

## Legislative Update – 2/23/2018

This is a summary of ATOD related legislation introduced during the first session of the 2017 – 2018 biennium. Bills not passed this session will remain active for the 2018 session. To see any given bill, click on the link.

**NOTE:** Bill Number in **RED** indicates passed by both houses and sent to Governor for signing into law.

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### NEW THIS WEEK:

#### **H.893 An act relating to authorizing towns to increase the smoking age to 21**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0893/H-0893%20As%20Introduced.pdf>

**This bill proposes to** authorize a town to adopt an ordinance that prohibits within the town:

- (1) a person selling or providing tobacco products, tobacco substitutes, or tobacco paraphernalia to any person under 21 years of age; and
- (2) a person under 21 years of age possessing, purchasing, or attempting to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

**Introduced by** Representatives Till of Jericho, Brumsted of Shelburne, Christensen of Weathersfield, Christie of Hartford, Donovan of Burlington, Dunn of Essex, Gannon of Wilmington, Howard of Rutland City, Joseph of North Hero, LaLonde of South Burlington, Lanpher of Vergennes, Lucke of Hartford, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, Poirier of Barre City, Potter of Clarendon, Rachelson of Burlington, Sharpe of Bristol, Stuart of Brattleboro, Sullivan of Burlington, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Yacovone of Morristown, and Yantachka of Charlotte.

### IN GOVERNMENT OPERATIONS

### CHANGED:

#### **H.508 An act relating to building resilience for individuals experiencing adverse childhood experiences**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0508/H-0508%20As%20Introduced.pdf>

**This bill proposes to** create the Adverse Childhood Experiences Working Group.

**Introduced by** Committee on Human Services

#### **PASSED BY HOUSE on 3/29 – IN SENATE HEALTH AND WELFARE**

See <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0508/H-0508%20As%20Passed%20by%20the%20House%20Official.pdf> for House passed version.

**4/21 Passed Senate with proposal of amendment. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/sj170420.pdf#page=42> for Senate version.

**House refused to concur in Senate proposal of amendment; in Conference Committee.**

**5/5/17 Report of the Conference Committee – See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc170505.pdf#page=94>

**5/13 Apparently passed by House & Senate**

**See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT043/ACT043%20As%20Enacted.pdf> for bill as enacted.

### **H.511 An act relating to ~~highway safety~~ marijuana decriminalization**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0511/H-0511%20As%20Introduced.pdf>

#### **This bill proposes to:**

- ~~(1) subject a person who operates any vehicle the operation of which requires a school bus endorsement to the 0.02 blood alcohol limit that applies to persons operating a school bus;~~
- ~~(2) make Vermont's implied consent statute consistent with the U.S. Supreme Court's decision in *Birchfield v. North Dakota* by providing that a warrant is required before a blood test can be given to a person suspected of DUI and that a person cannot be criminally prosecuted for refusing to submit to the blood test;~~
- ~~(3) impose additional penalties for operating a vehicle under the influence of alcohol or drugs with a minor in the vehicle;~~
- ~~(4) allow additional professionals to conduct an evidentiary blood draw, and allow a medical facility or business to charge an agency not more than \$75.00 for an evidentiary blood draw;~~
- ~~(5) prohibit operation of a motor vehicle while possessing or operating under the influence of drugs for individuals under 21 years of age and imposing civil penalties for such a violation;~~
- ~~(6) establish civil penalties for consuming marijuana or having an open container of marijuana while in an operating motor vehicle;~~
- ~~(7) require that persons qualified to ride beside an individual operating a motor vehicle under a learner's permit not be under the influence of alcohol or drugs during such operation;~~
- ~~(8) eliminate the requirement that a person who violates the adult seatbelt law be ticketed for the primary violation that gave rise to the traffic stop; and~~
- ~~(9) make miscellaneous changes to a law governing the removal of vehicles from a highway under specified circumstances.~~

**Introduced by** Committee on Transportation

#### **AMENDED AND PASSED THE HOUSE 3/29 – IN SENATE JUDICIARY**

See <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0511/H-0511%20As%20Passed%20by%20the%20House%20Official.pdf> for House passed bill.

**1-10-2018 See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/sj180110.pdf#page=1> for latest proposed amendment which was concurred in.

**PASSED HOUSE AND SENATE AND DELIVERED TO GOVERNOR**

**See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT086/ACT086%20As%20Enacted.pdf> for bill as enacted. **NOTE: This was changed to a marijuana bill that has been sent to the Governor.**

**H.571 An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery** <https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0571/H-0571%20As%20Introduced.pdf>

**This bill proposes to** merge the Department of Liquor and the Liquor Control Board with the Vermont Lottery and the Lottery Commission to create the Department of Liquor and Lottery and the Board of Liquor and Lottery.

**Introduced by** Representatives Stevens of Waterbury and Harrison of Chittenden.

#### **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

**1/26/18 - REFERRED TO APPROPRIATIONS**

**2/20/18 – General, Housing and Military Affairs amended the bill and recommended approval –**

**See** <https://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj180220.pdf#page=12> for amendment.

**2/21/18 – Passed House with further amendment – See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj180221.pdf#page=2> for additional amendment.

## IN SENATE

### **S.203 An act relating to systemic improvements of the mental health system**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0203/S-0203%20As%20Introduced.pdf>

**This bill proposes to** adopt an action plan submitted by the Agency of Human Services pertaining to Vermont's mental health system. It also proposes to fund the construction of any necessary mental health facilities.

**Introduced by** Senator Ayer

#### **IN HEALTH AND WELFARE**

**2/23/18 - Favorable report with recommendation of amendment by Committee on Health and Welfare. See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc180223.pdf#page=18> for recommended amendment. **Also reported favorably by Senate Appropriations (see above p.20.)**

### **S.261 An act relating to mitigating trauma and toxic stress during childhood by strengthening child and family resilience**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0261/S-0261%20As%20Introduced.pdf>

**This bill proposes to** address trauma and toxic stress in childhood, build resilience among children and their families, and improve systems that support persons who have experienced childhood trauma and toxic stress.

**Introduced by** Senators Lyons, Balint, and Soucy

#### **IN HEALTH AND WELFARE**

**2/16/18 – Favorable report with recommendation of amendment by Committee on Health and Welfare. See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc180216.pdf#page=8> for amendment.

**Referred to Appropriations**

## **HOUSE BILLS INTRODUCED IN 2017:**

### **H.8 An act relating to distracted driving**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0008/H-0008%20As%20Introduced.pdf>

**This bill proposes to**

- (1) require the assessment of points against a person's driving record for violating the law prohibiting handheld use of a portable electronic device while driving if the offense occurs in a school zone;
- (2) require the assessment of points against a person's driving record for a second or subsequent violation of the law prohibiting handheld use of a portable electronic device while driving;
- (3) require that an oral or written license examination administered by the Commissioner of Motor Vehicles test the applicant's awareness of the dangers of distracted driving;
- (4) require the Commissioner of Motor Vehicles to recall a minor's learner's permit or junior operator's license for 30 days following a second or subsequent conviction of violating the law prohibiting handheld use of a portable electronic device while driving;
- (5) amend the law creating the State's DUI Enforcement Special Fund in order to rename the Fund and expand the purpose of the Fund to include expenditures to support enforcement of the State's distracted driving laws, and make related conforming changes.

**Introduced by** Representatives LaLonde of South Burlington, Bissonnette of Winooski, Conquest of Newbury, Potter of Clarendon, Stuart of Brattleboro, Townsend of South Burlington, Viens of Newport

City, and Willhoit of St. Johnsbury

## **IN TRANSPORTATION**

### **H.20 An act relating to prohibiting consumption of marijuana in a motor vehicle**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0020/H-0020%20As%20Introduced.pdf>

**This bill proposes to** establish civil penalties for consuming marijuana or having an open container of marijuana while in an operating motor vehicle.

**Introduced by** Representatives McCoy of Poultney and Shaw of Pittsford

## **IN TRANSPORTATION**

### **H.24 An act relating to drugged driving**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0024/H-0024%20As%20Introduced.pdf>

**This bill proposes to** prohibit the operation of a motor vehicle by a person who has a 0.05 blood alcohol level and any detectable amount of the psychoactive constituent of cannabis in his or her body.

**Introduced by** Representatives Grad of Moretown, Conquest of Newbury, LaLonde of South Burlington, and Viens of Newport City

## **IN TRANSPORTATION**

### **H.28 An act relating to creating a public option for health care coverage**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0028/H-0028%20As%20Introduced.pdf>

**This bill proposes to** create a public option for health care coverage that would be available to all Vermont residents and employers and would be publicly funded. It would remove health insurance benefits from the bargainable subjects for public employees who are subject to a collective bargaining agreement and instead specify that employees who wish to have health insurance coverage would be covered under the public option.

**Introduced by** Representative Poirier of Barre City

## **IN HEALTH CARE**

### **H.52 An act relating to increasing the smoking age from 18 to 21 years of age**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0052/H-0052%20As%20Introduced.pdf>

**This bill proposes to** increase the 16 smoking age from 18 to 21 years of age.

**Introduced by** Representatives Till of Jericho, Canfield of Fair Haven, Christie of Hartford, Donovan of Burlington, Dunn of Essex, Gonzalez of Winooski, Joseph of North Hero, Juskiwicz of Cambridge, LaLonde of South Burlington, Lanpher of Vergennes, Lucke of Hartford, Macaig of Williston, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Partridge of Windham, Poirier of Barre City, Potter of Clarendon, Rachelson of Burlington, Squirrell of Underhill, Sullivan of Burlington, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Yacovone of Morristown, and Yantachka of Charlotte

## **IN HUMAN SERVICES**

### **H.54 An act relating to the Total Abstinence program**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0054/H-0054%20As%20Introduced.pdf>

**This bill proposes to** remove the use of prescription medication as a disqualification for restoration of driving privileges under the Total Abstinence program.

**Introduced by** Representatives Brennan of Colchester, Gamache of Swanton, Houghton of Essex, and Savage of Swanton.

## IN TRANSPORTATION

### **H.89 An act relating to the service of alcoholic beverages by theaters**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0089/H-0089%20As%20Introduced.pdf>

**This bill proposes to** allow theaters without an alcoholic beverages license to serve alcoholic beverages to the public.

**Introduced by** Representatives Morrissey of Bennington, Botzow of Pownal, 2 Browning of Arlington, Corcoran of Bennington, Fields of 3 Bennington, Keefe of Manchester, Miller of Shaftsbury, Morris 4 of Bennington, and Sullivan of Dorset.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.124 An act relating to mental health insurance benefits**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0124/H-0124%20As%20Introduced.pdf>

**This bill proposes to** prohibit management of mental health insurance benefits separately from other health care benefits. It also prohibits prior authorization requirements for mental health care that differ from medical or surgical prior authorization requirements.

**Introduced by** Representatives Donahue of Northfield, Christensen of 2 Weathersfield, Cina of Burlington, Dunn of Essex, and Pugh of 3 South Burlington.

## **IN HEALTH CARE**

### **H.127 An act relating to prohibiting smoking in multi-unit housing**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0127/H-0127%20As%20Introduced.pdf>

**This bill proposes to** prohibit smoking in condominiums and other multi-unit housing in Vermont.

**Introduced by** Representative Stevens of Waterbury.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.128 An act relating to casino events hosted by nonprofit organizations**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0128/H-0128%20As%20Introduced.pdf>

**This bill proposes to** increase to two events per month the number of casino events that a location owned by a nonprofit organization may be used for, one of which may be hosted by the organization that owns the location and one that may be hosted by another nonprofit organization.

**Introduced by** Representative Bissonnette of Winooski.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.134 An act relating to establishing the Agency of Controlled Substances**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0134/H-0134%20As%20Introduced.pdf>

**This bill proposes to** establish the Agency of Controlled Substances to administer and enforce the laws relating to alcohol, tobacco, therapeutic cannabis, the State Lottery, games of chance, horse racing, motor racing, and boxing.

**Introduced by** Representative Stevens of Waterbury.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.140 An act relating to the validity of criminal statutes and conditions of probation or release related to alcohol consumption**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0140/H-0140%20As%20Introduced.pdf>

**This bill proposes to** clarify that the policy statement in the Division of Alcohol and Drug Abuse



statute does not limit or affect the validity of any criminal statute or any condition of probation or release related to alcohol consumption.

Introduced by Representatives Willhoit of St. Johnsbury and Conquest of Newbury.

## **IN JUDICIARY**

### **H.145 An act relating to establishing the Mental Health Crisis Response Commission**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0145/H-0145%20As%20Introduced.pdf>

**This bill proposes to** establish the Mental Health Crisis Response Commission for the purpose of reviewing fatalities and serious bodily injuries that occur during interactions between law enforcement and persons demonstrating symptoms of mental illness.

**Introduced by** Representatives Donahue of Northfield, Donovan of Burlington, and Lippert of Hinesburg.

**PASSED HOUSE 3/22/17; IN SENATE HEALTH AND WELFARE**

**SENATE PROPOSED AMENDMENT; HOUSE CONCURRED AND PROPOSED FURTHER AMENDMENT.**

**CURRENTLY IN SENATE. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0145/H-0145%20Senate%20Proposal%20of%20Amendment%20Official.pdf> for Senate amendment and <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0145/H-0145%20House%20proposal%20of%20amendment%20to%20Senate%20prop%20of%20amendment%20Official.pdf> for House further amendment.

**See** <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0145/H-0145%20As%20Passed%20by%20the%20House%20Official.pdf> for House passed version.

**5/1 HOUSE PROPOSAL OF AMENDMENT CONCURRED IN BY SENATE AND RETURNED TO HOUSE.**

**PASSED HOUSE AND SENATE. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0145/H-0145%20As%20Passed%20by%20Both%20House%20and%20Senate%20Official.pdf> for official passed version. Sent to governor.

### **H.170 An act relating to possession and cultivation of marijuana by a person 21 years of age or older**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0170/H-0170%20As%20Introduced.pdf>

**This bill proposes to** remove all criminal and civil penalties for possession of two ounces or less of marijuana and cultivation of two mature marijuana plants and seven immature marijuana plants for a person who is 21 years of age or older; adjust the civil and criminal penalties for possession and cultivation of marijuana in amounts in excess of the legalized amounts; establish civil penalties for consuming marijuana in public and cultivating marijuana in a manner that is not on property lawfully in possession of the cultivator or without the consent of the person in lawful possession of the property or outside an enclosure that is screened from public view; establish criminal penalties and a civil action for damages for furnishing marijuana to a person under 21 years of age; and establish a crime of chemical extraction of marijuana.

**Introduced by** Representatives Grad of Moretown, Conquest of Newbury, and Burditt of West Rutland.

**3/28 MOVED TO HUMAN SERVICES**

**PASSED HOUSE – IN SENATE**

**See** <http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj170502.pdf#page=44> for recommendation of Judiciary committee and

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj170502.pdf#page=55> for amendment by Human Services committee which was agreed to.

See <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0170/H-0170%20As%20Passed%20by%20the%20House%20Official.pdf> for official House passed version.

#### **IN SENATE JUDICIARY**

#### **H.178 An act relating to the taxation of electronic cigarettes**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0178/H-0178%20As%20Introduced.pdf>

**This bill proposes to** subject electronic cigarettes to wholesale tax on “other tobacco products” under current law.

**Introduced by** Representatives Till of Jericho, Dakin of Colchester, Dunn of Essex, Kitzmiller of Montpelier, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Sharpe of Bristol, Sullivan of Burlington, Walz of Barre City, Weed of Enosburgh, and Yantachka of Charlotte.

#### **IN WAYS AND MEANS**

#### **H.179 An act relating to increasing the tobacco tax on cigarettes and new smokeless tobacco**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0179/H-0179%20As%20Introduced.pdf>

**This bill proposes to** raise the rate of tax on a pack of cigarettes by \$1.25 per pack and to raise the tax on new smokeless tobacco products by a corresponding amount.

**Introduced by** Representatives Till of Jericho, Dakin of Colchester, Donovan of Burlington, Kitzmiller of Montpelier, McCullough of Williston, Miller of Shaftsbury, and Sullivan of Burlington.

#### **IN WAYS AND MEANS**

#### **H.187 An act relating to prohibiting smoking outside places of business**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0187/H-0187%20As%20Introduced.pdf>

**This bill proposes to** prohibit smoking within 25 feet of the entrance or exit of a place of business.

**Introduced by** Representative McCormack of Burlington.

#### **IN HUMAN SERVICES**

#### **H.197 An act relating to mental health parity for workers' compensation**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0197/H-0197%20As%20Introduced.pdf>

**This bill proposes to** provide workers' compensation coverage for mental conditions that result from workplace conditions that are a characteristic of or peculiar to a particular occupation.

**Introduced by** Representatives Copeland-Hanzas of Bradford, Chesnut-Tangerman of Middletown Springs, Hubert of Milton, and Poirier of Barre City.

#### **3/14 MOVED TO COMMERCE AND ECONOMIC DEVELOPMENT**

**4/13 Bill Amended; Third Reading Ordered. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj170413#page=3> for amended version.

**Passed House – IN SENATE ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS**

#### **H.206 An act relating to adding post-traumatic stress disorder to the list of qualified medical conditions for therapeutic use of cannabis and waiving the three-month professional–patient relationship requirement for veterans with post-traumatic stress disorder**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0206/H-0206%20As%20Introduced.pdf>

**This bill proposes to** add post-traumatic stress disorder to the list of qualified medical conditions for therapeutic use of cannabis and to waive the three-month professional–patient relationship requirement for veterans diagnosed with post-traumatic stress disorder, provided the patient has a

documented diagnosis from the U.S. Department of Veterans Affairs.

**Introduced by** Representatives Masland of Thetford and Troiano of Stannard.

**IN HUMAN SERVICES**

**H.207 An act relating to therapeutic use of marijuana for relieving symptoms of post-traumatic stress disorder**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0207/H-0207%20As%20Introduced.pdf>

**This bill proposes to** allow people who suffer from post-traumatic stress disorder to use marijuana for therapeutic purposes to relieve symptoms of the disorder and to allow a psychologist to sign the medical verification form for a registry applicant.

**Introduced by** Representatives Masland of Thetford, Carr of Brandon, and 2 Troiano of Stannard.

**IN HUMAN SERVICES**

**H.213 An act relating to establishing statewide access to drug and DUI treatment courts**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0213/H-0213%20As%20Introduced.pdf>

**This bill proposes to** establish statewide access to drug and DUI treatment courts programs operating in compliance with national best practice standards by 2022 by:

(1) finding that national data reveal drug and DUI court programs deliver a high return on investment and currently there is only one DUI Treatment Docket operating in the State;

(2) creating the Drug and DUI Treatment Courts Grants Board to assist counties in establishing treatment court programs compliant with best practice standards and to administer grant monies in support of these programs across the State;

(3) directing the Chief Administrative Judge to recommend a rollout schedule for providing statewide access to treatment court programs within the next five years;

(4) requiring joint reporting by the Drug and DUI Treatment Courts Grants Board and the County Drug Court Coordinator on the rollout of the treatment courts in 2019;

(5) establishing the Drug and DUI Treatment Courts Special Fund; and

(6) imposing a surcharge on the cost of obtaining a criminal history or conviction record to assist in funding statewide access to drug and DUI treatment courts.

**Introduced by** Representatives Grad of Moretown, Haas of Rochester, and Viens of Newport City.

**3/17 MOVED TO WAYS AND MEANS**

**4/20 MOVED TO APPROPRIATIONS**

**4/21/17 MOVED TO JUDICIARY**

**H.237 An act relating to saliva testing**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0237/H-0237%20As%20Introduced.pdf>

**This bill proposes to** allow law enforcement to use saliva testing on operators of motor vehicles reasonably suspected to be drug-impaired.

**Introduced by** Representatives Potter of Clarendon, Bissonnette of Winooski, Brennan of Colchester, Browning of Arlington, LaLonde of South Burlington, O'Sullivan of Burlington, and Viens of Newport City.

**MOVED TO JUDICIARY – 2/15/18**

**H.258 An act relating to licensing casinos**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0258/H-0258%20As%20Introduced.pdf>

**This bill proposes to** permit the Lottery Commission to issue licenses for up to three casinos operated on boats on Lake Champlain.

**Introduced by** Representative Tate of Mendon.



## IN GENERAL, HOUSING AND MILITARY AFFAIRS

### H.275 An act relating to access to emergency buprenorphine

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0275/H-0275%20As%20Introduced.pdf>

**This bill proposes to** require that the Department of Health ensure emergency buprenorphine be available within 24 hours when requested by a Vermont resident meeting the medication assisted treatment (MAT) criteria who is unable to access MAT within that time frame.

**Introduced by** Representatives Lippert of Hinesburg, Conquest of Newbury, and Strong of Albany.

## IN HUMAN SERVICES

### H.293 An act relating to Mental Health and Addiction Services Loan Forgiveness and Development Program

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0293/H-0293%20As%20Introduced.pdf>

**This bill proposes to** create a Mental Health and Addiction Services Loan Forgiveness and Development Program (designed to attract mental health professionals and alcohol and drug abuse counselors to Vermont.)

**Introduced by** Representative Rachelson of Burlington.

## IN HEALTH CARE

### H.351 An act relating to casino gaming

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0351/H-0351%20As%20Introduced.pdf>

**This bill proposes to** require the Vermont Lottery Commissioner to issue a license for the operation of one casino in Vermont.

**Introduced by** Representatives Hubert of Milton, Ainsworth of Royalton, Batchelor of Derby, Beyor of Highgate, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Graham of Williamstown, Helm of Fair Haven, LaClair of Barre Town, Lawrence of Lyndon, Morrissey of Bennington, Pearce of Richford, Rosenquist of Georgia, Smith of Derby, Terenzini of Rutland Town, and Wright of Burlington.

## IN GENERAL, HOUSING AND MILITARY AFFAIRS

### H.371 An act relating to alcoholic beverages

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0371/H-0371%20As%20Introduced.pdf>

**This bill proposes to** amend the laws relating to alcoholic beverages to:

- (1) permit a licensed manufacturer or rectifier to hold events at a designated fourth-class location;
  - (2) increase the amount of spirits or fortified wines in mixed drinks permitted to be served by a fourth-class licensee;
  - (3) permit art gallery, bookstore, public library, and museum permit holders to serve spirits and fortified wines;
  - (4) permit nonprofits to auction spirits and fortified wines;
  - (5) allow holders of a fourth-class license to sell beer and wine by the keg;
  - (6) permit employees of a licensed manufacturer or rectifier to serve beverages at a tasting held by a second-class licensee;
  - (7) permit a second-class licensee to discount malt beverages under certain conditions;
  - (8) increase the gross revenue thresholds for the tax rates on the sale of spirits and fortified wines;
- and
- (9) permit a first-class licensee to temporarily discount malt and vinous beverages.

**Introduced by** Representatives Scheuermann of Stowe, Olsen of Londonderry, Ainsworth of Royalton, Baser of Bristol, Beck of St. Johnsbury, Brennan of Colchester, Brumsted of Shelburne,

Burditt of West Rutland, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Corcoran of Bennington, Cupoli of Rutland City, Greshin of Warren, Jickling of Brookfield, Juskiewicz of Cambridge, Keefe of Manchester, Kimbell of Woodstock, Marcotte of Coventry, Morris of Bennington, Nolan of Morristown, Noyes of Wolcott, Parent of St. Albans Town, Sibia of Dover, Smith of Derby, Strong of Albany, Sullivan of Dorset, Trieber of Rockingham, Troiano of Stannard, Walz of Barre City, Willhoit of St. Johnsbury, Wright of Burlington, and Young of Glover.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.401 An act relating to card tournaments hosted by nonprofit organizations**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0401/H-0401%20As%20Introduced.pdf>

**This bill proposes to** permit nonprofit organizations to host up to one card tournament each week that is open to members and their guests.

**Introduced by** Representatives Poirier of Barre City and Conlon of Cornwall.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.405 An act relating to fantasy sports contests**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0405/H-0405%20As%20Introduced.pdf>

**This bill proposes to** regulate fantasy sports contests and establish consumer protection for fantasy sports players.

**Introduced by** Representatives Marcotte of Coventry and Botzow of Pownal.

## **IN COMMERCE AND ECONOMIC DEVELOPMENT**

### **H.435 An act relating to regulation of substance abuse recovery homes under local land use bylaws**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0435/H-0435%20As%20Introduced.pdf>

**This bill proposes to** require a municipality to treat a substance abuse recovery home as a single-family residential home under its land use bylaws.

**Introduced by** Representatives O'Sullivan of Burlington, Connor of Fairfield, Christie of Hartford, Burke of Brattleboro, Carr of Brandon, Cina of Burlington, Donovan of Burlington, Fields of Bennington, Hill of Wolcott, Howard of Rutland City, LaLonde of South Burlington, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Troiano of Stannard, Weed of Enosburgh, and Yantachka of Charlotte.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.436 An act relating to residential rental agreements for substance abuse recovery homes**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0436/H-0436%20As%20Introduced.pdf>

**This bill proposes to** require a tenant of a substance abuse recovery home that has been certified by the Vermont affiliate of the National Alliance for Recovery Residences to vacate the premises immediately after he or she violates the terms of his or her contract with the home's operator.

**Introduced by** Representatives O'Sullivan of Burlington, Connor of Fairfield, Christie of Hartford, Burke of Brattleboro, Carr of Brandon, Cina of Burlington, Donovan of Burlington, Emmons of Springfield, Fields of Bennington, Hill of Wolcott, Howard of Rutland City, Kitzmiller of Montpelier, Lanpher of Vergennes, McCormack of Burlington, McCullough of Williston, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh, and Yantachka of Charlotte.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

#### **H.438 An act relating to health promotion**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0438/H-0438%20As%20Introduced.pdf>

**This bill proposes to** require health insurance coverage for services promoting healthy behaviors and to direct Vermont schools to include aspects of health promotion throughout their curriculum and facilities.

**Introduced by** Representatives Cina of Burlington, Burke of Brattleboro, Connor of Fairfield, Dunn of Essex, McCullough of Williston, O'Sullivan of Burlington, and Weed of Enosburgh.

#### **IN HEALTH CARE**

#### **H.476 An act relating to treatment programming at correctional facilities**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0476/H-0476%20As%20Introduced.pdf>

**This bill proposes to** require the Department of Corrections, in consultation with the Department of Mental Health, to study and make recommendations for developing holistic treatment programming at State correctional facilities for offenders in need of substance abuse recovery treatment.

**Introduced by** Representatives Connor of Fairfield, Burke of Brattleboro, Carr of Brandon, Cina of Burlington, Conquest of Newbury, Donovan of Burlington, Head of South Burlington, Hill of Wolcott, LaLonde of South Burlington, Masland of Thetford, McCullough of Williston, O'Sullivan of Burlington, Stevens of Waterbury, Till of Jericho, Troiano of Stannard, Weed of Enosburgh, and Yantachka of Charlotte.

#### **IN CORRECTIONS AND INSTITUTIONS**

#### **H.489 An act relating to expanding patient access to the Medical Marijuana Registry**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0489/H-0489%20As%20Introduced.pdf>

**This bill proposes to** waive the three-month patient-health care professional relationship requirement when the patient is referred to a specialist who completes a full examination and signs the medical verification form; expand the list of qualifying medical conditions; increase the number of dispensaries from four to six once the number of registered patients who have designated a dispensary reaches 4,000; allow dispensaries to serve patients and caregivers at more than one location; allow dispensaries to advertise; allow a patient to possess up to three ounces of marijuana; clarify that a dispensary may cultivate marijuana outdoors, provided the marijuana is in an enclosed, locked facility shielded from public view; allow a patient or caregiver to cultivate marijuana even if the patient has designated a dispensary; allow a dispensary to convert to a for-profit; require continuing medical education to include training on the Medical Marijuana Registry; require the Agency of Agriculture, Food and Markets to test independently marijuana-infused edible or potable products sold by a dispensary to ensure appropriate labeling of the tetrahydrocannabinol content.

**Introduced by** Representatives Emmons of Springfield, Grad of Moretown, and Shaw of Pittsford.

#### **IN HUMAN SERVICES**

#### **H.490 An act relating to the regulation of commercial cultivation and sale of marijuana**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0490/H-0490%20As%20Introduced.pdf>

**This bill proposes to** establish an adult use commercial marijuana regulatory system. The Agency of Agriculture, Food and Markets would license cultivators, wholesalers, product manufacturers, retailers, and testing laboratories. The bill also establishes a structure for taxing commercial sales. It creates a wholesale tax equal to 15 percent of the wholesale sales price, a retail tax equal to 10 percent of the retail sales price, and a local tax of 2.5 percent of the retail sales price. The revenue from these taxes goes to pay for the regulation of marijuana sales, to the General Fund, and to the towns in which the sales are made. The act also allows marijuana cultivation cooperatives whereby up to 10 members may assign their right to grow marijuana to a co-op that will manage the cultivation.

The marijuana cultivated at the co-op is for the members only.

**Introduced by** Representatives Young of Glover, Buckholz of Hartford, Burke of Brattleboro, Carr of Brandon, Colburn of Burlington, Copeland-Hanzas of Bradford, Gonzalez of Winooski, Kitzmiller of Montpelier, Mrowicki of Putney, O'Sullivan of Burlington, Rachelson of Burlington, Sharpe of Bristol, and Troiano of Stannard.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.500 An act relating to suspicion-based substance use disorder testing and treatment for recipients of TANF**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0500/H-0500%20As%20Introduced.pdf>

**This bill proposes to** require suspicion-based drug testing for recipients of Temporary Assistance for Needy Families (TANF) and to offer substance use disorder treatment for recipients whose test results are positive.

**Introduced by** Representatives Gage of Rutland City, Canfield of Fair Haven, 3 Cupoli of Rutland City, and Terenzini of Rutland Town.

## **IN HUMAN SERVICES**

### **H.508 An act relating to building resilience for individuals experiencing adverse childhood experiences**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0508/H-0508%20As%20Introduced.pdf>

**This bill proposes to** create the Adverse Childhood Experiences Working Group.

**Introduced by** Committee on Human Services

**PASSED BY HOUSE on 3/29 – IN SENATE HEALTH AND WELFARE**

See <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0508/H-0508%20As%20Passed%20by%20the%20House%20Official.pdf> for House passed version.

**4/21 Passed Senate with proposal of amendment. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/sj170420.pdf#page=42> for Senate version.

House refused to concur in Senate proposal of amendment; in Conference Committee.

**5/5/17 Report of the Conference Committee – See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc170505.pdf#page=94>

**5/13 Apparently passed by House & Senate**

**See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT043/ACT043%20As%20Enacted.pdf> for bill as enacted.

### **H.511 An act relating to highway safety-marijuana decriminalization**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0511/H-0511%20As%20Introduced.pdf>

**This bill proposes to:**

- ~~(1) subject a person who operates any vehicle the operation of which requires a school bus endorsement to the 0.02 blood alcohol limit that applies to persons operating a school bus;~~
- ~~(2) make Vermont's implied consent statute consistent with the U.S. Supreme Court's decision in *Birchfield v. North Dakota* by providing that a warrant is required before a blood test can be given to a person suspected of DUI and that a person cannot be criminally prosecuted for refusing to submit to the blood test;~~
- ~~(3) impose additional penalties for operating a vehicle under the influence of alcohol or drugs with a minor in the vehicle;~~
- ~~(4) allow additional professionals to conduct an evidentiary blood draw, and allow a medical facility or business to charge an agency not more than \$75.00 for an evidentiary blood draw;~~

- ~~(5) prohibit operation of a motor vehicle while possessing or operating under the influence of drugs for individuals under 21 years of age and imposing civil penalties for such a violation;~~
- ~~(6) establish civil penalties for consuming marijuana or having an open container of marijuana while in an operating motor vehicle;~~
- ~~(7) require that persons qualified to ride beside an individual operating a motor vehicle under a learner's permit not be under the influence of alcohol or drugs during such operation;~~
- ~~(8) eliminate the requirement that a person who violates the adult seatbelt law be ticketed for the primary violation that gave rise to the traffic stop; and~~
- ~~(9) make miscellaneous changes to a law governing the removal of vehicles from a highway under specified circumstances.~~

**Introduced by** Committee on Transportation

**AMENDED AND PASSED THE HOUSE 3/29 – IN SENATE JUDICIARY**

See <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0511/H-0511%20As%20Passed%20by%20the%20House%20Official.pdf> for House passed bill.

**1-10-2018 See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/sj180110.pdf#page=1> for latest proposed amendment which was concurred in.

**PASSED HOUSE AND SENATE AND DELIVERED TO GOVERNOR**

**See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT086/ACT086%20As%20Enacted.pdf> for bill as enacted. **NOTE: This was changed to a marijuana bill that has been sent to the Governor.**

**H.525 An act relating to the Department of Liquor Control and the State Lottery**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0525/H-0525%20As%20Introduced.pdf>

**This bill proposes to** create the Department of Liquor Control and State Lottery Merger Working Group to develop a plan and proposed legislation to merge the Department of Liquor Control and the State Lottery into the Department of Liquor and Lottery.

**Introduced by** Committee on General, Housing and Military Affairs

**IN APPROPRIATIONS**

**4/18 MOVED TO GOVERNMENT OPERATIONS**

**H.539 An act relating to mandatory incarceration for a third DUI offense**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0539/H-0539%20As%20Introduced.pdf>

**This bill proposes to** require that a person convicted of a third DUI offense serve at least 30 days of the sentence incarcerated.

**Introduced by** Representative Chesnut-Tangerman of Middletown Springs

**IN JUDICIARY**

**HOUSE BILLS INTRODUCED IN 2018:**

**H.571 An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery** <https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0571/H-0571%20As%20Introduced.pdf>

**This bill proposes to** merge the Department of Liquor and the Liquor Control Board with the Vermont Lottery and the Lottery Commission to create the Department of Liquor and Lottery and the Board of Liquor and Lottery.

**Introduced by** Representatives Stevens of Waterbury and Harrison of Chittenden.

**IN GENERAL, HOUSING AND MILITARY AFFAIRS**

**1/26/18 - REFERRED TO APPROPRIATIONS**



**2/20/18 – General, Housing and Military Affairs amended the bill and recommended approval – See <https://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj180220.pdf#page=12> for amendment.**

**2/21/18 – Passed House with further amendment – See <https://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj180221.pdf#page=2> for additional amendment.**

## **IN SENATE**

### **H.599 An act relating to games of chance organized by nonprofit organizations**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0599/H-0599%20As%20Introduced.pdf>

**This bill proposes to** permit a nonprofit fraternal organization to organize and execute games of chance that are only open to members, in which all of the proceeds are awarded as prizes; to clarify the definition of “casino event”; and to require the Attorney General to create educational materials regarding gambling activities in which nonprofit organizations are permitted to engage.

**Introduced by** Representatives Poirier of Barre City, Batchelor of Derby, Beck of St. Johnsbury, Beyor of Highgate, Bissonnette of Winooski, Bock of Chester, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Donahue of Northfield, Fagan of Rutland City, Forguites of Springfield, Frenier of Chelsea, Gage of Rutland City, Helm of Fair Haven, Hooper of Randolph, Houghton of Essex, Joseph of North Hero, Juskiewicz of Cambridge, Keefe of Manchester, Keenan of St. Albans City, LaClair of Barre Town, Lawrence of Lyndon, Lewis of Berlin, Macaig of Williston, Martel of Waterford, Mattos of Milton, McCoy of Poultney, McCullough of Williston, McFaun of Barre Town, Morrissey of Bennington, Nolan of Morristown, Parent of St. Albans Town, Partridge of Windham, Pearce of Richford, Savage of Swanton, Shaw of Pittsford, Smith of Derby, Smith of New Haven, Terenzini of Rutland Town, Toleno of Brattleboro, Troiano of Stannard, Van Wyck of Ferrisburgh, Walz of Barre City, Weed of Enosburgh, and Wright of Burlington.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.612 An act relating to driving under the influence of alcohol or drugs**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0612/H-0612%20As%20Introduced.pdf>

**This bill proposes to** permit a driver’s refusal to take a blood alcohol test to be introduced as evidence in a criminal proceeding and to require emergency room health care providers to notify law enforcement if a patient who has been in a motor vehicle accident has drugs in his or her blood or appears to be impaired by alcohol or drugs.

**Introduced by** Representatives Potter of Clarendon, Bancroft of Westford, Bissonnette of Winooski, Carr of Brandon, Cupoli of Rutland City, Fagan of Rutland City, Harrison of Chittenden, Helm of Fair Haven, Howard of Rutland City, Nolan of Morristown, and Shaw of Pittsford.

## **IN JUDICIARY**

### **H.691 An act relating to highway safety**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0691/H-0691%20As%20Introduced.pdf>

**This bill proposes to:**

- (1) subject a person who operates any vehicle the operation of which requires a school bus endorsement to the 0.02 blood alcohol limit that applies to persons operating a school bus;
- (2) allow additional professionals to conduct an evidentiary blood draw, and limit the amount that a medical facility or business may charge for services rendered when a person is brought to a facility for the sole purpose of a blood test or when an emergency medical technician or paramedic draws an evidentiary blood sample;
- (3) impose additional penalties for operating a vehicle under the influence of alcohol or drugs with a

minor in the vehicle;

(4) prohibit operation of a motor vehicle while possessing or operating under the influence of drugs for individuals under 21 years of age and imposing civil penalties for such a violation;

(5) establish minimum and maximum penalties for a violation of the law that prohibits junior operators from using a portable electronic device while driving;

(6) authorize primary enforcement of the seatbelt law for adults; and

(7) require motor vehicles approaching or passing vulnerable users, in exercising due care, to reduce speed to pass the vulnerable user safely.

**Introduced by** Committee on Transportation

**PASSED THE HOUSE** – See <https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0691/H-0691%20As%20passed%20by%20the%20House%20Official.pdf> for official house passed version.

## **IN SENATE JUDICIARY**

### **H.706 An act relating to increasing the smoking age to 21 and raising taxes on cigarettes and other tobacco products**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0706/H-0706%20As%20Introduced.pdf>

**This bill proposes to** increase the 7 smoking age in Vermont from 18 to 21 years of age. It would ban all smoking 8 and use of tobacco substitutes within at least 25 feet of all building entryways 9 and exits, ventilation systems, and windows. The bill would also prohibit the 10 purchase and sale of flavored tobacco products, increase taxes on cigarettes 11 and other tobacco products by 10 percent, and dedicate five percent of the 12 revenue from tobacco taxes to the Tobacco Prevention and Treatment Program.

**Introduced by** Representatives Till of Jericho, Christie of Hartford, Joseph of 2 North Hero, Lucke of Hartford, and McCullough of Williston

## **IN HUMAN SERVICES**

### **H.710 An act relating to beer and wine franchises**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0710/H-0710%20As%20Introduced.pdf>

**This bill proposes to** create an exception to the beer and wine franchise law for certificate of approval holders and manufacturers of malt beverages that manufacture or distribute not more than 300,000 barrels of malt beverages or 100,000 gallons of vinous beverages per year.

**Introduced by** Representatives Donovan of Burlington, Sullivan of Burlington, Parent of St. Albans Town, and Scheuermann of Stowe.

## **IN GENERAL, HOUSING AND MILITARY AFFAIRS**

### **H.717 An act relating to penalties for furnishing alcoholic beverages to minors**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0717/H-0717%20As%20Introduced.pdf>

**This bill proposes to** expand the penalty for furnishing or selling alcoholic beverages to a minor who causes death or serious bodily injury to include a minor who operates an all-terrain vehicle, boat, or snowmobile on public land, public waters, or VAST trails.

**Introduced by** Representative Kimbell of Woodstock

## **IN JUDICIARY**

**2/7/2018 MOVED TO TRANSPORTATION**

**H.732 An act relating to waiver of court surcharges and certain program fees for a person who is charged with DUI and is represented by a public defender**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0732/H-0732%20As%20Introduced.pdf>

**This bill proposes to** waive court surcharges and alcohol and driving education and rehabilitation program fees for a person charged with DUI and represented by a public defender.

**Introduced by** Representatives Joseph of North Hero and Grad of Moretown

**IN JUDICIARY**

**H.740 An act relating to the delivery of cigars purchased over the Internet or by mail or telephone**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0740/H-0740%20As%20Introduced.pdf>

**This bill proposes to** prohibit the delivery of cigars purchased over the Internet or by mail or telephone to anyone other than a licensed wholesaler or retail dealer.

**Introduced by** Representatives Condon of Colchester and Harrison of Chittenden

**IN GENERAL, HOUSING AND MILITARY AFFAIRS**

**H.773 An act relating to opioid treatment programs in State correctional facilities**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0773/H-0773%20As%20Introduced.pdf>

**This bill proposes to** require the Commissioner of Corrections to seek certification and accreditation to operate an opioid treatment program (OTP) in at least two State correctional facilities.

**Introduced by** Representatives Colburn of Burlington, Hooper of Montpelier, Lippert of Hinesburg, Cina of Burlington, Connor of Fairfield, Conquest of Newbury, Houghton of Essex, Joseph of North Hero, LaLonde of South Burlington, Morris of Bennington, Rachelson of Burlington, Troiano of Stannard, and Willhoit of St. Johnsbury

**IN CORRECTIONS AND INSTITUTIONS**

**H.803 An act relating to miscellaneous amendments to the medical marijuana program**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0803/H-0803%20As%20Introduced.pdf>

**This bill proposes to** amend the definition of a bona fide health care professional-patient relationship; directs the marijuana Review Board to expand to five members, including three physicians; directs the Board to make findings regarding proposed qualifying conditions; and requires additional labeling information on marijuana sold in dispensaries.

**Introduced by** Representative Keefe of Manchester.

**IN HUMAN SERVICES**

**H.848 An act relating to increasing access to treatment for co-occurring mental health and substance use disorders**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0848/H-0848%20As%20Introduced.pdf>

**This bill proposes to** establish a central intake system to ensure individuals with co-occurring mental health and substance use disorders receive appropriate services. It creates the Co-occurring Disorder Working Group and also requires the completion of a literature review on the biopsychosocial and systemic influences on addiction.

**Introduced by** Representatives Cina of Burlington, Buckholz of Hartford, Burke of Brattleboro, Carr of Brandon, Colburn of Burlington, Connor of Fairfield, Dunn of Essex, Gonzalez of Winooski, Haas of Rochester, Jessup of Middlesex, Keenan of St. Albans City, Lanpher of Vergennes, Masland of Thetford, McCormack of Burlington, Pajala of Londonderry, Stuart of Brattleboro, Till of Jericho, and Weed of Enosburgh.

## IN HUMAN SERVICES

### **H.893 An act relating to authorizing towns to increase the smoking age to 21**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0893/H-0893%20As%20Introduced.pdf>

**This bill proposes to** authorize a town to adopt an ordinance that prohibits within the town:

- (1) a person selling or providing tobacco products, tobacco substitutes, or tobacco paraphernalia to any person under 21 years of age; and
- (2) a person under 21 years of age possessing, purchasing, or attempting to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

**Introduced by** Representatives Till of Jericho, Brumsted of Shelburne, Christensen of Weathersfield, Christie of Hartford, Donovan of Burlington, Dunn of Essex, Gannon of Wilmington, Howard of Rutland City, Joseph of North Hero, LaLonde of South Burlington, Lanpher of Vergennes, Lucke of Hartford, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, Poirier of Barre City, Potter of Clarendon, Rachelson of Burlington, Sharpe of Bristol, Stuart of Brattleboro, Sullivan of Burlington, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Yacovone of Morristown, and Yantachka of Charlotte.

## IN GOVERNMENT OPERATIONS

### SENATE BILLS INTRODUCED IN 2017:

#### **S.3 An act relating to mental health professionals' duty to warn**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0003/S-0003%20As%20Introduced.pdf>

**This bill proposes to** impose a duty on mental health professionals to take reasonable precautions when a patient poses an imminent risk of serious danger to a reasonably identifiable victim.

**Introduced by** Senators Sears, Ayer, and White

**IN JUDICIARY - Favorable report with recommendation of amendment by Committee on**

**Judiciary See** <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0003/S-0003%20As%20Passed%20by%20the%20Senate%20Official.pdf> **for Senate Passed version.**

**PASSED SENATE; IN HOUSE HEALTH CARE**

**4/12 MOVED TO HOUSE JUDICIARY**

**PASSED HOUSE WITH PROPOSAL OF AMENDMENT. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj170427.pdf#page=32> **for House passed version.**

**5/4/17 HOUSE PROPOSAL OF AMENDMENT CONCURRED IN.**

**PASSED HOUSE AND SENATE. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0003/S-0003%20As%20Passed%20by%20Both%20House%20and%20Senate%20Official.pdf> **for final version.**

#### **S.16 An act relating to expanding patient access to the Medical Marijuana Registry**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0016/S-0016%20As%20Introduced.pdf>

**This bill proposes to** waive the three-month patient-health care professional relationship requirement when the patient is referred to a specialist who completes a full examination and signs the medical verification form; expand list of qualifying medical conditions; increase the number of dispensaries from four to eight; allow dispensaries to advertise; allow a patient to possess up to three ounces of marijuana; clarify that a dispensary may cultivate marijuana outdoors provided the marijuana is in an enclosed, locked facility shielded from public view; allow a patient or caregiver to cultivate marijuana even if the patient has designated a dispensary; allow a dispensary to convert to a for-profit; require continuing medical education to include training on the Medical Marijuana Registry;

require the Agency of Agriculture, Food and Markets to independently test marijuana-infused edible or potable products sold by a dispensary to ensure appropriate labeling of the tetrahydrocannabinol content.

**Introduced by** Senators Sears, Ashe, Benning, Campion, Degree, Lyons, and White  
Favorable report with recommendation of amendment by Committee on **Judiciary 2-15-17**

**See** <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0016/S-0016%20As%20Passed%20by%20the%20Senate%20Official.pdf> for **Senate Passed** version.

**PASSED SENATE AS AMENDED – IN HOUSE HUMAN SERVICES  
5/3/17 HOUSE PROPOSAL OF AMENDMENT NOT CONCURRED IN  
IN CONFERENCE COMMITTEE  
PASSED HOUSE AND SENATE. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0016/S-0016%20As%20Passed%20by%20the%20Senate%20Official.pdf> for **official passed** version.

**S.22 An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age and older (formerly An act relating to increased penalties for possession, sale, and dispensation of fentanyl.)**

**PASSED HOUSE AND SENATE AND SENT TO GOVERNOR**

**See** <http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0022/S-0022%20As%20Passed%20by%20Both%20House%20and%20Senate%20Official.pdf> for **official passed** version.

**S.55 An act relating to territorial jurisdiction over regulated drug sales**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0055/S-0055%20As%20Introduced.pdf>

**This bill proposes to** expand Vermont's territorial jurisdiction over prohibited regulated drug sales.  
**Introduced by** Senator Sears.

**IN JUDICIARY**

**S.61 An act relating to offenders with mental illness**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0061/S-0061%20As%20Introduced.pdf>

**This bill proposes to** direct courts to appoint specialized mental health counsel to proceedings involving a person found incompetent to stand trial; change the definition of segregation to allow inmates requiring treatment to be kept in treatment settings; and require the Department of Corrections to provide evaluation, treatment, and services to those inmates who require them.

**Introduced by** Senators Sears and Ashe.

**IN JUDICIARY**

**Favorable report with recommendation of amendment by Judiciary Committee – See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc170316.pdf#page=23> for **proposed amendment.**

**PASSED SENATE with amendment. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0061/S-0061%20As%20Passed%20by%20the%20Senate%20Official.pdf> for **Senate Passed** version.

**IN HOUSE CORRECTIONS AND INSTITUTIONS**

**House Corrections & Institutions proposed an amendment which was agree to. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/hc170428.pdf#page=56> for **House amendment.**

**5/3/17 House Proposal of Amendment Concurred In with Amendment; See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/sj170503.pdf#page=7>

**5/4/17 Senate Proposal of Amendment to the House Proposal of Amendment agreed to.**

**ON ACTION CALENDAR**



**SEE BILL AS ENACTED:**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT078/ACT078%20As%20Enacted.pdf>

**S.64 An act relating to science-based drug education**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0064/S-0064%20As%20Introduced.pdf>

**This bill proposes to** require the Secretary of Education to develop the curriculum for a comprehensive science-based drug education course and to require this course to be included in the minimum course of study.

**Introduced by** Senators Rodgers and Starr.

**IN EDUCATION**

**S.88 An act relating to increasing the smoking age from 18 to 21 years of age**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0088/S-0088%20As%20Introduced.pdf>

**This bill proposes to** increase the smoking age from 18 to 21 years of age.

**Introduced by** Senators Clarkson, Lyons, Branagan, and Pollina

**REFERRED TO FINANCE COMMITTEE 3/23/17**

**AMENDMENT BY THE COMMITTEE – SEE**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc170321.pdf#page=28>

**3/24 - REFERRAL TO FINANCE COMMITTEE REVERSED – ORDERED TO LIE**

**4/21 Called up by Senator Ayer**

**4/25 Amendment by Committee on Health and Welfare agreed to. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/sj170425.pdf#page=4> for amendment.

**4/25 Third reading refused.**

**S.133 An act relating to examining mental health care and care coordination**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0133/S-0133%20As%20Introduced.pdf>

**This bill proposes to** examine various aspects of the mental health system in order to improve access to care and care coordination throughout the system.

**Introduced by** Committee on Health and Welfare

**3/30 – AMENDED BY APPROPRIATIONS COMMITTEE**

**3/31 PASSED THE SENATE – See**

[http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0133/S-](http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0133/S-0133%20As%20Passed%20by%20the%20Senate%20Official.pdf)

[0133%20As%20Passed%20by%20the%20Senate%20Official.pdf](http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0133/S-0133%20As%20Passed%20by%20the%20Senate%20Official.pdf) for Senate Passed version.

**IN HOUSE HEALTH CARE**

**PASSED HOUSE WITH RECOMMENDED AMENDMENT. See**

<http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj170427.pdf#page=13> for

House passed version. Third reading ordered.

**5/5/17 – PASSED HOUSE AND SENATE. See**

[http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0133/S-](http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0133/S-0133%20House%20Proposal%20of%20Amendment%20Official.pdf)

[0133%20House%20Proposal%20of%20Amendment%20Official.pdf](http://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0133/S-0133%20House%20Proposal%20of%20Amendment%20Official.pdf) for House proposed amendment.

**See** <http://legislature.vermont.gov/assets/Documents/2018/Docs/JOURNAL/hj170505.pdf#page=79> for Senate proposal of amendment to House proposed amendment, which was agreed to and passed.

**FOR BILL AS ENACTED SEE:**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT082/ACT082%20As%20Enacted.pdf>

## **SENATE BILLS INTRODUCED IN 2018:**

**S.184 An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery** <https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0184/S-0184%20As%20Introduced.pdf>

**This bill proposes to** merge the Department of Liquor and the Liquor Control Board with the Vermont Lottery and the Lottery Commission to create the Department of Liquor and Lottery and the Board of Liquor and Lottery.

**Introduced by** Senator Clarkson

**IN ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS**

**S.189 An act relating to beer and wine franchises**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0189/S-0189%20As%20Introduced.pdf>

**This bill proposes to** create an exception to the beer and wine franchise law for certificate of approval holders and manufacturers of malt beverages that manufacture or distribute not more than 300,000 barrels of malt beverages per year.

**Introduced by** Senator Rodgers

**IN ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS**

**S.203 An act relating to systemic improvements of the mental health system**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0203/S-0203%20As%20Introduced.pdf>

**This bill proposes to** adopt an action plan submitted by the Agency of Human Services pertaining to Vermont's mental health system. It also proposes to fund the construction of any necessary mental health facilities.

**Introduced by** Senator Ayer

**IN HEALTH AND WELFARE**

**2/23/18 - Favorable report with recommendation of amendment by Committee on Health and Welfare. See**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc180223.pdf#page=18> for recommended amendment. Also reported favorably by Senate Appropriations (see above p.20.)

**S.216 An act relating to the administration of Vermont's Medical Marijuana Registry**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0216/S-0216%20As%20Introduced.pdf>

**This bill proposes to** move responsibility for administration of Vermont's Medical Marijuana Registry from the Department of Public Safety to the Agency of Agriculture, Food and Markets.

**Introduced by** Senators Sears and Ashe

**IN JUDICIARY**

**S.261 An act relating to mitigating trauma and toxic stress during childhood by strengthening child and family resilience**

<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0261/S-0261%20As%20Introduced.pdf>

**This bill proposes to** address trauma and toxic stress in childhood, build resilience among children and their families, and improve systems that support persons who have experienced childhood trauma and toxic stress.

**Introduced by** Senators Lyons, Balint, and Soucy

**IN HEALTH AND WELFARE**

**2/16/18 – Favorable report with recommendation of amendment by Committee on Health and Welfare. See**

**<https://legislature.vermont.gov/assets/Documents/2018/Docs/CALENDAR/sc180216.pdf#page=8> for amendment.**

**Referred to Appropriations**

**S.292 An act relating to the tax on distilled spirits**

**<https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/S-0292/S-0292%20As%20Introduced.pdf>**

**This bill proposes to** adjust the bracket and rate structure for the distilled spirits tax.

**Introduced by** Senator Westman

**IN FINANCE**