

# **VIEW**

**Vermont Information Exchange for Women  
Newsletter**

## ***Mid-Biennium Legislative Update 2021***



**June 3rd, 2021**

VCW monitors the progress of hundreds of bills each session. Here, we summarize and provide status updates on the legislation we believe is most critical and interesting to our readers.

Are you interested in any of the bills we have included here, especially in any still pending? [Reach out and let us know](#) so we can connect with you about how to get involved next year!

## **Passed Legislation**

### **H.10, relating to permitted candidate expenditures**

Includes expenses necessary to allow a candidate to campaign, such as for the care of dependent family members incurred as a direct result of campaign activity, in permitted candidate expenditures which can be paid for by a candidate's campaign fund.

[Signed by the Governor on April 13, 2021.](#)

### **S.15, relating to mailing out ballots, correcting defective ballots, and miscellaneous changes to State election laws**

For general elections, directs the Secretary of State to mail ballots to all active voters on the statewide checklist not later than 43 days before the election. Allows for outdoor polling places, drive-up voting, and ballot drop boxes, and directs the Secretary of State to provide drop boxes to towns and cities upon request.

For local elections, authorizes towns, cities, villages, and school boards to vote to mail absentee ballots to all active registered voters. The bill also creates a procedure for voters to cure a defective ballot.

[Passed by the House & Senate, delivered to the Governor.](#)

### **S.16, relating to the Task Force on Equitable and Inclusive School Environments**

Prohibits the suspension & expulsion of students under the age of 8 unless they post an imminent threat of harm or danger to others and creates the Task Force Equitable and Inclusive School Environments. The task force is charged with collecting and analyzing data regarding school discipline in Vermont public and approved independent schools, and best practices to inform strategic planning, guide statewide and local decision making and resource allocation, and measure the effectiveness of statewide and local policies and practices, and to make recommendations to end suspensions and expulsions for all but the most serious behaviors. The law also requires school districts to report certain truancy data to the Agency of Education.

[Signed by the Governor on May 18, 2021.](#)

### **S.48, relating to Vermont's adoption of the interstate Nurse Licensure Compact**

Adopts the [Nurse Licensure Compact](#) as amended by the National Council of State Boards of Nursing, supporting the expanded mobility of nurses by allowing nurses who are licensed in a state that has adopted the compact to practice in another state that has adopted the compact without the need to additional licenses. More than 30 states, including New Hampshire and Maine, have adopted the compact and several others, including Massachusetts and Rhode Island, have proposed legislation.

[Passed by the House & Senate, delivered to the Governor.](#)

## **S.99, relating to repealing the statute of limitations for civil actions based on childhood physical abuse**

Repeals the statute of limitations for the civil actions based on childhood physical abuse and permit such actions to be brought at any time.

[Signed by the Governor on May 12, 2021.](#)

## **H.106, relating to equitable access to a high-quality education through community schools**

Provides a financial incentive to schools who purchase local foods, adds an additional staff position to the Child Nutrition Program at the Agency of Education so they can support the expansion of local food purchasing and prepare for universal school meals in the future, and creates the Task Force on Universal School Lunch, charged with making recommendations on how to achieve the goal of providing universal school lunch to all students at Vermont's public schools.

[Passed by the House & Senate, delivered to the Governor.](#)

## **Menstrual Equity Bills**

### **S.115, relating to making miscellaneous changes in education laws**

Requires public and approved independent schools to make menstrual products available at no charge in a majority of gender-neutral and bathrooms designed for female students that are used by students age 8 and older, and in the school nurses office, beginning in the 2022 – 2023 school year.

[Passed in the House & Senate, delivered to the Governor.](#)

### **H.436, relating to miscellaneous changes to Vermont's tax laws**

Eliminates the sales tax on menstrual supplies, including tampons, pads, and menstrual cups.

[Passed by the House & Senate, delivered to the Governor .](#)

## **H.128, relating to limiting criminal defenses based on victim identity**

Prohibits a defendant from using evidence about a crime victim's actual or perceived sexual orientation or gender identity in prosecution or sentencing for a criminal offense, which has been commonly referred to as the "gay & trans panic defense".

[Signed by the Governor on May 5, 2021.](#)

## **H.171, relating to the governance and financing of Vermont's child care system**

This bill (1) expands the eligibility, reduces co-pays, and increases reimbursements to providers of the Child Care Financial Assistance Program; (2) appropriates funds for the implementation of the Bright Futures Information System modernization plan; (3) establishes scholarships and student loan repayment assistance programs for existing and prospective members of the child care workforce; and (4) requires the completion of studies on child care financing and governance.

[Signed by the Governor on June 1, 2021.](#)

## **H.183, relating to sexual violence**

### **Redefining Consent**

The law makes sweeping changes to Vermont's code addressing sexual assault. First, the law redefines consent as "the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time."

The law defines "incapable of consenting" as meaning the person: "is incapable of understanding the nature of the conduct at issue; is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue".

The law prohibits engaging in a sexual act when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring, and while the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

The law also clarifies trial procedure to further clarify that submission from the use of force, the threat of force, or fear does not constitute consent and that sleeping or unconscious people cannot consent.

### **Data Collection**

Requires the Department of Public Safety to begin reporting to the General Assembly statistics about sexual violence in Vermont, including the number of sexual violence cases reported, the number of sexual assault or stalking orders granted, the number of cases referred for charges, and other data, beginning in 2024.

### **Intercollegiate Sexual Harm Prevention Council**

The law creates the Intercollegiate Sexual Harm Prevention Council to create a coordinated response to campus sexual harm across institutions of higher learning in Vermont and appropriates \$13,000 to the Center for Crime Victim Services to support staffing the council & issuing per diems to members.

[Passed by the House & Senate, delivered to the governor.](#)

## **H.315, relating to COVID-19 Relief & H.439, relating to making appropriations for the FY22 state budget**

### **Reach Up Funding**

Increases funding for the Reach-Up program, raises the basic needs level from the 2008 level to the 2021 level, made one-time payments to participants, directs any funds remaining at the end of FY2022 to be used to make one-time payments to participants, and repeals a provision that reduced a families Reach Up benefit by up to \$77 per month when an adult received SSI benefits.

### **Housing & Homelessness**

The legislature appropriated significant one-time monies to support housing.

[H.315 was signed by the Governor on April 17, 2021.](#)

[H.439 has been passed by the House & Senate and delivered to the Governor.](#)

## **H.430, relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status**

Expands eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals, regardless of immigration status, by July 1, 2022. It appropriates one-time funds to the Agency of Human Services to begin implementing the expansion and directs the Agency to include the full costs of covering income-eligible pregnant women and children who are undocumented immigrants on Dr. Dynasaur in the Agency fiscal year 2023 budget proposal.

[Signed by the Governor on June 1, 2021.](#)

## **Joint Resolution 2, sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices**

The House & Senate issued a joint resolution addressing and apologizing to Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices, and resolving to work to eradicate the lasting legacy of its prior actions by listening to and working with the affected individuals and communities, and recognizing that further legislative action should be taken to address the continuing impact of State-sanctioned eugenics policies and related practices of disenfranchisement, ethnocide, and genocide.

[Passed by the House & Senate.](#)

# **Proposed Legislation We'll Continue Watching in 2022**

## **S.8, relating to sexual exploitation of children**

Proposes to include simulated conduct within the definition of sexual conduct for purposes of the crimes involving the sexual exploitation of children.

[Referred to the Senate Committee on Judiciary.](#)

## **H.32, relating to universal school breakfast and lunch for all public school students**

Proposes to require all public schools in Vermont to make available school breakfast and lunch to all students at no charge. The cost of school meals that is not reimbursed through federal

funds or other sources would be borne by school districts, and therefore ultimately borne by the Education Fund.

[Referred to the House Committee on Education.](#)

#### **H.49, relating to including psychological abuse as the basis for obtaining a civil abuse protection order**

Proposes to allow a person to obtain a relief from abuse order against a family or household member based upon psychological abuse.

[Referred to the House Committee on Judiciary.](#)

#### **S.52, relating to increasing the minimum wage to \$15.00 per hour by 2025**

Proposes to increase the minimum wage so that it reaches \$15.00 per hour by January 1, 2025.

[Referred to the Senate Committee on Economic Development, Housing and General Affairs.](#)

#### **S.89, relating to the creation of the Workforce Development Educational Loan Benefit Program for doctors, nurses, and teachers, including childcare education**

Proposes to create the Workforce Development Educational Loan Benefit Program under which educational scholarships and student loan forgiveness shall be provided to individuals who work in a job as a doctor, nurse, or teacher, including childcare educators, in the State.

[Referred to the Senate Committee on Economic Development, Housing and General Affairs.](#)

#### **H.96, relating to creating the Truth and Reconciliation Commission Development Task Force**

Proposes to create the Truth and Reconciliation Commission Development Task Force to develop and submit to the General Assembly a proposal for legislation to create one or more truth and reconciliation commissions to examine and begin the process of dismantling institutional, structural, and systemic discrimination in Vermont, both past and present. The Task Force shall be composed of both voting and nonvoting members. The voting members of the Task Force shall include representatives of historically disadvantaged and disenfranchised groups that have suffered from institutional, structural, and systemic discrimination in Vermont. The nonvoting members of the Task Force shall include legislative members.

[Referred to the House Committee on General, Housing, and Military Affairs.](#)

### **S.100, relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally-produced foods**

This bill proposes to require all public schools in Vermont to make available school breakfast and lunch to all students at no charge. The cost of school meals that is not reimbursed through federal or State funds or other sources would be borne by school districts and therefore ultimately borne by the Education Fund. This bill also proposes to create incentives for schools to purchase locally-produced foods.

[Passed by the Senate, Referred to the House Committee on Education.](#)

### **H.107, relating to coverage of fertility preservation for individuals diagnosed with cancer**

This bill proposes to require health insurance plans to provide coverage of fertility preservation for insured individuals and Medicaid and Dr. Dynasaur beneficiaries diagnosed with cancer.

[Referred to the House Committee on Health Care.](#)

### **H.113, relating to exempting kinship care payments from taxation**

Proposes to treat kinship care payments as exempt income comparable to foster care payments when calculating Vermont personal income tax liability and Vermont property tax credits. The bill also proposes to create a study committee on kinship care in Vermont.

[Referred to the House Committee on Ways and Means.](#)

### **H.132, relating to possession of firearms by person subject to final relief from abuse orders**

Proposes to prohibit the possession of firearms by persons subject to final relief from abuse orders.

[Referred to the House Committee on Judiciary.](#)

### **H.133, relating to emergency relief from abuse orders and relinquishment of firearms**

Proposes to clarify that a court issuing an emergency relief from abuse order has the authority to require relinquishment of the defendant's firearms.

[Passed in the House, referred to Senate Judiciary.](#)

### **H.134, relating to paid family and medical leave insurance**

Proposes to create a Paid Family and Medical Leave Insurance Program within the Departments of Labor and of Taxes.

[Referred to the House Committee on General, Housing, and Military Affairs.](#)

### **H.137, relating to a women's transitional housing facility**

Proposes to: (1) create the Women's Transitional Housing Facility Steering Committee; (2) require the Department of Buildings and General Services to issue a request for proposal (RFP) for the siting and design of a women's transitional housing facility; and (3) appropriate \$150,000 in capital funds over Fiscal Years 2022-2023 to the Department of Buildings and General Services for the siting and design work of the women's transitional housing facility managed and staffed by the Department of Corrections.

[Referred to the House Committee on Corrections and Institutions.](#)

### **H.268, relating to human trafficking and prostitution**

Proposes to provide limited immunity from prosecution for certain crimes for a person who, in good faith and in a timely manner, reports to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking and to create a sex work study committee for the purpose of modernizing Vermont's prostitution laws.

[Referred to the House Committee on Judiciary.](#)

### **H.320, relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim**

Proposes to prohibit agreements to settle a discrimination claim from prohibiting the employee from working for the employer or an affiliate of the employer.

[Referred to the House Committee on General, Housing, and Military Affairs.](#)

# Constitutional Amendments

## **Proposition 2, declaration of rights; clarifying the prohibition on slavery and indentured servitude**

Would amend the Vermont Constitution to include Article 22, reading that “That an individual’s right to personal reproductive autonomy is central to the liberty and dignity to determine one’s own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.”

[Passed by the Senate & House in 2019. Passed again by the Senate in 2021.](#) If passed by the House in 2022, will be put to Vermont voters in 2022.

## **Proposition 5, declaration of rights; right to personal reproductive liberty**

Would amend the Vermont Constitution’s Article 1 to read: “That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; and therefore slavery and indentured servitude in any form are prohibited.”

[Passed by the Senate & House in 2019. Passed again by the Senate in 2021.](#) If passed by the House in 2022, will be put to Vermont voters in 2022.



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