

Legislative Update – 2/3/2012

This is a summary of ATOD related legislation introduced during the first & second sessions of the 2011 – 2012 biennium. Bills not passed last session will remain active for the 2012 session. To see any given bill, click on the link. Also on the website at www.vdacvt.org.

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

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HOUSE BILLS INTRODUCED IN 2011:

H. 6 AN ACT RELATING TO POWERS AND IMMUNITIES OF THE LIQUOR CONTROL INVESTIGATORS <http://www.leg.state.vt.us/docs/2012/bills/intro/H-006.pdf> This bill proposes to clarify that liquor control investigators have the same powers and immunities as state police officers have. Introduced by Representatives Hubert of Milton, Condon of Colchester, Higley of Lowell, Komline of Dorset, Perley of Enosburgh and Savage of Swanton. **PASSED THE HOUSE AND THE SENATE.** See <http://www.leg.state.vt.us/docs/2012/bills/Passed/H-006.pdf> for final version.

H.11 AN ACT RELATING TO THE DISCHARGE OF PHARMACEUTICAL WASTE TO STATE WATERS <http://www.leg.state.vt.us/docs/2012/bills/intro/H-011.pdf> This bill proposes to clarify that the discharge of pharmaceutical waste to state waters is prohibited unless such a discharge is permitted by the agency of natural resources. The bill would also require the secretary of natural resources, after consultation with the secretary of human services, to report to the general assembly with a recommended state program for the take-back, collection, and disposal of unused or discarded pharmaceuticals. Introduced by Representative Deen of Westminster. **PASSED THE HOUSE AND THE SENATE.** See <http://www.leg.state.vt.us/docs/2012/bills/Passed/H-011.pdf> for final version.

H.16 AN ACT RELATING TO HARASSMENT AND DISTURBING THE PEACE THROUGH FALSE AND DEFAMATORY INTERNET WEBSITE POSTINGS

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-016.pdf> This bill proposes to permit a person to be charged with a violation of Vermont's disturbing the peace statute if the person, with the intent to terrify, intimidate, threaten, harass, or annoy another person, knowingly and intentionally uses false and defamatory Internet website postings to disturb the other person's peace, quiet, or right of privacy. Introduced by Representatives Obuchowski of Rockingham and Partridge of Windham. **IN JUDICIARY**

H.22 AN ACT RELATING TO EXPUNGEMENT OF MISDEMEANOR CRIMINAL CONVICTION RECORDS <http://www.leg.state.vt.us/docs/2012/bills/intro/H-022.pdf> This bill proposes to provide a process for the expungement of a misdemeanor criminal record of arrest, conviction, and sentence for certain misdemeanor offenses. A person who complies with all the conditions of his or her sentence and does not commit any subsequent offenses for a specified period of time may petition the court for expungement. The court may order expungement of the record if it finds that expungement is consistent with the public welfare. Introduced by Representatives Nuovo of Middlebury, Stevens of Shoreham, Branagan of Georgia, Burke of Brattleboro, Conquest of Newbury, Davis of Washington, Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln, Keenan of St. Albans City, Kupersmith of South Burlington, Lanpher of Vergennes, Lenes of Shelburne, Martin of Wolcott, Masland of Thetford, Mitchell of Barnard, Mook of Bennington, Pearson of Burlington, Ralston of Middlebury, Sharpe of Bristol, Stevens of Waterbury and Webb of Shelburne. **IN JUDICIARY (Question: Could this apply to 1st and 2nd offense DUI convictions?)**

H.68 AN ACT RELATING TO PROHIBITING SMOKING IN MOTOR VEHICLES WHEN A CHILD IS PRESENT <http://www.leg.state.vt.us/docs/2012/bills/intro/H-068.pdf> This bill proposes to prohibit a person from possessing a lighted tobacco product in a motor vehicle occupied by a child under 18 years of age. Introduced by Representatives Wilson of Manchester and Weston of Burlington. **IN HUMAN SERVICES**

H.71 AN ACT RELATING TO COUNSELING FOR STUDENTS POSSESSING WEAPONS ON SCHOOL PROPERTY <http://www.leg.state.vt.us/docs/2012/bills/intro/H-071.pdf> This bill proposes to permit school districts to require a student who has violated a school policy regarding the possession of a deadly weapon on school premises to receive counseling or to attend appropriate community-based programs. Introduced by Representatives Marcotte of Coventry, Batchelor of Derby, Botzow of Pownal, Devereux of Mount Holly, Higley of Lowell, Hubert of Milton, Kitzmiller of Montpelier, Kupersmith of South Burlington, Lawrence of Lyndon, Perley of Enosburgh, Strong of Albany, Till of Jericho, Townsend of Randolph, Wilson of Manchester and Young of Albany. **IN EDUCATION**

H.108 AN ACT RELATING TO A COMMITTEE TO STUDY IMPLEMENTING A MANDATORY SOBRIETY PROGRAM FOR REPEAT DUI OFFENDERS <http://www.leg.state.vt.us/docs/2012/bills/intro/H-108.pdf> This bill proposes to establish a study committee to consider whether Vermont should implement a mandatory sobriety program for repeat DUI offenders similar to South Dakota's "24/7 Sobriety Program." Introduced by Representative Masland of Thetford. **IN JUDICIARY**

H.109* **AN ACT RELATING TO RAISING THE CIGARETTE AND TOBACCO PRODUCTS TAX RATES** <http://www.leg.state.vt.us/docs/2012/bills/intro/H-109.pdf> This bill proposes to raise the cigarette and tobacco products tax rates. Introduced by Representatives Till of Jericho, Aswad of Burlington, Dakin of Chester, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Randolph, Jerman of Essex, Kitzmiller of Montpelier, Kupersmith of South Burlington, Lenes of Shelburne, Macaig of Williston, Mitchell of Barnard, Mrowicki of Putney, Nuovo of Middlebury, Poirier of Barre City, Shand of Weathersfield, Spengler of Colchester, Stevens of Waterbury, Waite-Simpson of Essex, Weston of Burlington and Wizowaty of Burlington. **IN WAYS AND MEANS - *CIGARETTE TAX WAS INCREASED BY \$0.38 VIA THE TAX BILL H.436. SEE:** <http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H.0436&Session=2012>

H.116 AN ACT RELATING TO PROHIBITING SMOKING IN MOTOR VEHICLES WHEN A CHILD IS PRESENT <http://www.leg.state.vt.us/docs/2012/bills/intro/H-116.pdf> This bill proposes to prohibit a person from possessing a lighted tobacco product in a motor vehicle occupied by a child under 14 years of age. Introduced by Representative Cheney of Norwich. **IN HUMAN SERVICES**

H.117 AN ACT RELATING TO RESTRICTIONS ON NIGHTTIME OPERATION OF MOTOR VEHICLES BY JUNIOR OPERATORS AND HOLDERS OF LEARNER'S PERMITS <http://www.leg.state.vt.us/docs/2012/bills/intro/H-117.pdf> This bill proposes to prohibit junior operators from operating between the hours of midnight and 5:00 a.m. for the first year operating under a junior operator's license, except when the operator is traveling on a direct route between work and home or traveling for a school-related activity, and to prohibit unlicensed persons under age 18 operating under a learner's permit from operating between the hours of midnight and 5:00 a.m. under any circumstances. Introduced by Representatives Pugh of South Burlington and Grad of Moretown. **IN TRANSPORTATION**

H.127 AN ACT RELATING TO MALT AND VINOUS BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-127.pdf> This bill proposes to allow businesses and nonprofit organizations, including art galleries and chambers of commerce, to serve malt and vinous beverages. Introduced by Representatives Sweaney of Windsor, Bohi of Hartford, Botzow of Pownal, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Hubert of Milton, Lorber of Burlington, Miller of Shaftsbury and Ram of Burlington. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.128 AN ACT RELATING TO THE SALE OF ALCOHOLIC BEVERAGES AT PUBLIC EVENTS

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-128.pdf> This bill proposes to allow a second class licensee to sell alcoholic beverages or conduct beverage tastings at events open to the public. Introduced by Representatives Sweaney of Windsor, Hubert of Milton, Lorber of Burlington, Miller of Shaftsbury and Ram of Burlington. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.131 AN ACT RELATING TO CASINO GAMING

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-131.pdf> This bill proposes to require the state lottery commission to issue one casino gaming license. Introduced by Representatives Hubert of Milton, Atkins of Winooski, Brennan of Colchester, Condon of Colchester, Devereux of Mount Holly, Donaghy of Poultney, Evans of Essex, Fagan of Rutland City, Lewis of Derby, Marcotte of Coventry, McAllister of Highgate, Myers of Essex, Pearce of Richford, Perley of Enosburgh, Reis of St. Johnsbury, Savage of Swanton and Shaw of Pittsford. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.173 AN ACT RELATING TO GAMES OF CHANCE

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-173.pdf> This bill proposes to increase the number and amount of prizes that may be awarded by nonprofit organizations. Introduced by Representatives Canfield of Fair Haven, Acinapura of Brandon, Brennan of Colchester, Burditt of West Rutland, Donaghy of Poultney, Fagan of Rutland City, Hebert of Vernon, Helm of Fair Haven, Larocque of Barnet, McFaun of Barre Town, McNeil of Rutland Town, Moran of Wardsboro, Pearce of Richford, Perley of Enosburgh, Savage of Swanton, Shaw of Pittsford, Smith of New Haven and Winters of Williamstown. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.184 AN ACT RELATING TO LOTTERY VENDING MACHINES

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-184.pdf> This bill proposes to authorize the lottery commission to allow licensed sales agents to sell lottery tickets through vending machines. Introduced by Representative Condon of Colchester. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.191 AN ACT RELATING TO USE OF TOBACCO PRODUCTS AT SKI AREAS

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-191.pdf> This bill proposes to allow ski areas operating on land owned, leased, or rented by the state to prohibit the outdoor use of tobacco products on all or any of the state land. Introduced by Representatives Koch of Barre Town, Donahue of Northfield, Lanpher of Vergennes and Till of Jericho. **IN HUMAN SERVICES**

H.246 AN ACT RELATING TO REGULATION OF FLAVORED MALT BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-246.pdf> This bill proposes to regulate the sale and change the taxation for flavored malt beverages. Introduced by Representative Lanpher of Vergennes. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.251 AN ACT RELATING TO THE TAXATION OF SPIRITUOUS LIQUORS

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-251.pdf> This bill proposes to modify the gross receipts tax on spirituous liquors. Introduced by Representatives Partridge of Windham, Bohi of Hartford, Conquest of Newbury, Deen of Westminster, Howard of Cambridge, Lenex of Shelburne, Manwaring of Wilmington, Ram of Burlington, Reis of St. Johnsbury, Scheuermann of Stowe, Stevens of Shoreham, Trieber of Rockingham and Webb of Shelburne. **IN WAYS AND MEANS**

H.259 AN ACT RELATING TO INCREASING THE NUMBER OF MEMBERS ON THE LIQUOR CONTROL BOARD

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-259.pdf> This bill proposes to increase the membership of the liquor control board from three to five members. Introduced by Representatives Head of South Burlington, Bouchard of Colchester, Hubert of Milton, Moran of Wardsboro, Ram of Burlington, Savage of Swanton, Smith of New Haven, Stevens of Waterbury and Sweaney of Windsor. **WAS IN GENERAL HOUSING AND MILITARY AFFAIRS; REFERRED TO APPROPRIATIONS ON 3/15/11; ON ACTION CALENDAR - Third reading ordered (as of 4/7/11) (See <http://www.leg.state.vt.us/docs/2012/journal/HJ110407.pdf#page=2> for amendments.) PASSED THE HOUSE; IN SENATE ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS. See <http://www.leg.state.vt.us/docs/2012/bills/House/H-259.pdf> for House Passed Version.**

H.260 AN ACT RELATING TO FLAVORED MALT BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-260.pdf> This bill proposes to prohibit the sale of flavored malt beverages in containers exceeding a capacity of 12 fluid ounces. Introduced by Representatives Stevens of Waterbury and Lanpher of Vergennes. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.264 AN ACT RELATING TO DRIVING WHILE INTOXICATED AND TO FORFEITURE AND REGISTRATION OF MOTOR VEHICLES

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-264.pdf> This bill proposes a number of provisions to enhance the penalties for driving while intoxicated. The bill proposes to:

- (1) require that a person have insurance in order to register a motor vehicle;
 - (2) prohibit a person from registering a motor vehicle if the person's license or learner's permit has been suspended or revoked in any jurisdiction;
 - (3) establish criminal penalties for permitting an unlicensed person to operate a motor vehicle, and permit forfeiture of the vehicle if death or serious bodily injury results;
 - (4) create a five-year minimum jail sentence for DUI with death or serious bodily injury resulting if the offender has two prior DUI convictions, unless the court finds that a lesser sentence will serve the interests of justice and public safety; and
 - (5) permit the immobilization and forfeiture of a vehicle operated in violation of a parole condition which prohibits the operator from driving.
- Introduced by Representatives Savage of Swanton, Andrews of Rutland City, Batchelor of Derby, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Clark of Vergennes, Consejo of Sheldon, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Fagan of Rutland City, Gilbert of Fairfax, Grad of Moretown, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Keenan of St. Albans City, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Morrissey of Bennington, Myers of Essex, Pearce of Richford, Perley of Enosburgh, Shaw of Pittsford, Smith of New Haven, Strong of Albany, Waite-Simpson of Essex, Winters of Williamstown, Wright of Burlington and Yantachka of Charlotte. **PASSED THE HOUSE - IN SENATE JUDICIARY (See House passed version at <http://www.leg.state.vt.us/docs/2012/bills/House/H-264.pdf>) SENT TO COMMITTEE OF CONFERENCE WHOSE REPORT WAS ACCEPTED BY BOTH HOUSES. See <http://www.leg.state.vt.us/misc/H-264CCreport.pdf> for the conference committee report and check later at <http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H.0264&Session=2012> for the final version. (The DUI portion of the bill is in sections 1 -20 only.)**

H.278 AN ACT RELATING TO ESTABLISHING THE DEPARTMENT OF CONTROLLED SUBSTANCES <http://www.leg.state.vt.us/docs/2012/bills/intro/H-278.pdf> This bill proposes to establish a department of controlled substances to enforce the laws relating to alcohol, tobacco, and the state lottery. Introduced by Representatives Stevens of Waterbury, Bohi of Hartford, Howrigan of Fairfield, Kitzmiller of Montpelier, McCullough of Williston, Munger of South Burlington, Savage of Swanton, South of St. Johnsbury, Townsend of Randolph and Yantachka of Charlotte. **IN GOVERNMENT OPERATIONS**

H.280 AN ACT RELATING TO FURNISHING TOBACCO TO PERSONS UNDER 18 <http://www.leg.state.vt.us/docs/2012/bills/intro/H-280.pdf> This bill proposes to increase the penalties for furnishing tobacco to persons under 18. Introduced by Representatives Savage of Swanton and McNeil of Rutland Town. **IN HUMAN SERVICES**

H.281 AN ACT RELATING TO PHARMACY SECURITY <http://www.leg.state.vt.us/docs/2012/bills/intro/H-281.pdf> This bill proposes to require that pharmacies be equipped with security cameras and alarms that are wired to immediately notify law enforcement if activated. Introduced by Representatives Savage of Swanton, McNeil of Rutland Town and Shaw of Pittsford. **IN GOVERNMENT OPERATIONS**

H.333 AN ACT RELATING TO COMPLIANCE TESTING OF TOBACCO LICENSEES <http://www.leg.state.vt.us/docs/2012/bills/intro/H-333.pdf> This bill proposes to increase compliance testing of tobacco licensees by the department of liquor control. Introduced by Representatives Poirier of Barre City, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Bohi of Hartford, Courcelle of Rutland City, Donovan of Burlington, Edwards of Brattleboro, Fisher of Lincoln, Howrigan of Fairfield, Jerman of Essex, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Krebs of South Hero, Lanpher of Vergennes, Lenes of Shelburne, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Munger of South Burlington, Potter of Clarendon, Reis of St. Johnsbury, Shand of Weathersfield, South of St. Johnsbury, Spengler of Colchester, Stevens of Shoreham, Till of Jericho, Townsend of Randolph, Waite-Simpson of Essex, Weston of Burlington, Wilson of Manchester and Yantachka of Charlotte. **IN HUMAN SERVICES**

H.341 AN ACT RELATING TO MINORS IN POSSESSION OF ALCOHOLIC BEVERAGES <http://www.leg.state.vt.us/docs/2012/bills/intro/H-341.pdf> This bill proposes to prohibit a minor from participating in the court diversion program more than once for unlawfully possessing or consuming alcohol. Introduced by Representative Koline of Dorset. **IN JUDICIARY**

H.353 AN ACT RELATING TO RENEWAL OF MEDICAL MARIJUANA REGISTRATION CARDS <http://www.leg.state.vt.us/docs/2012/bills/intro/H-353.pdf> This bill proposes to require a statement from the physician of a medical marijuana patient as to whether the patient will recover from the patient's specific disease or condition; to require registered medical marijuana patients to fill out a renewal form instead of a complete new application each year. Introduced by Representative Malcolm of Pawlet. **IN HUMAN SERVICES**

H.379 AN ACT RELATING TO PROHIBITING SMOKING IN STATE PARKS AND FORESTS <http://www.leg.state.vt.us/docs/2012/bills/intro/H-379.pdf> This bill proposes to prohibit the use of lighted tobacco products in state parks and state forests. Introduced by Representative Crawford of Burke. **IN CORRECTIONS & INSTITUTIONS**

H.400 AN ACT RELATING TO THE REPEAL OF CHAPTERS 179, 181, 183, AND 185 OF TITLE 18 AND ENACTMENT OF A NEW CHAPTER 180, RELATING TO HOSPITALIZATION AND TREATMENT OF PERSONS WITH MENTAL ILLNESS

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-400.pdf> This bill proposes to replace existing chapters of Title 18 related to involuntary medication and treatment related to mental health with a new chapter that requires a judicial proceeding prior to the use of nonemergency involuntary medication and limits the duration of an order for involuntary treatment to no more than one year. Introduced by Representative Koch of Barre Town. **IN HUMAN SERVICES**

H.415 AN ACT RELATING TO CHILD ENDANGERMENT

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-415.pdf> This bill proposes to establish a felony child endangerment violation if a person uses certain illegal drugs in the presence of a child. Introduced by Representatives Olsen of Jamaica, Branagan of Georgia, Degree of St. Albans City, Howard of Cambridge, McNeil of Rutland Town, Savage of Swanton and Shaw of Pittsford. **IN JUDICIARY**

H.427 AN ACT RELATING TO PENALTIES FOR POSSESSION OF MARIJUANA

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-427.pdf> This bill proposes to change the penalties for the possession of small amounts of marijuana. A person 21 years of age or older who possesses one ounce or less of marijuana would be assessed a civil fine of up to \$150.00, while possession of larger amounts would continue to be a criminal offense subject to imprisonment. Persons 18 to 20 years of age who possess one ounce or less of marijuana would be assessed a civil fine of up to \$150.00 for a first offense, while second or subsequent offenses would require the person to complete a drug awareness and community service program run by court diversion. Failure to complete the program would result in a civil fine of not more than \$600.00 and a suspension of the person's driver's license for a period of up to 120 days. Persons under the age of 18 who possess one ounce or less of marijuana would be required to complete a drug awareness and community service program run by court diversion for a first offense. A minor who fails to complete the program would be assessed a civil fine of up to \$300.00 and would lose his or her driver's license for 90 days. Subsequent offenses would require the person to complete a drug awareness and community service program run by court diversion. Failure to complete the program would result in a civil fine of not more than \$600.00 and a suspension of the person's driver's license for a period of up to 120 days. Introduced by Representatives Lorber of Burlington, Howard of Cambridge and Pearson of Burlington. **IN JUDICIARY**

H.432 AN ACT RELATING TO VINOUS BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/intro/H-432.pdf> This bill proposes to clarify that the employees of the holder of a vinous beverage shipping license are allowed to sell vinous beverages. Introduced by Representative Mrowicki of Putney. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

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HOUSE BILLS INTRODUCED IN 2012:

H.498 AN ACT RELATING TO PARITY FOR PRIMARY MENTAL HEALTH CARE SERVICES

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-498.pdf> This bill proposes to require health insurers to impose equal cost-sharing for mental health care services and other primary health care services. Introduced by Representatives Donahue of Northfield, Acinapura of Brandon, Batchelor of Derby, Dickinson of St. Albans Town, French of Randolph, Koch of Barre Town, McAllister of Highgate, McFaun of Barre Town, Poirier of Barre City and Till of Jericho. **IN HEALTH CARE**

H.506 AN ACT RELATING TO VINOUS BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-506.pdf> This bill proposes to increase the amount of vinous beverages that can be shipped by a manufacturer or rectifier of vinous beverages. The bill further proposes to allow a manufacturer or rectifier of vinous beverages to serve on its premises vinous beverages produced by another manufacturer. Introduced by Representative Conquest of Newbury. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.531 AN ACT RELATING TO PRESCRIBING A CONTROLLED SUBSTANCE

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-531.pdf> This bill proposes to require a physician to write a patient's date of birth and the amount prescribed both in numeric and word form to indicate quantity when prescribing a controlled substance. This bill also proposes to establish a security code for each doctor to use when ordering a prescription for a controlled substance over the telephone. Introduced by Representatives Till of Jericho, Andrews of Rutland City, Bohi of Hartford, Browning of Arlington, Cheney of Norwich, Christie of Hartford, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Evans of Essex, Frank of Underhill, French of Randolph, Gilbert of Fairfax, Jerman of Essex, Lenes of Shelburne, Macaig of Williston, Malcolm of Pawlet, Martin of Wolcott, Masland of Thetford, Miller of Shaftsbury, Munger of South Burlington, Nuovo of Middlebury, O'Sullivan of Burlington, Poirier of Barre City, Russell of Rutland City, Spengler of Colchester, Stuart of Brattleboro, Waite-Simpson of Essex, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte and Zagar of Barnard. **IN HUMAN SERVICES (Moved from Health Care on 1/31/12)**

H.537 AN ACT RELATING TO VERMONT WINE <http://www.leg.state.vt.us/docs/2012/bills/Intro/H-537.pdf> This bill proposes to prohibit a manufacturer of vinous beverages from advertising the product as Vermont wine if more than 25 percent of the ingredients were produced outside the state. Introduced by Representatives Helm of Fair Haven, Canfield of Fair Haven, Donaghy of Poultney, Larocque of Barnet and McAllister of Highgate. **IN GENERAL HOUSING AND MILITARY AFFAIRS (Similar to S.227 & S.187)**

H.538 AN ACT RELATING TO SERVICE OF ALCOHOLIC BEVERAGES IN CLUBS

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-538.pdf> This bill proposes to allow an officer, director, or member of a club to volunteer to perform services at the club without receiving payment for those services. Introduced by Representatives Martin of Wolcott, Evans of Essex, Peltz of Woodbury, Spengler of Colchester, Stuart of Brattleboro, Townsend of Randolph and Woodward of Johnson. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.568 AN ACT RELATING TO MEDICAL MARIJUANA

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-568.pdf> This bill proposes to allow people who suffer from post-traumatic stress disorder to use medical marijuana to relieve symptoms. Introduced by Representatives Masland of Thetford, Cheney of Norwich, Clarkson of Woodstock, Howard of Cambridge, Howrigan of Fairfield, Mrowicki of Putney, Till of Jericho and Zagar of Barnard. **IN HUMAN SERVICES**

H.593 AN ACT RELATING TO JEWELRY STORES SERVING MALT OR VINOUS BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-593.pdf> This bill proposes to allow jewelry stores to serve malt or vinous beverages. Introduced by Representative Wright of Burlington. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.608 AN ACT RELATING TO REPORTING LOST OR STOLEN PRESCRIPTION DRUGS

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-608.pdf> This bill proposes to require health care providers to report lost or stolen prescriptions to the VPMS. Introduced by Representatives Buxton of Tunbridge, Degree of St. Albans City and Ram of Burlington. **IN HUMAN SERVICES (Moved from Health Care on 1/31/12)**

H.609 AN ACT RELATING TO THE DISPARITY BETWEEN COCAINE AND CRACK COCAINE

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-609.pdf> This bill proposes to eliminate the disparity between cocaine and crack cocaine trafficking offenses. Introduced by Representative Wizowaty of Burlington. **IN JUDICIARY**

H.617 AN ACT RELATING TO LICENSED ALCOHOL AND DRUG ABUSE COUNSELORS AS MEDICAID PARTICIPATING PROVIDERS

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-617.pdf> This bill proposes to enable certain licensed alcohol and drug abuse counselors without a postgraduate degree to be Medicaid participating providers. Introduced by Representative Dickinson of St. Albans Town. **IN HUMAN SERVICES**

H.623 AN ACT RELATING TO VINOUS OR MALT BEVERAGE TASTINGS

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-623.pdf> This bill proposes to allow a manufacturer or rectifier of vinous or malt beverages to dispense up to 16 ounces of beverage at a tasting event. Introduced by Representatives Young of Glover, Buxton of Tunbridge, Donaghy of Poultney, Komline of Dorset, Larocque of Barnet, Olsen of Jamaica, Pearson of Burlington, Peltz of Woodbury, Ralston of Middlebury, Ram of Burlington, Scheuermann of Stowe, Trieber of Rockingham and Zagar of Barnard. **IN GENERAL HOUSING AND MILITARY AFFAIRS**

H.627 AN ACT RELATING TO AN OPIATE ADDICTION TREATMENT SYSTEM

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-627.pdf> This bill proposes to require the department of health to authorize opiate addiction treatment programs and to expand certain physicians' authority to provide opiate addiction treatment. Introduced by Representative Pugh of South Burlington. **IN HUMAN SERVICES**

H.647 AN ACT RELATING TO OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL WITH A CHILD IN THE VEHICLE

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-647.pdf> This bill proposes to create more serious penalties for operating a vehicle while under the influence of alcohol if there is a child in the operator's vehicle at the time of the offense. Introduced by Representative Lippert of Hinesburg. **IN JUDICIARY**

H.657 AN ACT RELATING TO ESTABLISHING AN AGGRAVATED DUI OFFENSE

<http://www.leg.state.vt.us/docs/2012/bills/Intro/H-657.pdf> This bill proposes to establish the crime of aggravated DUI, which would occur when a person operates a vehicle while under the influence of alcohol or drugs and: (1) there is a child less than 16 years of age in the vehicle; (2) the person's blood alcohol content is at least twice the applicable legal limit; (3) the person is operating the vehicle at a speed that is at least 30 miles per hour above the speed limit; or (4) the person fails to stop when signaled to do so by a law enforcement officer. Introduced by Representatives Savage of Swanton, Bouchard of Colchester, Canfield of Fair Haven, Clark of Vergennes, Fagan of Rutland City, McNeil of Rutland Town and Shaw of Pittsford. **IN JUDICIARY**

H.658 AN ACT RELATING TO PARENTAL CONSENT TO MENTAL HEALTH TREATMENT OF MINORS UNDER AGE 18 <http://www.leg.state.vt.us/docs/2012/bills/Intro/H-658.pdf> This bill proposes to require a parent or legal guardian, but not a minor, to consent to the examination of the minor under 18 years of age by a physician for the purpose of determining whether the minor is in need of involuntary mental health treatment, and it provides for a judicial review process. Introduced by Representatives Savage of Swanton and Bouchard of Colchester. **IN HUMAN SERVICES**

H.735 AN ACT RELATING TO DISCOUNTED PREMIUM RATES FOR NONSMOKERS OR SMOKERS PARTICIPATING IN A TOBACCO CESSATION PROGRAM <http://www.leg.state.vt.us/docs/2012/bills/Intro/H-735.pdf> This bill proposes to establish a discounted premium rate for beneficiaries based on whether beneficiaries are nonsmokers or smokers who participate in a tobacco cessation program. Introduced by Representatives Olsen of Jamaica and Wilson of Manchester. **IN HEALTH CARE**

H.738 AN ACT RELATING TO PRESCRIBING EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE PRODUCTS <http://www.leg.state.vt.us/docs/2012/bills/Intro/H-738.pdf> This bill proposes to require a prescription for the purchase of products containing ephedrine, pseudoephedrine, or phenylpropanolamine base. Introduced by Representative McFaun of Barre Town. **IN HEALTH CARE**

H.745 AN ACT RELATING TO THE VERMONT PRESCRIPTION MONITORING SYSTEM <http://www.leg.state.vt.us/docs/2012/bills/Intro/H-745.pdf> This bill proposes to require health care providers to search the VPMS prior to prescribing a controlled substance. In addition, it expands the category of people who may access the VPMS. This bill also creates a unified pain management system advisory council. Introduced by Representative Pugh of South Burlington. **IN HEALTH CARE**

H.747 AN ACT RELATING TO CIGARETTE MANUFACTURERS <http://www.leg.state.vt.us/docs/2012/bills/Intro/H-747.pdf> This bill proposes to clarify the circumstances under which a tobacco product manufacturer may be listed on the attorney general's tobacco directory. The bill also proposes to make it a crime for a person to utilize a cigarette rolling machine for commercial purposes. Introduced by Representative Frank of Underhill. **IN HUMAN SERVICES**

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SENATE BILLS INTRODUCED IN 2011:

S. 6 AN ACT RELATING TO CAFFEINATED AND STIMULANT-ENHANCED MALT BEVERAGES <http://www.leg.state.vt.us/docs/2012/bills/intro/S-006.pdf> This bill proposes to prohibit the sale of certain caffeinated and stimulant-enhanced malt beverages. Introduced by Senators Doyle and Campbell. **IN ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS.**

S.9 AN ACT RELATING TO SALES OF VINOUS BEVERAGES <http://www.leg.state.vt.us/docs/2012/bills/intro/S-009.pdf> This bill proposes to allow retail wine merchants to ship wine in and out of state. Introduced by Senators Miller and Ashe. **REPORTED FAVORABLY BY ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS; REFERRED TO FINANCE ON 3/15/11**

S.17 AN ACT RELATING TO MEDICAL MARIJUANA DISPENSARIES

<http://www.leg.state.vt.us/docs/2012/bills/intro/S-017.pdf> This bill proposes to permit the establishment of two nonprofit medical marijuana dispensaries in the state for the purpose of providing medical marijuana for symptom relief to registered patients who have a debilitating medical condition. The dispensaries will be licensed and regulated by the department of public safety. Introduced by Senators Sears, Miller and White. **PASSED THE SENATE. IN HOUSE HUMAN SERVICES; Senate concurs with proposed amendment of the House and bill is sent to Governor. See <http://www.leg.state.vt.us/docs/2012/Acts/ACT065.pdf> for BILL AS ENACTED INTO LAW.**

S.37 AN ACT RELATING TO EXPUNGEMENT OF A NONVIOLENT MISDEMEANOR CRIMINAL HISTORY RECORD

<http://www.leg.state.vt.us/docs/2012/bills/intro/S-037.pdf> This bill proposes to provide a process for a person to petition the court for expungement of a criminal history record related to his or her arrest or conviction for a nonviolent misdemeanor. The court may grant the request if it finds that expungement of the record would serve the interest of justice. Introduced by Senators Sears, Benning and Hartwell. **PASSED SENATE. IN HOUSE JUDICIARY See <http://www.leg.state.vt.us/docs/2012/bills/Senate/S-037.pdf> for Senate passed version. House proposed amendment and Senate did not concur. In committee of conference as of 5/3/2011. See <http://www.leg.state.vt.us/docs/2012/journal/SJ110502.pdf#page=130> for House proposal of amendment.**

S.42 AN ACT RELATING TO ART GALLERIES SERVING MALT OR VINOUS BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/intro/S-042.pdf> This bill proposes to allow art galleries to serve malt or vinous beverages. Introduced by Senators McCormack, Campbell, Giard and Nitka. **REPORTED FAVORABLY BY ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS; ON ACTION CALENDAR FOR SECOND READING AS OF 3/18/11; Referred to Judiciary Committee on 3/22/11**

S.65 AN ACT RELATING TO DRIVING WHILE INTOXICATED AND TO FORFEITURE AND REGISTRATION OF MOTOR VEHICLES

<http://www.leg.state.vt.us/docs/2012/bills/intro/S-065.pdf> This bill proposes a number of provisions to enhance the penalties for driving while intoxicated. This bill proposes to:

- (1) require that a person have insurance in order to register a motor vehicle;
- (2) prohibit a person from registering a motor vehicle if the person's license or learner's permit has been suspended or revoked in any jurisdiction;
- (3) establish criminal penalties for permitting an unlicensed person to operate a motor vehicle, and permit forfeiture of the vehicle if death or serious bodily injury results;
- (4) create a five-year minimum jail sentence for DUI with death or serious bodily injury resulting if the offender has two prior DUI convictions, unless the court finds that a lesser sentence will serve the interests of justice and public safety; and
- (5) permit the immobilization and forfeiture of a vehicle operated in violation of a parole condition which prohibits the operator from driving.

Introduced by Senators Brock, Benning, Flory, Hartwell, Kittell, Lyons, McCormack and Doyle. **IN JUDICIARY**

S.75 AN ACT RELATING TO OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <http://www.leg.state.vt.us/docs/2012/bills/intro/S-075.pdf> This bill proposes the following changes related to operating a motor vehicle while under the influence of alcohol or drugs:

- (1) The bill proposes to broaden the definition of “drug” for purposes of the prohibition on driving under the influence of a drug.
- (2) The bill proposes prohibiting operation of a vehicle while under the influence of a drug to the slightest degree. Current law prohibits operation while under the influence to a degree which renders the person incapable of driving safely.
- (3) The bill prohibits a person from operating a motor vehicle if the person has any detectable amount of any of the following drugs in his or her blood:
 - (A) Cocaine or any of its metabolites;
 - (B) Methamphetamine;
 - (C) 3,4-methylenedioxymethamphetamine;
 - (D) Bufotenine;
 - (E) Lysergic acid diethylamide;
 - (F) Mescaline, in any form, including mescaline contained in peyote, obtained from peyote, or chemically synthesized;
 - (G) Gamma-hydroxybutyric acid, gamma-butyrolactone, and 1,4-butanediol;
 - (H) Opium and substances derived from opium, and any salt, compound, derivative, or preparation of opium or substances derived from opium;
 - (I) Heroin;
 - (J) Psilocybin; or
 - (K) Delta-9-tetrahydrocannabinol.
- (4) With respect to the drugs in (3), the bill also:
 - (A) requires a health care provider who is providing health services to a person in an emergency room as the result of a motor vehicle accident to report to a law enforcement agency if the provider becomes aware that the person has any detectable amount of one of the listed drugs in his or her system; and
 - (B) establishes a civil suspension for operating a vehicle with any detectable amount of one of the listed drugs in the operator’s blood.
- (5) The bill provides that a law enforcement officer’s affidavit in support of a civil suspension is sufficient if it states that the person’s alcohol concentration was 0.08 or more at the time the person was operating, attempting to operate, or in actual physical control of the vehicle.

Introduced by Senators Illuzzi and Sears. **IN JUDICIARY**

S.76 AN ACT RELATING TO THE TAXATION OF SPIRITUOUS LIQUORS

<http://www.leg.state.vt.us/docs/2012/bills/intro/S-076.pdf> This bill proposes to modify the gross receipts tax on spirituous liquors. Introduced by Senators Westman, Ayer, Galbraith and White. **IN FINANCE**

S.88 AN ACT RELATING TO INVOLUNTARY MEDICATION

<http://www.leg.state.vt.us/docs/2012/bills/intro/S-088.pdf> This bill proposes to make hearings for involuntary hospitalization and medication concurrent, broaden who can petition for involuntary medication, and ensure involuntary medication can occur at hospitals other than the Vermont State Hospital. Introduced by Senator Ayer. **IN HEALTH & WELFARE**

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SENATE BILLS INTRODUCED IN 2012:

S.134 AN ACT RELATING TO PENALTIES FOR POSSESSION OF MARIJUANA

<http://www.leg.state.vt.us/docs/2012/bills/Intro/S-134.pdf> This bill proposes to substitute a civil penalty in lieu of criminal penalties for possession of under two ounces of marijuana, and decrease the criminal penalties for possession of under one pound of marijuana. Introduced by Senators Benning and Baruth. **IN JUDICIARY**

S.168 AN ACT RELATING TO SALES OF VINOUS BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/Intro/S-168.pdf> This bill proposes to allow retail wine merchants to ship wine in and out of state. Introduced by Senator Illuzzi. **IN ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS**

S.181 AN ACT RELATING TO SCHOOL RESOURCE OFFICERS

<http://www.leg.state.vt.us/docs/2012/bills/Intro/S-181.pdf> This bill proposes to exempt school resource officers from the department of education's rule regulating the use of restraint and seclusion in schools. Introduced by Senator Sears. **IN EDUCATION - Favorable report with recommendation of amendment by Committee on Education. On Notice Calendar.** See recommended amendment at: <http://www.leg.state.vt.us/docs/2012/journal/SJ120131.pdf#page=6> On 2/2/12 on the Senate floor, consideration of this bill was postponed.

S.186 AN ACT RELATING TO THE SALE OF VINOUS BEVERAGES

<http://www.leg.state.vt.us/docs/2012/bills/Intro/S-186.pdf> This bill proposes to allow the holder of a first class license to dispense vinous beverages by the glass or bottle drawn from a barrel or a tank. Introduced by Senator Mullin. **IN ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS**

S.187 AN ACT RELATING TO VERMONT WINE <http://www.leg.state.vt.us/docs/2012/bills/Intro/S-187.pdf> This bill proposes to prohibit a manufacturer of vinous beverages from advertising the product as Vermont wine if the product contains ingredients the majority of which were produced outside the state. Introduced by Senator Mullin. **IN ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS**

S.188 AN ACT RELATING TO FORTIFIED WINE <http://www.leg.state.vt.us/docs/2012/bills/Intro/S-188.pdf> This bill proposes to allow a manufacturer or rectifier of vinous beverages and a holder of a second class license to sell fortified wine to the public. Introduced by Senator Mullin. **IN ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS**

S.226 AN ACT RELATING TO PROHIBITING SYNTHETIC STIMULANTS

<http://www.leg.state.vt.us/docs/2012/bills/Intro/S-226.pdf> This bill proposes to prohibit the possession or sale of "bath salts" and similar drugs. Introduced by Senators Doyle and Sears. **IN JUDICIARY**

S.227 AN ACT RELATING TO VERMONT WINE <http://www.leg.state.vt.us/docs/2012/bills/Intro/S-227.pdf> This bill proposes to prohibit a manufacturer of vinous beverages from advertising the product as Vermont wine if more than 25 percent of the ingredients were produced outside the state. Introduced by Senator Giard. **IN AGRICULTURE (As of 1/5/12) Transferred from ECONOMIC DEVELOPMENT, HOUSING AND GENERAL AFFAIRS.**

S.242 AN ACT RELATING TO PRESCRIBING A CONTROLLED SUBSTANCE

<http://www.leg.state.vt.us/docs/2012/bills/Intro/S-242.pdf> This bill proposes to require a physician to write a patient's date of birth and the amount prescribed both in numeric and word form to indicate quantity when prescribing a controlled substance; require identification when picking up a prescription

from a pharmacy; and establish a security code for each doctor to use when ordering a prescription for a controlled substance over the telephone. Introduced by Senators Sears and Doyle. **IN HEALTH AND WELFARE**

S.244 AN ACT RELATING TO REFERRAL TO COURT DIVERSION FOR DRIVING WITH A SUSPENDED LICENSE <http://www.leg.state.vt.us/docs/2012/bills/Intro/S-244.pdf> This bill proposes to refer cases of driving with a suspended license to court diversion, rather than the judicial bureau, provided that the reason for the license suspension was for failure to pay fees or fines or for accrual of points for motor vehicle violations, excluding DUI or other serious offenses. A diversion participant would be eligible to reinstate his or her operator's license upon compliance with a fine repayment plan and a driver relicensing program, if appropriate. Introduced by Senator Sears. **IN JUDICIARY**