Journal of the House

Thursday, April 12, 2012

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Thomas Koch of Barre Town, VT.

Message from the Senate No. 42

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 142. An act relating to pet merchants.

S. 180. An act relating to the universal service fund and establishment of a high-cost program.

In the passage of which the concurrence of the House is requested.

The Senate has considered bills originating in the House of the following titles:

H. 565. An act relating to regulating licensed lenders and mortgage loan originators.

H. 613. An act relating to governance of the Community High School of Vermont.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 403. An act relating to foreclosure of mortgages.

H. 459. An act relating to approval of amendments to the charter of the town of Brattleboro.

H. 752. An act relating to permitting stormwater discharges in impaired watersheds.
H. 765. An act relating to the mental health needs of the corrections population.

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

House Bills Introduced

H. 792


House bill, entitled

An act relating to approval of amendments to the charter of the city of Burlington;

To the committee on Government Operations.

H. 793

By Reps. Atkins of Winooski and Bissonnette of Winooski,

House bill, entitled

An act relating to approval of amendments to the charter of the Winooski incorporated school district;

To the committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 142

Senate bill, entitled

An act relating to pet merchants;

To the committee on Rules.

S. 180

Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program;

To the committee on Rules.
Committee Relieved of Consideration  
and Bill Committed to Other Committee  

H. 718  

Rep. Marcotte of Coventry moved that the committee on Appropriations be relieved of House bill, entitled  
An act relating to the department of public service and the public service board  
And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.  

Proposal of Amendment Agreed to; Bill Read third Time and Passed in Concurrence with Proposal of Amendment  

S. 116  

Senate bill, entitled  
An act relating to probate proceedings  
Was ataken up and pending third reading of the bill, Rep. Wizowaty of Burlington, moved that the House propose to the Senate to amend the bill as follows:  
By inserting a new Sec. 5 to read as follows:  

Sec. 5. MINOR GUARDIANSHIP STUDY COMMITTEE  

The minor guardianship study committee created by Sec. 23 of No. 56 of the Acts of 2011 shall continue to meet during 2012 and shall report any additional findings and recommendations to the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare on or before December 15, 2012, whereupon it shall cease to exist.  
and by renumbering the remaining section to be numerically correct.  

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.  

Recess  

At one o'clock and thirty minutes in the afternoon, the Speaker declared a recess until two o'clock in the afternoon.  

At two o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.
Request to Withdraw Bill Denied

H. 757

House bill, entitled

An act relating to a temporary moratorium on the enforcement of the sales tax on prewritten software that is accessed remotely;

Pending the question, Shall the bill be withdrawn as requested by Rep. Scheuermann of Stowe? Rep. Degree of St. Albans City demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be withdrawn as requested by Rep. Scheuermann of Stowe? was decided in the negative. Yeas, 45. Nays, 88.

Those who voted in the affirmative are:

Acinapura of Brandon
Batchelor of Derby
Bouchard of Colchester
Burditt of West Rutland
Canfield of Fair Haven
Clark of Vergennes
Crawford of Burke
Degree of St. Albans City *
Dickinson of St. Albans Town
Donahue of Northfield
Eckhardt of Chittenden
Fagan of Rutland City
Greshin of Warren
Hebert of Vernon *
Helm of Fair Haven
Higley of Lowell
Hubert of Milton
Johnson of Canaan
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Larocque of Barre
Lawrence of Lyndon
Lewis of Berlin
Lewis of Derby
Marcotte of Coventry
McAllister of Highgate
McFaaun of Barre Town
Myers of Essex
Pearce of Richford
Peaslee of Guildhall
Perley of Enosburgh
Reis of St. Johnsbury
Savage of Swanton
Scheuermann of Stowe *
Smith of New Haven
Strong of Albany
Townsend of Randolph
Turner of Milton
Winters of Williamstown
Wright of Burlington
Young of Glover

Those who voted in the negative are:

Ancel of Calais
Andrews of Rutland City
Atkins of Winooski
Bartholomew of Hartford
Botzow of Pownal
Branagan of Georgia
Browning of Arlington
Buxton of Tunbridge
Campion of Bennington
Cheney of Norwich
Christie of Hartford
Clarkson of Woodstock
Conquest of Newbury
Copeland-Hanzas of Bradford
Courcelle of Rutland City
Dakin of Chester
Deen of Westminster
Donovan of Burlington
Edwards of Brattleboro
Ellis of Waterbury
Emmons of Springfield
Evans of Essex
Fisher of Lincoln
Frank of Underhill
French of Shrewsbury
French of Randolph
Gilbert of Fairfax
Grad of Moretown
Haas of Rochester
Head of South Burlington
Heath of Westford
Hooper of Montpelier
Howrigan of Fairfield
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Kitzmiller of Montpelier
Klein of East Montpelier
Krowinski of Burlington
Kupersmith of South Burlington
Lenes of Shelburne
Leriche of Hardwick
Lippert of Hinesburg  
Lorber of Burlington  
Macaig of Williston  
Malcolm of Pawlet  
Manwaring of Wilmington  
Marek of Newfane*  
Martin of Springfield  
Martin of Wolcott  
Masland of Thetford  
McCullough of Williston  
Miller of Shaftsbury  
Mook of Bennington  
Moran of Wardsboro  
Mrowicki of Putney  
Munger of South Burlington  
Nuovo of Middlebury  
O'Sullivan of Burlington  
Partridge of Windham  
Pearson of Burlington  
Peltz of Woodbury  
Poirier of Barre City  
Potter of Clarendon  
Pugh of South Burlington  
Ralston of Middlebury  
Ram of Burlington  
Russell of Rutland City  
Shand of Weathersfield  
Sharpe of Bristol  
South of St. Johnsbury  
Spengler of Colchester  
Stevens of Waterbury  
Stevens of Shoreham  
Stuart of Brattleboro  
Sweaney of Windsor  
Taylor of Barre City  
Till of Jericho  
Toller of Danville  
Triebner of Rockingham  
Waite-Simpson of Essex  
Webb of Shelburne  
Webb of Shelburne  
Wilson of Manchester  
Wizowaty of Burlington  
Woodward of Johnson  
Yantachka of Charlotte  
Zagar of Barnard  

Those members absent with leave of the House and not voting are:

Aswad of Burlington  
Bissonnette of Winooski  
Bohi of Hartford  
Brennan of Colchester  
Burke of Brattleboro  
Condon of Colchester  
Consejo of Sheldon  
Corcoran of Bennington  
Davis of Washington  
Howard of Cambridge  
Krebs of South Hero  
McNeil of Rutland Town  
Morrissey of Bennington  
O’Brien of Richmond  
Olsen of Jamaica  

Rep. Degree of St. Albans City explained his vote as follows:

“Mr. Speaker:

Granting this request would have been fully allowed by Rule 85.”

Rep. Hebert of Vernon explained his vote as follows:

“Mr. Speaker:

I believe the majority has cast votes which may well discourage minority members from offering bills, by failing to honor the spirit of Rule 85.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

Granting this request to withdraw a bill after it has been fully considered in committee, amended, voted out and referred to another committee would totally disrupt the business of this House. A bill with 50 co-sponsors, all of whom but one still supported it, could see that single member suddenly move to withdraw it as it came to the floor. That is no way to do the people’s business and it was ample reason to deny this truly unfortunate request.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Mr. Speaker:
This was a simple request. That it became the partisan issue it became has flabbergasted me. To not allow a fellow member to withdraw her own bill when that bill has changed so significantly from its original intent is a slap in the face to this body in which we are so fortunate to serve.

Thank you, though, Mr. Speaker for your efforts to come to a fair resolution to this. I am sorry it was not supported by others.”

Proposal of Amendment Agreed to; Third Reading Ordered

S. 199

Rep. Fisher of Lincoln, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to immunization exemptions and the immunization pilot program

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1121(c) is added to read:

(c) Annually, on or before September 15th, schools and child care facilities shall make publicly available the aggregated immunization rates of the student body for each required vaccine to the extent permitted under the federal Health Insurance Portability and Accountability Act, Pub. L. 104-191.

Sec. 2. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) A Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in the child care facility without a required immunization:

(1) If the person, or, in the case of a minor, the person’s parent or guardian presents a written statement, an immunization exemption form from a licensed health care practitioner authorized to prescribe vaccines or a health clinic, or nurse that the person is in the process of being immunized. The person may continue to attend school or the child care facility as long as the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person’s health or is not
appropriate; provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; or

(3) If the person, or, in the case of a minor, the person’s parent or guardian states in writing annually provides a signed statement to the school or child care facility on a form created by the Vermont department of health that the person, parent, or guardian:

(A) has religious beliefs or philosophical convictions opposed to immunization;

(B) has reviewed and understands evidence-based educational material provided by the department of health regarding immunizations; and

(C) understands that failure to complete the required vaccination schedule places the person and others at risk for contracting or carrying a vaccine-preventable infectious disease.

(b) The health department may provide by rule for further exemptions to immunization based upon sound medical practice.

Sec. 3. 18 V.S.A. § 1124 is amended as follows:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

(a) In addition to any data collected in accordance with the requirements of the Centers for Disease Control and Prevention, the Vermont department of health shall annually collect from schools the immunization rates for at least those students in the first and eighth grades for each required vaccine. The data collected by the department shall include the number of medical, philosophical, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

(b) Appropriate health personnel, including school nurses, shall have access to immunization records of anyone enrolled in Vermont schools or child care facilities, when access is required in the performance of official duties related to the immunizations required by this subchapter. Access to student immunization records shall only be provided with the prior written consent of parents and students as required by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted thereunder.

Sec. 4. 18 V.S.A. § 1130(b)(1) is amended to read:

(b)(1) The department of health shall establish an immunization pilot program with the ultimate goal of ensuring universal access to vaccines for all Vermonters at no charge to the individual and to reduce the cost at which the state may purchase vaccines. The pilot program shall be in effect from January 1, 2010, through December 31, 2014. During the term of the
pilot program, the department shall purchase, provide for the distribution of, and monitor the use of vaccines as provided for in this subsection and subsection (c) of this section. The cost of the vaccines and an administrative surcharge shall be reimbursed by health insurers as provided for in subsections (e) and (f) of this section.

Sec. 5. APPROPRIATION

For the 2013 fiscal year, $40,395.00 shall be appropriated from the Global Commitment fund to the Vermont department of health for the purpose of improving the immunization rates of communities with low immunization rates or high provisional admittance rates. There shall be appropriated to the agency of human services $17,600.00 in general funds and $22,795.00 in federal funds.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the bill ought to pass in concurrence with proposal of amendment as recommended by the committee on Health Care.

Thereupon, the bill was read the second time and pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? Rep. Keenan of St. Albans City moved to amend the recommendation of proposal of amendment offered by the committee on Health Care, as follows:

By striking Sec. 5 in its entirety and renumbering the remaining section to be numerically correct. Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? Rep. Donahue of Northfield moved to amend the recommendation of proposal of amendment as follows:

By adding a new Sec. 5 to read as follows:

Sec. 5. REPORT

The Vermont department of health shall submit a report to the general assembly on or before January 15, 2014 containing data collected pursuant to 18 V.S.A. § 1124(a) for the purpose of informing future policy discussions regarding immunization exemptions.

and by renumbering the bill accordingly. Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? Reps. Clark of
**Vergennes and Fisher of Lincoln** moved to amend the recommendation of proposal of amendment as follows:

In Sec. 2, 18 V.S.A. § 1122, by striking subdivision (a)(3) and inserting in lieu thereof the following:

(3) If the person, or, in the case of a minor, the person’s parent or guardian states in writing annually provides a signed statement to the school or child care facility on a form created by the Vermont department of health that the person, parent, or guardian:

(A) has holds religious beliefs or philosophical convictions opposed to immunization;

(B) has reviewed and understands evidence-based educational material provided by the department of health regarding immunizations, including information about the risks of adverse reactions to vaccination; and

(C) understands that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease.

Pending the question, Shall the report of the Committee on Health Care be further amended as recommended by Rep. Clark of Vergennes? Rep. Clark of Vergennes demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Health Care be further amended as recommended by Rep. Clark of Vergennes? was decided in the affirmative. Yeas, 130. Nays, 3.

Those who voted in the affirmative are:

- Acinapura of Brandon
- Ancel of Calais
- Andrews of Rutland City
- Atkins of Winooski
- Bartholomew of Hartland
- Batchelor of Derby
- Botzow of Pownal
- Bouchard of Colchester
- Branagan of Georgia
- Browning of Arlington
- Burditt of West Rutland
- Buxton of Tunbridge
- Campion of Bennington
- Canfield of Fair Haven
- Cheney of Norwich
- Christie of Hartford
- Clark of Vergennes
- Clarkson of Woodstock
- Conquest of Newbury
- Copeland-Hanzas of Bradford
- Courcelle of Rutland City
- Crawford of Burke
- Dakin of Chester
- Deen of Westminster
- Degree of St. Albans City
- Devereux of Mount Holly
- Dickinson of St. Albans
- Town
- Donaghy of Poultney
- Donovan of Burlington
- Eckhardt of Chittenden
- Edwards of Brattleboro
- Ellis of Waterbury
- Emmons of Springfield
- Evans of Essex
- Fagan of Rutland City
- Fisher of Lincoln
- Frank of Underhill
- French of Shrewsbury
- French of Randolph
- Gilbert of Fairfax
- Grad of Moretown
- Greshin of Warren
- Haas of Rochester
- Head of South Burlington
- Heath of Westford
- Hebert of Vernon
- Helm of Fair Haven
- Higley of Lowell
- Hooper of Montpelier
- Howrigan of Fairfield
- Hubert of Milton
- Jerman of Essex
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Jewett of Ripton
Johnson of South Hero
Johnson of Canaan
Keenan of St. Albans City
Kitzmiller of Montpelier
Klein of East Montpelier
Koch of Barre Town
Komline of Dorset
Krowinski of Burlington
Kupersmith of South Burlington
Larocque of Barnet
Lawrence of Lyndon
Lenes of Shelburne
Leriche of Hardwick
Lewis of Berlin
Lewis of Derby
Lippert of Hinesburg
Lorber of Burlington
Macaig of Williston
Malcolm of Pawlet
Manwaring of Wilmington
Marcotte of Coventry
Marek of Newfane
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McAllister of Highgate
McCullough of Williston
McFaun of Barre Town
Miller of Shaftsbury
Mook of Bennington
Moran of Wardsboro
Mrowicki of Putney
Munger of South Burlington
Myers of Essex
Nuovo of Middlebury
Olsen of Jamaica
O'Sullivan of Burlington
Partridge of Windham
Pearce of Richford
Pearson of Burlington
Peaslee of Guildhall
Peltz of Woodbury
Perley of Enosburgh
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Ralston of Middlebury
Ram of Burlington
Reis of St. Johnsbury
Russell of Rutland City
Savage of Swanton
Sharpe of Bristol
Shaw of Pittsford
Smith of New Haven
South of St. Johnsbury
Spengler of Colchester
Stevens of Waterbury
Stevens of Shoreham
Strong of Albany
Stuart of Brattleboro
Sweaney of Windsor
Taylor of Barre City
Till of Jericho
Toll of Danville
Treiber of Rockingham
Waite-Simpson of Essex
Webb of Shelburne
Wilson of Manchester
Winters of Williamstown
Wizowaty of Burlington
Woodward of Johnson
Wright of Burlington
Yantaschka of Charlotte
Young of Glover
Zagar of Barnard

Those who voted in the negative are:

Donahue of Northfield  Kilmartin of Newport City  Shand of Weathersfield

Those members absent with leave of the House and not voting are:

Aswad of Burlington  Consejo of Sheldon  McNeil of Rutland Town
Bissonnette of Winooski  Corcoran of Bennington  Morrissey of Bennington
Bohi of Hartford  Davis of Washington  O'Brien of Richmond
Brennan of Colchester  Howard of Cambridge  Townsend of Randolph
Burke of Brattleboro  Krebs of South Hero
Condon of Colchester  Lanpher of Vergennes

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

Clark-Fisher Amendment No. Parts (B) and (C) unconstitutionally coerce speech and affirm the truth of unverifiable facts, particularly in part (C). No disease is 100% preventable by vaccine. Part (C) represents a flat earth mentality. While well-intentioned, its wording is devilish when precisely applied.”
Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? Rep. Donahue of Northfield moved to amend the recommendation of proposal of amendment as follows:

In Sec. 1, 18 V.S.A. § 1121, by adding subsection (d) to read as follows:

(d) If, after comparing school immunization rates made publicly available pursuant to subsection (e) of this section, a vaccinated person or, if the person is a minor, the person’s parent or guardian has concerns about the risks to the person from unvaccinated students enrolled in the school maintained by the person’s school district of residence, then the person may enroll in a public school maintained by an adjoining school district with a higher immunization rate. The school district of residence shall pay tuition for the person pursuant to 16 V.S.A. §§ 823 and 824.

Which was disagreed to in a Division vote. Yeas, 34. Nays, 88.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? Reps. Poirier of Barre City and Koch of Barre Town moved to amend the recommendation of proposal of amendment as follows:

First: By striking Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. 18 V.S.A. § 1122(a) is amended to read:

(a) A person may remain in school or in the child care facility without a required immunization:

* * *

(3) If the person, or, in the case of a minor, the person’s parent or guardian states in writing that the person, parent, or guardian has religious or philosophical convictions opposed to immunization.

Second: In Sec. 3, 18 V.S.A. § 1124, subsection (a), in the second sentence, by striking “, philosophical.”

Pending the question, Shall the report of the Committee on Health Care be amended as recommended by Reps. Poirier of Barre City and Rep. Koch of Barre Town? Rep. Poirier of Barre City demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Health Care be amended as recommended by Reps. Poirier of Barre City and Rep. Koch of Barre Town? was decided in the negative. Yeas, 36. Nays, 93.
Those who voted in the affirmative are:

Buxton of Tunbridge       Gilbert of Fairfax       McFaun of Barre Town
Campion of Bennington     Heath of Westford       Miller of Shaftsbury
Christie of Hartford      Helm of Fair Haven     Myers of Essex
Clarkson of Woodstock     Howrigan of Fairfield   O'Sullivan of Burlington
Dakin of Chester          Hubert of Milton       Poirier of Barre City *
Degree of St. Albans City Jerman of Essex       Potter of Clarendon
Dickinson of St. Albans   Keenan of St. Albans City Savage of Swanton
Town                      Koch of Barre Town     Shand of Weathersfield
Donaghy of Poultney       Komline of Dorset      Till of Jericho
Donahue of Northfield *   Lewis of Derby         Toll of Danville
Evans of Essex            Lorber of Burlington    Turner of Milton
Fagan of Rutland City     Macaig of Williston    
French of Randolph        Marek of Newfane

Those who voted in the negative are:

Acinapura of Brandon      Higley of Lowell       Pearce of Richford
Ancel of Calais           Hooper of Montpelier    Pearson of Burlington
Andrews of Rutland City * Johnson of South Hero * Peltz of Woodbury
Atkins of Winooski *      Johnson of Canaan      Perley of Enosburgh
Bartholomew of Hartland   Kilmartin of Newport City Pugh of South Burlington
Batchelor of Derby        Kitzmiller of Montpelier Ralston of Middlebury
Botzow of Pownal          Klein of East Montpelier Ram of Burlington
Bouchard of Colchester    Krowinski of Burlington Reis of St. Johnsbury
Branagan of Georgia       Kupersmith of South    Russell of Rutland City
Browning of Arlington     Burlington            Scheuermann of Stowe
Burditt of West Rutland   Canfield of Fair Haven Sharpe of Bristol
Canfield of Fair Haven    Cheney of Norwich      Shaw of Pittsford
Cheney of Norwich         Lawrence of Lyndon     Smith of New Haven
Clark of Vergennes        Lenes of Shelburne     South of St. Johnsbury
Conquest of Newbury       Leriche of Hardwick   Spengler of Colchester
Copeland-Hanzas of        Lewis of Berlin        Stevens of Waterbury
Bradford                  Lippert of Hinesburg   Stevens of Shoreham
Courecelle of Rutland City Malcolm of Pawlet    Stuart of Brattleboro
Crawford of Burke         Manwaring of Wilmington Sweaney of Windsor
Devereux of Mount Holly   Marcotte of Coventry    Taylor of Barre City
Donovan of Burlington     Martin of Springfield    Triebel of Rockingham
Eckhardt of Chittenden    Martin of Wolcott      Waite-Simpson of Essex *
Edwards of Brattleboro    Masland of Thetford    Webb of Shelburne
Emmons of Springfield     McAllister of Highgate  Web of Manchester
Fisher of Lincoln         McCullough of Williston Wizowaty of Burlington *
Frank of Underhill        Mook of Bennington     Woodward of Johnson
French of Shrewsbury      Moran of Wardsboro     Wright of Burlington
Grad of Moretown          Mrowicki of Putney     Yantachka of Charlotte
Greshin of Warren         Munger of South Burlington Young of Glover
Haas of Rochester         Nuovo of Middlebury   Zagar of Barnard
Head of South Burlington  Olsen of Jamaica      
Hebert of Vernon          Partridge of Windham   

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Those members absent with leave of the House and not voting are:

Aswad of Burlington
Bissonnette of Winooski
Bohi of Hartford
Brennan of Colchester
Burke of Brattleboro
Condon of Colchester
Consejo of Sheldon
Deen of Westminster
Ellis of Waterbury
Howard of Cambridge
Krebs of South Hero
Lanpher of Vergennes
McNeil of Rutland Town
Morrissey of Bennington
O'Brien of Richmond
Strong of Albany
Townsend of Randolph
Winters of Williamstown

Rep. Andrews of Rutland City explained her vote as follows:

“Mr. Speaker:

I believe, at this time, education and information are the best way to increase vaccination rates. I remain deeply concerned about children with medical conditions who cannot be vaccinated.

With every right comes a responsibility. I hope that parents will educate themselves about how their choices for their own children will affect other, often very vulnerable children and consider their responsibilities toward all children high in their hearts and minds as they exercise their rights to make their decisions.”

Rep. Atkins of Winooski explained his vote as follows:

“Mr. Speaker:

I vote ‘no’ to remove the philosophical exemption. If the child is in school, the school can set up a program and encourage families to become current in their shots. Education is the key. If a child is not in school, we have no control and our kids will still play together thus increasing the risk of contamination.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

The fundamental issue before us is whether public health protection requires removal of an exemption that allows parents to make their own decision about the cost-benefit of vaccines. I am far from convinced that it does. However, the alternative is the underlying amendment that directly states that the failure to complete vaccinations does increase risk to others, yet says we will permit those decisions regardless. That I cannot support.”

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I am disappointed with the vote, but I appreciate the spirit of the debate.”
Rep. Waite-Simpson of Essex explained her vote as follows:

“Mr. Speaker:

If Vermont’s vaccination rates do not increase as a result of our additional outreach and education, I’ll be the first one to suggest removing the philosophical exemption. But we first need to try this less intrusive and less offensive option. Once we remove a civil liberty, it will likely never return.”

Rep. Wizowaty of Burlington explained her vote as follows:

“Mr. Speaker:

It seems clear most of us share the goal of increasing the number of people – children and adults – who are immunized against infectious diseases. I would honestly prefer we have no religious or philosophical exemption. But since we do, I’m afraid that the conversation has become so polarized that removing the philosophical exemption at this point may have the opposite effect, hardening parents’ positions and potentially driving them further away from the health care system. I will put my faith instead in greater education.”

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? Rep. Fisher of Lincoln moved to amend the recommendation of proposal of amendment as follows:

First: in Sec. 1, 18 V.S.A. § 1121(c), by adding a second sentence to read:

“Notwithstanding section 1120 of this title, for the purposes of this subsection only, the term “child care facility” shall exclude a family day care home licensed or registered under 33 V.S.A. chapter 35.”

Second: in Sec. 2, 18 V.S.A. § 1122, by adding a subsection (c) to read:

(c) A form signed pursuant to subdivision (a)(3) of this section and the fact that such a form was signed shall not be:

(1) construed to create or deny civil liability for any person; or
(2) admissible as evidence in any civil proceeding.

Which was agreed to.

Thereupon, the report of the committees on Health Care, as amended, and Appropriations agreed to and third reading was ordered.

Adjournment

At six o'clock and forty-five minutes in the evening, on motion of Rep. Turner of Milton, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.