs by the Agency of Human Services.

Multiple effective dates, beginning on July 1, 2019

## **Act No. 71 (H.541). Taxation and fees**

### **An act relating to changes that affect the revenue of the State**

This act:

- **Capital Gains.** Limits the amount of capital gains subject to the preferential 40% rate to a total gain amount of \$350,000.00. Effective July 1, 2019.
- **Medical Deductions.** Provides a state deduction from personal taxable income for medical expenses which is limited by the state standard deduction, the state personal exemptions, and amount of the federal deduction resulting by payments to a continuing care retirement community.
- **Tax Credit for Affordable Housing/Down Payment Assistance Program:**
  - Allows the Vermont Housing Finance Agency (VHFA) to pool and sell credits as one batch.

- Increases the down payment assistance credits by \$125,000 and extends the program from FY22 to FY26.
- Increases the homeownership creation and mobile home replacement program by \$125,000.
- Separates out the rental housing credit from the homeownership credit and credits three separate credits for clarity.
- Downtown and Village Center Tax Credit:
  - Amends the definition of “qualified applicant” to include religious organizations.
  - Amends the definition of “qualified building” as one that was built at least 30 years before the date of the application.
  - Increases total credit cap from \$2,400,000 to \$2,600,000.
  - Requires credits be used within three years, instead of five.
  - Increases maximum credits for certain elevators and eliminates the credit for technology improvement projects.
- Estate tax:
  - Increases the State exclusion from \$2,750,000 to \$5,000,000 by January 1, 2021.
  - Increases the exclusion in two steps:
    - to \$4,250,000 on January 1, 2020, and then
    - to \$5,000,000 on January 1, 2021.
- Rooms Tax:
  - Includes “booking agents” in definition of “operator” and “rent” so that whoever collects the rent for a sleeping accommodation must collect and remit the rooms tax on the entire amount of rent they collect.
  - The effect would be to bring online travel companies and short term rental platforms within the rooms tax.
- Property Transfer Tax:
  - Changes the definitions to make it clear that the transfer of a controlling interest in a legal entity that holds real property triggers liability for the tax.
  - A controlling interest is 50 percent or more of the controlling stock or interest in the entity.
  - The tax is applied to value of the property held by the entity, apportioned to reflect the percentage of ownership interest that was transferred.

- If more than one person is acting in concert, their interests are aggregated for the purpose of determining a controlling interest and their liability for the tax.
- Land gains tax:
  - Changes definition of “land” so that the tax only applies to land that is purchased and subdivided in the six years prior to the sale or exchange.
  - If a sale or exchange of property is for land that falls outside of this definition, there is no obligation to file or withhold.
  - Effective January 1, 2020.
- Fuel tax:
  - Clarifies who the tax applies to in light of 2016 changes.
  - Extends the sunset on the tax for five years to 2024.
- Health Information Technology. Extends the current health claims tax revenue devoted to the Health Information Technology Fund for two additional years, until July 1, 2021.
- Home Health Agencies. Extends the sunset on the home health agency provider tax by two years, until July 1, 2021.
- Department of Taxes is to conduct outreach to technology community on the use and potential taxation of prewritten software accessed remotely.

Multiple effective dates, beginning on January 1, 2019

#### **Act No. 72 (H.542). Appropriations and finance**

##### **An act relating to making appropriations for the support of government**

This is the budget bill. For more information, see the website of the Joint Fiscal Office at: <https://ljfo.vermont.gov/subjects/appropriations-and-budget/fy-2020>

Multiple effective dates, beginning on June 18, 2019

#### **Act No. 73 (H.13). Alcoholic beverages; tobacco products; taxation and fees**

##### **An act relating to miscellaneous amendments to alcoholic beverage and tobacco laws**

This act:

- permits the holder of an E-2 Visa to acquire a first- or second-class license to sell beer and wine;
- amends multiple penalties related to violations of the laws governing the sale and distribution of alcoholic beverages and tobacco products;

- requires solicitors of spirits and fortified wines to be licensed;
- makes technical corrections to numerous sections of the Vermont Statutes Annotated in relation to the creation of the Department of Liquor and Lottery and the Division of Liquor Control in 2018 Act 1 (Special Session);
- replaces the tiered tax on gross revenue from sales of spirits and fortified wines with a flat five percent tax on gross revenue from sales of spirits and fortified wines;
- establishes a minimum transfer amount from the Liquor Control Enterprise Fund to the General Fund for fiscal years 2020 and 2021;
- requires a third-class license application to be approved by local licensing authorities before it receives approval from the Board of Liquor and Lottery;
- permits manufacturers that hold a third-class license to serve their own product without having to purchase it from the Department of Liquor and Lottery;
- replaces the annual limit of 104 special events permits per manufacturer with a limit of 10 special events permits per manufacturer for any particular physical location; and
- specifies that the holder of a manufacturer's or rectifier's license may only obtain a first-, second-, or third-class license for an establishment that is located at, or adjacent to, its licensed manufacturing or rectifying facility.

Multiple effective dates, beginning on July 1, 2019

#### **Act No. 74 (S.18). Consumer protection; unconscionable contracts**

##### **An act relating to consumer justice enforcement**

This act restricts the use of unconscionable terms in standard form contracts. Based on the Model State Consumer and Employee Justice Enforcement Act, a model statute developed by the National Consumer Law Center, the act establishes a rebuttable presumption that certain types of contractual terms are on their face unconscionable in standard form contracts. The presumptively unconscionable terms are: (1) a requirement that legal claims take place in an inconvenient venue, (2) a waiver of the right to a jury trial or to bring a class action, (3) a waiver of the right to seek punitive damages, (4) a requirement that limits the time in which an individual can bring an action to less than the time allowed by the statute of limitations, and (5) a requirement that the individual pay fees and costs to bring a claim substantially higher than what the courts would require.

Effective Date: October 1, 2020

**Act No. 75 (S.55). Environmental health; toxic substances; chemicals of high concern to children**

**An act relating to the regulation of toxic substances and hazardous materials**

This act establishes the Interagency Committee on Chemical Management to evaluate chemical inventories in the State, identify potential health risks to human health and the environment from chemical inventories, and propose measures to address risks from chemical inventories. The act provides that it is the General Assembly's intent that a similar committee established by executive order would fulfill the duties and membership of the Interagency Committee on Chemical Management.

The act amends the Chemicals of High Concern to Children Program. Manufacturers of children's products that contain a chemical of high concern to children (CHCC) shall report a product's brand name, product model, and universal product code when fulfilling the Program's notice requirements. The act amends the standard for adding a chemical by rule to the CHCC list. Manufacturers of children's products containing a CHCC shall provide notice to the Department of Health annually instead of every two years. The act requires the CHCC Working Group to meet at least twice annually, instead of once every two years.

The act amends the criteria under which the Commissioner of Health may regulate the sale or labeling of a children's product containing a CHCC. The act strikes the requirement that the Commissioner may regulate the sale or labeling of a children's product only upon the recommendation of the CHCC Working Group. In order for the Commissioner of Health to regulate the sale or labeling of a children's product, the Commissioner shall determine that children may be exposed to a CHCC, instead of will be exposed, and that there is a possibility, instead of probability, that the exposure could cause or contribute to a listed adverse health impact. The act requires the Department of Health to adopt, by rule, requirements for when a manufacturer of a children's product containing a CHCC shall submit a product notice when the manufacturer intends to introduce the product for sale between the required reporting dates.

Effective Date: Multiple effective dates, beginning June 19, 2019

**Act No. 76 (S.96). Conservation and land development; water quality; funding; water quality services**

**An act relating to the provision of water quality services**

This act establishes a long-term funding source for water quality programs and amends how clean water projects are implemented, administered, and funded. Under the act, six percent of revenues from the meals and rooms taxes are deposited into the Clean Water Fund. The percentage of the rooms and meals tax dedicated to the General Fund is reduced by six percent.

The act establishes a mechanism for delivery of water quality services in impaired waters. The Agency of Natural Resources (ANR) shall designate by

rule an entity, known as a clean water service provider, to be responsible for identification, design, construction, operation, and maintenance of clean water projects in a basin of an impaired water. A provider shall maintain clean water projects for at least the design life of each project. Each provider shall establish a basin water quality council to establish policy and make project decisions. ANR shall assign a provider for Lake Champlain and Lake Memphremagaog by November 1, 2020. ANR shall assign providers for other impaired waters six months prior to scheduled pollution allocations.

After a water is listed as impaired, ANR shall, as part of the cleanup plan for the water, evaluate whether existing regulatory programs will achieve water quality standards in the water. If existing programs will not achieve water quality standards, ANR shall determine the amount of additional pollutant reduction necessary to achieve water quality standards. ANR shall allocate to each clean water service provider for that water an amount of pollution reduction the provider shall be responsible for achieving. The allocations shall be expressed in annual pollution reduction goals and five-year pollution reduction targets.

ANR shall establish a methodology for establishing the standard cost per unit of pollutant reduction. The standard cost shall include the costs of project identification, design, and construction. ANR also shall publish methodologies for establishing the design life of a project and for calculating pollution reduction values for a clean water project in that water. ANR shall conduct the pollution reduction and standard costs analyses for Lake Champlain by November 1, 2021 and for Lake Memphremagog by November 1, 2022. For all other impaired waters, ANR shall adopt an implementation schedule by November 1, 2023.

A clean water service provider shall report annually to ANR regarding implementation of clean water projects and compliance with pollution reduction allocations. If a clean water service provider fails to meet its allocated reduction goals or its five-year target or fails to maintain previously implemented clean water projects, ANR shall take appropriate steps to hold the provider accountable, including entering a compliance plan or designating an alternate provider.

The act establishes four new grant programs to fund water quality programs in the State. The Water Quality Restoration Formula Grant Program provides grants to clean water service providers to meet the pollution reduction requirements. The Water Quality Enhancement Grant Program funds projects that protect high quality waters, maintain or improve water quality in all waters, restore degraded or stressed waters, create resilient watersheds communities, and promote the public use and enjoyment of waters. The Developed Lands Implementation Grant Program provides grants to persons who are required to obtain a three-acre impervious surface permit. The Municipal Stormwater Assistance Grant Program provides grants to municipalities to implement a municipal roads general permit, MS4 permit, or a three-acre impervious surface permit.

The act adds a finding that success in implementing the Clean Water Initiative will depend on sustained and adequate funding to support implementation, including committing to annual appropriations of between \$50 and \$60 million. The act also clarifies that when making recommendations for

appropriations from the Clean Water Fund, the Clean Water Fund shall make its recommendations according to established priorities. In addition, the Board shall make funding recommendations for water quality programs and projects to be funded from capital appropriations, not from the Clean Water Fund.

The act amends the priorities for the Clean Water Board's recommended appropriations from the Clean Water Fund. First and equal priority shall be given to: grants to clean water service providers to fund costs associated with clean water projects; agricultural water quality programs; the Water Quality Enhancement Grant Program, at a funding level of at least 20 percent of the Clean Water Fund, with a \$5 million annual maximum; funding to partners for basin planning of at least \$500,000.00 annually. As a second priority, the Board shall recommend funding for programs or projects to address riparian conditions; funding for education, outreach, demonstration, and water quality practices on logging jobs; and funding for the Municipal Stormwater Assistance Grant. Third priority shall be funding for the Developed Lands Implementation Grant Program.

The act also clarifies the authority of natural resource conservation districts and regional planning commissions to act as clean water service providers. It requires ANR to report to the General Assembly with recommendation for implementing a market-based mechanism that allows the purchase of water quality credits by water quality and other entities. The act requires ANR to convene a Land and Water Conservation Study Stakeholder Group to develop a recommended framework for statewide land conservation. Last, the act requires the Secretary of Administration to report to the General Assembly regarding administration and funding of water quality projects on farms.

Multiple effective dates, beginning on July 1, 2019

## **Act No. 77 (S.105). Judiciary**

### **An act relating to miscellaneous judiciary procedures**

This act makes a number of changes to court and Judiciary procedures, including: permitting a registered electronic filer in the court's electronic filing system to file a document that would otherwise need to be notarized if the document includes language stating that the filer declares the contents to be true and accurate, subject to the penalty of perjury; repealing Vermont's violent career criminals statute and leaving in place the habitual criminals statute; making clear that a furlougee will not be charged with felony escape for failing to return from medical furlough, treatment furlough, reintegration furlough, community re-entry furlough, or home confinement furlough; requiring local law enforcement agencies that conduct sex offender registry compliance checks to report data on them to the Department of Public Safety; permitting the court to impose a deferred sentence for a non-listed crime whether or not the prosecutor consents; permitting the Family Division to retain jurisdiction until a defendant reaches age 22 if the defendant commits a listed crime between ages 14–17 but is not charged until after turning 18; creating the Task Force on Campus Sexual Harm; and extending the sunset on judicial masters from 2020 to 2025.

Multiple effective dates, beginning on June 19, 2019

**Act No. 78 (S.162). Economic development; aviation; permitting**

**An act relating to promoting economic development**

This act encourages the Agency of Transportation, in consultation with the Agency of Commerce and Community Development, to obtain, as swiftly as practicable, all permits in the State-owned airport master permit necessary for growth, development, and facility upgrades—including charging stations for electrified aircraft and, where practicable, renewable energy generating plants—at each State-owned airport and allows State agencies, departments, commissions, and boards to waive permit fees for all permits in the State-owned airport master permit if certain conditions are met.

Effective Date: June 19, 2019

**Act No. 79 (H.513). Telecommunications; broadband; E-911; PEG access television**

**An act relating to broadband deployment throughout Vermont**

This act amends existing law and establishes new programs related to the deployment of broadband service in Vermont. For example, it increases the Universal Service Rate of Charge by four-tenths of one percent and uses the additional revenue raised to fund a new position within the Department of Public Service as well as grants through the Connectivity Initiative, it increases the speed requirements for eligibility for funding through both the High-Cost Program and the Connectivity Initiative to 25/3 Mbps, it changes the Vermont Universal Service Fund Rate of Charge collection method applicable to prepaid wireless telecommunications service, it establishes the Broadband Innovation Grant Program within the Department of Public Service, it requires the Department of Public Service to study the feasibility of electric companies providing broadband service using electric company infrastructure, it repeals the prohibition on electric cooperatives receiving federal funds for unregulated activities, it allows municipalities to enter into public-private partnerships with private Internet service providers, it establishes the Broadband Expansion Loan Program within the Vermont Economic Development Authority, it amends Vermont's pole-attachment rule, it adds additional data and analysis requirements applicable to the State's 10-year Telecommunications Plan and specifies that a new plan shall be adopted every three years, it requires the Commissioner of Health to prepare a report on the possible health consequences from exposure to the radio frequency fields produced by wireless technologies, it requires the E-911 Board to adopt protocols for the reporting of outages that may disrupt the availability of E-911 service, it requires the Public Utility Commission to complete by a date certain its workshop concerning the pole-rental calculation and its workshop concerning backup-power obligations, it establishes the PEG Access Study Committee, and it authorizes the Commissioner of Public Service to provide financial and technical support to municipalities seeking to obtain or use State-owned 2G microcells.



Multiple effective dates, beginning June 20, 2019

**Act No. 80 (H.533). Commerce and trade; economic development; workforce development**

**An act relating to workforce development**

This act adopts multiple provisions to increase opportunities for workforce education and training, continues work on the small business portal within the Office of the Secretary of State, expands eligibility for the New Remote Worker Grant Program, creates the New Worker Relocation Incentive Program, and allocates \$2m for economic and workforce development.

Effective Date: July 1, 2019

**Act No. 81 (S.95). Utilities; municipal electric companies; financing; net metering**

**An act relating to municipal utility capital investment**

This act concerns the financing authority of municipal electric companies and the Vermont Public Power Supply Authority (VPPSA), as well as net metering. With respect to the financing provisions, the act: permits the legislative branch of a municipal electric plant to authorize a bond issuance without voter approval if the amount of the issuance does not exceed 50 percent of the total assets of the plant; exempts a municipality from having to obtain the approval of the Public Utility Commission (PUC) prior to incurring indebtedness that is below a certain financial threshold, however, if PUC approval is required, the act allows the municipality to obtain voter approval before obtaining PUC approval; and exempts VPPSA from having to obtain PUC approval before incurring indebtedness.

This act also concerns net metering projects and requires the PUC to issue a final determination concerning certain applications within 90 days and allows some school districts to exceed the cumulative capacity limit established in the PUC rule of 500 kW per customer.

Effective Date: July 1, 2019

**Act No. 82 (S.146). Human services; substance misuse prevention**

**An act relating to substance misuse prevention**

This act consolidates the work of several substance-specific committees and boards into the newly established Substance Misuse Oversight and Advisory Committee, which is tasked with improving the health outcomes of all Vermonters through a holistic approach to substance misuse prevention that addresses all categories of substances. The Council shall be staffed by the Manager of Substance Misuse Prevention, who shall also be responsible for completing an inventory of substance misuse prevention programs in the State.

The act establishes the permanent position of Chief Prevention Officer within the Office of the Secretary of Administration. The Chief Prevention Officer shall coordinate across State government and in collaboration with community partners, policies, programs, and budgets to support and improve the well-being of all Vermonters through prevention efforts.

The act repeals the Tobacco Evaluation and Review Board and divides the responsibility of the Board between the Department of Health and the Substance Misuse Prevention Oversight and Advisory Council.

The act renames the Controlled Substances and Pain Management Advisory Council to be the Vermont Prescription Drug Advisory Council.

Effective Date: July 1, 2019

**Act No. 83 (S.160). Agriculture; development; water quality; carbon sequestration; logger safety; seed review**

**An act relating to agricultural development**

This act enacts or amends multiple provisions related to agricultural development. The Secretary of Agriculture, Food and Markets (Secretary) shall submit to the General Assembly a report on the stabilization, diversification, and revitalization of the agricultural industry in Vermont. The Secretary of Commerce and Community Development shall contract with a qualified marketing consultant to assess the viability of increasing demand for Vermont dairy products in major metropolitan markets.

The Secretary shall convene a Soil Conservation Practice and Payment for Ecosystem Services Working Group to recommend financial incentives for farmers to implement practices to improve soil health, enhance crop resilience, and reduce runoff. The State Treasurer's authority to issue an affinity card is amended so that any card issued will benefit water quality.

The sunset on the ability of livestock owners to conduct on-farm slaughter without inspection is extended from July 1, 2019 to July 1, 2023. The act clarifies that multiple persons can own an animal slaughtered under the personal use or on-farm slaughter exceptions to inspection. The Secretary shall report to the General Assembly regarding the use of radio frequency identification tags and readers by livestock owners and slaughter facilities.

The Vermont Forest Carbon Sequestration Working Group is created to study how to facilitate enrollment of Vermont forestlands in carbon sequestration markets. The Commissioner of Forests and Parks (Commissioner) shall develop a logging operations accident prevention and safety training curriculum to assist safety instructors. The Commissioner annually shall award grants to logging contractors to reduce the costs of safety training or continuing safety education. The Commissioner shall award to proposed value-added forest products businesses annual grants of up to \$10,000.00 to assist with permitting, consultation, engineering, and other costs of establishing a forest products business.

The act repeals the sunset on the maximum permit fee for manure pipelines in wetlands. The sunset on the sales tax exemption for advanced wood boilers is extended. The act provides that solid waste haulers are only required to offer food residuals collection services to nonresidential customers and apartment buildings with four or more residential units.

The act requires the Secretary to review the traits of a new genetically engineered seed prior to its sale, distribution, or use in the State. The federal exemptions to the requirements of the pasteurized milk ordinance (PMO) for very small businesses shall not apply in Vermont. The Secretary is authorized to modify by rule the requirements of the PMO for Vermont.

Multiple effective dates, beginning on June 20, 2019

## **2019 MUNICIPAL ACTS**

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These act summaries are provided for the convenience of the public and members of the General Assembly. They are intended to provide a general summary of the acts and may not be exhaustive. They have been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. They are not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

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### **Act No. M-1 (H.58). Municipal charters; Town of Barre; amendments**

#### **An act relating to approval of amendments to the charter of the Town of Barre**

This act authorizes the Town of Barre to vote at an annual or special meeting to abolish the office of auditor, replace the office with an annual audit of Town funds conducted by a Vermont-licensed public accountant, and vest the Selectboard with all other duties of the office. This act also makes technical corrections to the charter of the Town of Barre to make certain terms gender neutral.

Effective Date: April 19, 2019

### **Act No. M-2 (H.59). Municipal charters; Rutland County Solid Waste District; codification**

#### **An act relating to codification of the charter of the Rutland County Solid Waste District**

This act codifies the charter of the Rutland County Solid Waste District as approved by 1980 Acts and Resolves No. M-7 and amended by 1991 Acts and Resolves No. M-14.

Effective Date: April 19, 2019

**Act No. M-3 (H.73). Municipal charters; City of Barre; amendments**

**An act relating to approval of amendments to the charter of the City of Barre**

This act amends the charter of the City of Barre to authorize the City to:

- Impose the penalties permitted by 24 V.S.A. § 1974a for violation of an ordinance.
- Purchase real property and lesser interests in real property for the public benefit.
- Publish ordinances in a manner other than publication in a newspaper of general circulation, provided that the manner of publication is permitted by State law.
- Adopt and enforce ordinances relating to the mediation of landlord-tenant issues by the Housing Board of Review.

This act also amends the charter of the City of Barre to grant the Housing Board of Review the powers necessary to act as a mediator in landlord-tenant issues pursuant to City ordinance.

Effective Date: April 19, 2019

**Act No. M-4 (H.539). Municipal charters; Town of Stowe; amendment; Stowe Fire District No. 3; merger**

**An act relating to approval of amendments to the charter of the Town of Stowe and to the merger of the Town and the Stowe Fire District No. 3**

This act approves the merger of the Town of Stowe and Stowe Fire District No. 3 and includes transitional provisions containing the plan of merger.

Effective Date: May 23, 2019

**Act No. M-5 (H.540). Municipal charters; Town of Williston; amendments**

**An act relating to approval of the amendments to the charter of the Town of Williston**

This act amends the charter of the Town of Williston to:

- Authorize a Town vote to make the office of lister an appointed position or eliminate the office and contract with a professionally qualified assessor

- Change the Town Treasurer from an elected office to a position appointed by the Town Manager
- Change the Town Constable from an elected office to an appointed position
- Authorize the Town Selectboard to create appointive positions not otherwise required by State law
- Eliminate the offices of Pound Keeper and Town Service Officer
- Change the composition of and quorum for the Board for Abatement of Taxes

Effective Date: May 23, 2019

**Act No. M-6 (H.544). Municipal charters; City of Burlington; amendments**

**An act relating to approval of amendments to the charter of the City of Burlington**

This act amends the charter of the City of Burlington to authorize the creation of the Department of Permitting and Inspections, the reorganization of certain City departments and offices, and the default elimination of the nonresidential personal property tax by July 1, 2026.

Effective Date: May 23, 2019

**Act No. M-7 (H.547). Municipal charters; City of Montpelier; amendment**

**An act relating to approval of an amendment to the charter of the City of Montpelier**

This act amends the charter of the City of Montpelier to authorize the City Council to adopt ordinances regulating and enforcing energy efficiency disclosure requirements at the time a property is listed for sale.

Effective Date: May 30, 2019

**Act No. M-8 (H.508). Municipal charters; Town of Bennington; amendments**

**An act relating to approval of amendments to the charter of the Town of Bennington**

This act amends the charter of the Town of Bennington, including provisions that:

- Authorize the Fire Department to vote to transition from a volunteer department to a paid or combination paid and volunteer department.

- Repeal the personal property tax.
- Authorize the Town to vote to assess a local option tax of one percent on any or all of the following: meals, rooms, alcoholic beverages, or sales.

This act also makes technical corrections to sections of the Town charter.

Effective Date: June 10, 2019

## 2019 BILLS

### VETOED BY THE GOVERNOR

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These summaries are of bills that were vetoed by the Governor and are awaiting reconsideration by the General Assembly. These summaries are provided for the convenience of the public and members of the General Assembly. They are intended to provide a general summary and may not be exhaustive. They have been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. They are not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

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#### **S.37 (Vetoed). Conservation and land development; judiciary; toxic substances; hazardous materials; liability**

This bill would have authorized a cause of action by a person without a present injury for medical monitoring against the owner or operator of a large facility from which a toxic substance was released. All of the following would have been required to be demonstrated by a preponderance of the evidence for a court to award medical monitoring: the person was exposed to a toxic substance as a result of tortious conduct by the owner or operator who released the toxic substance; as a proximate result of the tortious exposure, the person exposed has a greater risk of contracting a latent disease; diagnostic testing is reasonably necessary; and medical tests or procedures exist to detect the latent disease.

The bill would have required an award of attorney's fees if medical monitoring was awarded. The ability to pursue a cause of action for medical monitoring would not have precluded the pursuit of any other civil or injunctive remedy available under statute or common law. The bill would have exempted municipal facilities, lawfully applied pesticides, and lead ammunition discharged, used, or stored by a sport shooting range implementing a lead management plan.

The bill would have added persons who manufactured a hazardous material for commercial sale to the list of persons who are strictly liable for the costs of responding to or remediating a release of a hazardous material. A manufacturer would not have been strictly liable for a hazardous materials release if they provided an adequate warning of the harm posed by the hazardous material when the harm was known or should have been known at the time the material was manufactured. A manufacturer of a hazardous material found strictly liable for a release would have been prohibited from impleading other potentially liable parties for the purposes of contribution. The liability of a manufacturer of a hazardous material would have applied retroactively.

Vetoed by the Governor: June 17, 2019

Effective Date: Not applicable



**S.169 (Vetoed). Crimes and criminal procedures; firearms**

This bill would have enacted several measures related to firearms procedures, including: repealing the sunset of the exception to the magazine ban for devices transported into Vermont by a resident of another state for a shooting competition and expanding the exception to include Vermonters as well as out of state residents; prohibiting the transfer of a hand gun until 24 hours after the completion of the background check required by federal or state law; and clarifying that a health care provider can disclose patient information to a law enforcement officer for purposes of obtaining an Extreme Risk Protection Order if the health care provider reasonably believes that the patient poses an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon.

Vetoed by the Governor: June 10, 2019

Effective Date: Not Applicable

*[Note: This document is current as of July 1, 2019.]*