

Journal of the Senate

TUESDAY, APRIL 18, 2023

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Arnold Isidore Thomas of Jericho.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bills Referred

Pursuant to Temporary Rule 44A the following bills having failed to meet crossover and being released by the Committee on Rules were referred to their respective committees of jurisdictions:

H. 386. An act relating to approval of amendments to the charter of the Town of Brattleboro.

To the Committee on Government Operations.

H. 488. An act relating to approval of the adoption of the charter of the Town of Ludlow.

To the Committee on Government Operations.

H. 495. An act relating to the approval of the amendment to the charter of the Town of Middlebury.

To the Committee on Government Operations.

Bill Referred to Committee on Finance

S. 146.

Senate bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to the permitting of indirect discharges.

Bills Referred to Committee on Finance

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

H. 222. An act relating to reducing overdoses.

H. 305. An act relating to professions and occupations regulated by the Office of Professional Regulation.

Bill Referred to Committee on Appropriations**H. 165.**

House bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to school food programs and universal school meals.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 24.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Baruth,

J.R.S. 24. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 21, 2023, it be to meet again no later than Tuesday, April 25, 2023.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 147.

By Senator Wrenner,

An act relating to banning smoking outside places of public access and multiunit housing.

To the Committee on Health and Welfare.

Third Readings Ordered**H. 190.**

Senator Lyons, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to removing the residency requirement from Vermont's patient choice at end of life laws.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

H. 271.

Senator Clarkson, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to the charter of the Town of Springfield.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Proposals of Amendment; Third Reading Ordered**H. 89.**

Senator Hashim, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to civil and criminal procedures concerning legally protected health care activity.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 1 V.S.A. § 150, by striking out subsections (a)–(c) in their entirety and inserting in lieu thereof new subsections (a)–(c) to read as follows:

(a) “Gender-affirming health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to “legally protected health care activity” shall not apply to a lawsuit; judgment; or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

Second: By striking out Sec. 9, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Effective Dates * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposals of amendment were collectively agreed to, and third reading of the bill was ordered on a roll call, Yeas 26, Nays 4.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Wrenner.

Those Senators who voted in the negative were: Collamore, Ingalls, Norris, Williams.

Committee Relieved of Further Consideration; Bill Committed

H. 222.

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of House bill entitled:

An act relating to reducing overdoses

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Cummings, the bill was committed to the Committee on Appropriations.

Message from the House No. 46

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 3. An act relating to prohibiting paramilitary training camps.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the eighteenth day of April, 2023 he approved and signed a bill originating in the Senate of the following title:

S. 54. An act relating to individual and small group insurance markets.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 19, 2023.