

Introduced by Committee on Government Operations and Military Affairs

Date:

Subject: Professional and occupations; miscellaneous amendments

Statement of purpose of bill as introduced: This bill proposes to amend various provisions of the statutes governing professions and occupations to adjust the scope and amounts of fees associated with professional licensure, authorize the Office to apply a disciplinary action surcharge following a finding of unprofessional conduct, require cosmetologists to be trained in the care of textured hair, require licensed nursing assistants to take a competency exam after their license has lapsed for a period of not more than five years, remove motor vehicle racing from the regulatory authority of the Office of Professional Regulation, repeal provisions relating to escrow agents for prepaid funeral expenses, and add the position of Executive Officer for the Regulation of Mental Health Professions.

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

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* OPR Fees and Fund Management \* \* \*

Sec. 1. 3 V.S.A. § 118 is amended to read:

§ 118. COLLECTION AND DISPOSITION OF REVENUE

1 (a) There is hereby created a Secretary of State Services Fund. The Fund  
2 shall be used to provide appropriations for the operations of the Office of the  
3 Secretary of State, with the exception of those operations provided for in  
4 chapter 5, subchapter 3 of this title. The Fund shall be administered as a  
5 special fund pursuant to 32 V.S.A. chapter 7, subchapter 5. At the end of each  
6 fiscal year, the unobligated balance in this Fund shall be transferred to the  
7 General Fund.

8 (b) All revenues collected by the Secretary of State shall be deposited into  
9 the Secretary of State Services Fund except for the following revenues:

10 (1) any revenues collected by the Office of Professional Regulation set  
11 forth in chapter 5, subchapter 3 of this title; and

12 (2) any revenues collected pursuant to subsection 117(k) of this title.

13 (c) The Secretary of State shall have the authority to collect and deposit  
14 into the Secretary of State Services Fund revenues generated from optional  
15 services offered in the normal course of business, including for one-time or  
16 periodic sales of data by subscription or other contractual basis.

17 Sec. 2. 3 V.S.A. § 125 is amended to read:

18 § 125. FEES

19 (a) In addition to the fees otherwise authorized by law, a board or advisor  
20 profession may charge the following fees:

21 (1) Verification of license, ~~\$20.00~~ \$30.00.

\* \* \*

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

\* \* \*

(4) Biennial renewal, \$275.00, except biennial renewal for:

\* \* \*

(W) Electrology shop, \$200.00.

\* \* \*

(9) Apprenticeship application, \$50.00.

(10) Specialty or endorsement to existing license application, \$100.00.

(11) Disciplinary action surcharge, \$250.00.

(c) ~~Notwithstanding any provisions of law to the contrary, a board shall not require payment of renewal fees for years during which a license was lapsed.~~  
[Repealed.]

\* \* \*

\* \* \* 2027 Fee Increase; Peer Support Providers \* \* \*

Sec. 3. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

\* \* \*

1 (b) Unless otherwise provided by law, the following fees shall apply to all  
2 professions regulated by the Director in consultation with advisor appointees  
3 under Title 26:

4 \* \* \*

5 (4) Biennial renewal, \$275.00, except biennial renewal for:

6 \* \* \*

7 (V) Peer support providers or peer recovery support specialists,  
8 ~~\$50.00~~ \$75.00.

9 \* \* \*

10 \* \* \* OPR Duties and Disciplinary Authority \* \* \*

11 Sec. 4. 3 V.S.A. § 123 is amended to read:

12 § 123. DUTIES OF OFFICE

13 \* \* \*

14 (k) For any profession attached to it, the Office shall provide a pre-  
15 application determination of an individual's criminal background. This  
16 determination shall not be binding on the Office in a future application if the  
17 individual violates probation or parole or is convicted of another crime  
18 following the determination.

19 \* \* \*

20 (2) The individual shall submit this request online, accompanied by the  
21 fee for preapplication determinations set forth in section 125 of this

1 subchapter. ~~If the individual thereafter applies for licensure, this~~  
2 ~~preapplication fee shall be deducted from that license application fee.~~

3 \* \* \*

4 (m) The provisions of subsection 116a(b) of this title shall not apply to the  
5 Office. The Office shall utilize the procedures within 26 V.S.A. chapter 57 to  
6 review whether regulation of a profession is still necessary.

7 Sec. 5. 3 V.S.A. § 127 is amended to read:

8 § 127. UNAUTHORIZED PRACTICE

9 \* \* \*

10 (b)(1) A person practicing a regulated profession without authority or an  
11 employer permitting such practice may, upon the complaint of the Attorney  
12 General or a State's Attorney or an attorney assigned by the Office of  
13 Professional Regulation, be enjoined therefrom by the Superior Court where  
14 the violation occurred or the Washington County Superior Court and may be  
15 assessed a civil penalty of not more than \$5,000.00.

16 (2)(A) The Attorney General or an attorney assigned by the Office of  
17 Professional Regulation may elect to bring an action seeking only a civil  
18 penalty of not more than ~~\$2,500.00~~ \$5,000.00 for practicing or permitting the  
19 practice of a regulated profession without authority before the board having  
20 regulatory authority over the profession or before an administrative law officer.

21 \* \* \*

1       Sec. 6. 3 V.S.A. § 129 is amended to read:

2       § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

3               PROFESSIONS; DISCIPLINE PROCESS

4               (a) In addition to any other provisions of law, a board or the Director, in the  
5       case of professions that have advisor appointees, may exercise the following  
6       powers:

7                               \* \* \*

8               (3) Issue warnings or reprimands, suspend, revoke, limit, condition,  
9       deny, or prevent renewal of licenses, after disciplinary hearings or, in cases  
10      requiring emergency action, immediately suspend, as provided by section 814  
11      of this title. In a case involving noncompliance with a statute or rule relating  
12      to administrative duties not related to patient, client, or customer care, a board  
13      or hearing officer may determine that ordering a monetary civil penalty does  
14      not constitute a finding of unprofessional conduct. After a finding of  
15      unprofessional conduct, a respondent shall pay a disciplinary action surcharge  
16      pursuant to subdivision 125(b)(12) of this title. The proceeds from the  
17      disciplinary action surcharge shall be deposited into the Professional  
18      Regulatory Fee Fund.

19                               \* \* \*

20                               \* \* \* Cosmetology Certificate of Approval \* \* \*

1       Sec. 7. 26 V.S.A. § 281 is amended to read:

2       § 281. POSTSECONDARY SCHOOL OF BARBERING AND  
3               COSMETOLOGY; CERTIFICATE OF APPROVAL

4       (a) A school of barbering or cosmetology shall not be granted a certificate  
5       of approval unless the school:

6                               \* \* \*

7               (4) Requires a school term of training consistent with formal training  
8       requirements established by rule, which shall include practical demonstrations  
9       and theoretical studies in sanitation, sterilization, the use of antiseptics, and the  
10      use of appliances, devices, treatments, ~~and~~ preparations relevant to the field of  
11      licensure, and training on the care, styling, and treatment of textured hair. For  
12      purposes of this subdivision, “textured hair” means hair that is coiled, curly, or  
13      wavy. The training on the care, styling, and treatment of textured hair shall  
14      include:

15              (A) techniques for cutting, styling, and chemical treatments for  
16      textured hair;

17              (B) knowledge of products and tools specifically designed for  
18      textured hair;

19              (C) best practices for hair health and scalp care for clients with  
20      textured hair; and



Sec. 9. 3 V.S.A. § 122 is amended to read:

## § 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be qualified by education and professional experience to perform the duties of the position. The Director of the Office of Professional Regulation shall be a classified position with the Office of the Secretary of State. The following boards or professions are attached to the Office of Professional Regulation:

\* \* \*

(21) ~~Motor Vehicle Racing~~ [Repealed.]

\* \* \*

Sec. 10. 26 V.S.A. § 1272 is amended to read:

## § 1272. RULES; PREPAID FUNERAL FUNDS

The Director shall adopt rules to carry out the provisions of this subchapter to ensure the proper handling of all funds paid pursuant to a prepaid funeral agreement and to protect consumers in the event of default. The rules shall include provisions relating to the following:

\* \* \*

~~(2) The appointment of an escrow agent who may be a bank or other category of individual such as an attorney, a local elected official, next of kin, or the executor of a buyer's estate. All prepaid arrangement funds shall be paid~~

~~directly to the escrow agent and not to the funeral director or establishment.~~

[Repealed.]

\* \* \*

Sec. 11. REPEALS

(a) 26 V.S.A. § 1275 (prepaid funeral expenses; duties of escrow agents) is repealed.

(b) 26 V.S.A. chapter 93 (motor vehicle racing) is repealed.

\* \* \* Position; Executive Officer for the Regulation of Mental Health

Professions \* \* \*

Sec. 12. OFFICE OF PROFESSIONAL REGULATION; POSITION;

APPROPRIATION

(a) The position of one new, permanent, full-time, exempt Executive Officer for the Regulation of Mental Health Professions is created in the Office of Professional Regulation.

(b) The sum of \$170,000.00 is appropriated to the Office of Professional Regulation from the General Fund in fiscal year 2026 for the creation of the position of Executive Officer for the Regulation of Mental Health Professions in the Office of Professional Regulation.

\* \* \* Report; Massage Therapy Establishments \* \* \*

1      Sec. 13. OFFICE OF PROFESSIONAL REGULATION; REPORT;

2                      MASSAGE THERAPY ESTABLISHMENTS

3              On or before November 15, 2025, the Office of Professional Regulation, in  
4              consultation with interested stakeholders, shall submit to the House Committee  
5              on Government Operations and Military Affairs and the Senate Committees on  
6              Government Operations a written report containing proposed legislation for the  
7              regulation of massage therapy establishments, as defined in 26 V.S.A.  
8              § 5401(2)(A).

9                              \* \* \* Effective Dates \* \* \*

10      Sec. 14. EFFECTIVE DATES

11              This act shall take effect on July 1, 2025, except that Sec. 3 (fees; peer  
12              support providers) shall take effect on July 1, 2027.