



## LEGISLATIVE UPDATE 2017

*Learn more about bills pending and new laws passed by the Vermont legislature that have an impact on women.*

### NEW LAWS PASSED IN 2017

#### **Accommodations for Pregnant Employees (H.136/Act 21)**

*Requires employers to provide reasonable accommodations for an employee's pregnancy-related condition, unless it would impose an undue hardship on the employer.*

This law closes a gap in current state and federal employment law to ensure workers experiencing healthy, uncomplicated pregnancies are entitled to reasonable accommodations under the law when required. This law extends the same legal standards currently applied to individuals with disabilities regarding reasonable accommodations to individuals experiencing pregnancy-related conditions, regardless of whether the pregnant individual qualifies as an individual with a disability. Pregnancy-related conditions are defined as conditions caused by or related to pregnancy, or childbirth. The law specifies that a pregnancy-related condition does not necessarily constitute a disability.

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Employers must post a Vermont Department of Labor notice of employee rights regarding this law in a visible space within the place of business.

Signed into law by the Governor on May 4<sup>th</sup>, 2017; effective January 1<sup>st</sup>, 2018.

Read [the text of this law here](#)

## **Domestic and Sexual Violence (H.74/Act 44)**

*Creates a new misdemeanor lewdness offense for effective prosecution in response to a recent supreme court decision; creates a Sexual Assault Survivors' Bill of Rights; and modifies existing family law.*

This law creates survivors' rights for sexual assault survivors after disclosing they have been assaulted to a law enforcement officer, emergency department, sexual assault nurse examiner (SANE nurse), or a victim's advocate. It gives survivors the right to no-cost medical forensic exams delivered to a forensic laboratory within 72 hours of collection, regardless of whether the survivor reports the assault to law enforcement. It creates a right that the collection kit be preserved without charge for the duration of the maximum statute of limitations, and that responsible personnel inform survivors of evidence found as a result of the kit so long as the disclosure would not compromise an ongoing investigation. It also creates a right to receive information about these rights, policies, protections, and services available.

The new law prevents non-custodial parents from inheriting from a child conceived by sexual assault after the Court has terminated their parent-child contact under 15 V.S.A. § 665(f).

The law also updates the existing statute governing Relief From Abuse orders, bringing it in line with current practices and the current court form by expressly allowing judges to order that defendants not contact plaintiffs in any way, directly, indirectly, or through a third party, including by electronic communications.

Signed into law by the Governor on May 23<sup>rd</sup>, 2017; effective on passage,

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Survivor's Bill of Rights effective July 1, 2017.

Read [the text of the law here](#).

## **Encouraging Savings by Participants in Reach Up and the Child Care Financial Assistance Program (H.326/Act 29)**

*Increases the asset limit in the Reach Up Program from \$2,000 to \$9,000 for determinations of initial and continuing eligibility; creates an exemption for amounts deposited into education savings accounts for the purposes of eligibility for the Child Care Assistance Program.*

Retirement accounts and qualified child education savings accounts will not be considered in the calculation for determining the asset limitation for potentially eligible families, and earnings deposited in a qualified child education savings account shall be disregarded in determining eligibility for the Child Care Financial Assistance Program.

Signed into law by the Governor on May 10<sup>th</sup>, 2017; effective July 1<sup>st</sup>, 2017.

Read [the text of the law here](#)

## **Modernized Vermont's Parentage Laws (H.502/Act 31)**

*Creates a Parentage Study Committee to examine and provide recommendations with regard to modernizing Vermont's parentage laws in recognition of the changing nature of family.*

The Committee will study parentage laws and determine how the laws should be updated to address various issues that have arisen in other New England states and have come before the courts, including assisted reproductive technology and de facto parentage.

Signed into law by the Governor May 10<sup>th</sup>, 2017; effective on passage.

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Read [the text of the law here](#)

## **Sexual Assault Nurse Examiners (S.95/Act 68)**

*Revises the purpose and procedures of the Sexual Assault Nurse Examiner (SANE) Board; requires collaboration to improve access to SANE nurses; requires emergency department personnel receive SANE Program training, and creates a Sexual Assault Evidence Kit Study Committee.*

This law creates a specialized Sexual Assault Nurse Examiner (SANE) certification to be issued by the SANE Program, revises the purpose of the existing SANE board to advising the SANE program on statewide priorities, training and educational requirements and a standardized sexual assault protocol and kit to be used throughout Vermont, and slightly modifies the composition of the board.

This law requires the Vermont Association of Hospitals and Health Systems and the Vermont SANE program to enter into a Memorandum of Understanding (MOU) before September 1<sup>st</sup> to improve access to SANE nurses for victims of sexual assault. The law also requires the SANE program to provide all emergency room staff in Vermont with annual training regarding standards of care and forensic evidence collection.

Finally, this law creates a Sexual Assault Evidence Kit Study Committee to conduct a comprehensive examination of issues related to sexual assault evidence kits, which shall issue a report by November 1<sup>st</sup>, 2017.

Signed into law by the Governor June 8<sup>th</sup>, 2017; effective July 1<sup>st</sup>, 2017.

Read [the text of the law here](#)

## **Spousal Support and Maintenance Task Force (S.122/Act 60)**

*Creates a Spousal Support and Maintenance Task Force to review and make legislative recommendations regarding Vermont's spousal support and maintenance laws; adds guidelines regarding the appropriate amount and duration of spousal*

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*maintenance to existing family law.*

The study committee will consider laws to improve the clarity, fairness, predictability, and consistency across the state in regards to spousal maintenance, and will be made up of legislators, judges, representatives of the Vermont Bar, a representative of the Vermont Alimony Reform group, and the Executive Director or a designee of the Vermont Commission on Women.

The law adds guidelines in the form of a table as an eighth factor for judicial consideration in determining whether to award spousal maintenance, the amount, and duration based on the length of the parties' marriage and incomes.

Signed into law by the Governor June 5<sup>th</sup>, 2017; effective immediately.

Read [the text of the law here](#)

## **BILLS IN PROGRESS**

### **Eliminating the Statute of Limitations on Prosecutions for Sexual Assault (H.27)**

*Proposes to eliminate the statute of limitations on prosecutions for sexual assault and extend the statute of limitations for sexual exploitation of children.*

This bill proposes to allow prosecutions for sexual assault and sexual abuse of a vulnerable adult to be pursued and commenced at any time after the commission of the offense, thereby eliminating the statute of limitations. It also proposes to modify the statute of limitations for prosecutions for sexual exploitation of children, allowing actions to be commenced within 40 years after the commission of the offense. Presently, the statute of limitations for sexual assault is 40 years, and is currently six years for sexual abuse of a vulnerable adult and sexual exploitation of a child.

**Bill Status:** Passed by the House; read for the 1<sup>st</sup> time by the Senate and referred to the Committee on Judiciary

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Read [the text of the bill here](#)

## **Paid Family Leave (H.196)**

*Proposes to develop a statewide family leave insurance program for public and private sector employees in the state for pregnancy, birth, adoption, placement of a foster child, and the serious illness or injury of the employee's close family member.*

The maximum duration of the paid benefit is up to 6 weeks with a compensation of 80% wage replacement up to a cap of twice the livable wage as defined by the Joint Fiscal Office (approximately \$1,040 per week in 2017). To receive the benefit, employees must be employed for at least 12 of the previous 13 months, and have a qualifying reason for taking leave. The bill does not propose to cover an employee taking leave for their own serious illness or injury.

The insurance program will be funded by a .141% payroll deduction; the program is paid for by employees, but employers may elect to contribute all or a portion of the cost.

**Bill Status:** Passed by the House, currently in the Senate Rules Committee

Read [the text of the bill here](#)

## **Removal of Firearms from a Person Arrested or Cited for Domestic Violence (H.422)**

*Proposes to allow law enforcement officials to temporarily remove firearms from persons at the time of arrest or citation for domestic violence and would ensure that those weapons are returned to the owner as soon as doing so would be safe and lawful.*

The bill would allow, but not require, law enforcement officers to remove firearms if they determine removal is necessary for the protection of the officer or another

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person. The firearm must be returned within five days of the removal after requested unless it is or may be used as evidence in a pending criminal or civil proceeding, the court orders relinquishment of the firearm pursuant to abuse prevention (15 V.S.A. Chapter 21), or the person requesting the return of the firearm is prohibited by law from possessing a firearm.

**Bill Status:** Passed by the House; Read for the 1<sup>st</sup> time in the Senate and referred to Committee on Judiciary

Read the [text of the bill here](#)



The Vermont Commission on Women (VCW) is a non-partisan state agency advancing rights and opportunities for women and girls. Sixteen volunteer commissioners, along with representatives from organizations concerned with women's issues, guide VCW's public education, coalition building, and advocacy efforts. For more information, please visit us at <http://women.vermont.gov>.

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