



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: January 12, 2022, Virtually via Microsoft Teams; Physical Location in Montpelier, VT
Members Present: Chair Douglas Farnham, Diane Bothfeld, Jennifer Mojo, John Kessler, Diane Sherman, Clare O’Shaughnessy and Michael Obuchowski
Members Absent: Dirk Anderson
Minutes By: Melissa Mazza-Paquette

- 1:01 p.m. meeting called to order, welcome and introductions.
 - New appointments by Governor Scott on December 23, 2021:
 - Chair Doug Farnham, Agency of Administration
 - Member Brendan Atwood, Agency of Human Services
 - Resignation effective January 13, 2022:
 - Dirk Anderson, Department of Labor
- Review and approval of minutes from the [December 15, 2021](#) meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Note: The following emergency rules were supported by ICAR Chair Farnham:
 - ‘PUC Emergency Rule 2.600 COVID-19 Emergency Disconnection Rule’ by the Public Utility Commission, on January 4, 2022.
 - On July 15, 2021, the moratorium on gas, electric, and basic telephone disconnections was lifted in order to encourage greater participation in the Vermont COVID-19 Arrearage Assistance Program II (“VCAAP II”) and the Vermont Emergency Rental and Utility Assistance Program (“VERAP”) that distribute federal funds. On June 15, 2021, the statutory moratorium on water disconnections was lifted. The VCAAP II stopped taking applications in October 2021, but the VERAP continues to take applications until September 2022 or later. This rule encourages continued participation in the arrearage and financial support programs available to utility customers and provides enhanced consumer protections to customers who may be experiencing financial hardship due to COVID-19.
 - ‘Emergency Administrative Rules for Remote Hearings for the Board of Medical Practice’ by the Agency of Human Services, Department of Health, on January 6, 2022.
 - The proposed rule establishes the process for the Board to conduct virtual hearings.
- Presentation of Proposed Rules on pages 2-4 to follow.
 1. Immigrant Health Insurance Plan, Department of Vermont Health Access, page 2
 2. Rule 3: Medical Cannabis, Cannabis Control Board, page 3
 3. Rule 4: Compliance and Enforcement, Cannabis Control Board, page 4
- Next scheduled meeting is February 14, 2022 at 2:00 p.m.
- 3:05 p.m. meeting adjourned.

**Proposed Rule: Immigrant Health Insurance Plan, Department of Vermont Health Access
Presented By: Danielle Fuoco**

Motion made to accept the rule by John Kessler, seconded by Diane Bothfeld, and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Proposed Filing, Coversheet, #5: Review for confidentiality.
2. Proposed Filing, Coversheet, #6: Verify 33 V.S.A. 2902 (d) – perhaps it should be 2092.
3. Proposed Filing, Coversheet, #12: Use more direct language pertaining to the budget impact.
4. Economic Impact Analysis, #3: Include changes in #12 above.
5. Economic Impact Analysis, #5: Change to ‘none’ with explanation.
6. Economic Impact Analysis, #7: Change to ‘non appropriate’ and explain.
7. Public Input Maximization Plan #3: Update to include public engagement.
8. Public Input Maximization Plan #4: Include UVM Migrant Education. Diane Bothfeld can provide contact information if needed.
9. Proposed Rule 7.02(g): May want to include more flexibility.
10. Proposed Rule 7.02(h)(2): Change ‘reasonable’ to ‘reasonably’.

Proposed Rule: Rule 3: Medical Cannabis, Cannabis Control Board
Presented By: David Scherr

Motion made to accept the rule by Brendan Atwood, seconded by Mike Obuchowski, and passed unanimously with the following recommendations:

1. Proposed Filing Coversheet, #9: Consult with the Department of Public Safety regarding the potential to repeal their rules.
2. Proposed Filing Coversheet, #12: Clarify 'significant'.
3. Economic Impact Analysis, #3: Include the estimated costs and benefits anticipated.
4. Incorporation by Reference: Cross reference Vermont rules.
5. Scientific Information Statement, #5: Provide instructions.
6. Proposed Rule, Section 3.1.1: Review the authority sections for appropriateness; include page numbers if deemed helpful; include 7 V.S.A. §§ 881 and §§ 956; remove §§ 971; add (b) to §§ 975, (b)(2) to §§ 976, and (d) to §§ 978; state that there are fees addressed in the rule; and articulate what other applicable laws.
7. Proposed Rule, including Section 3.1.5: Move all define terms to the definitions section.
1. Proposed Rule, Section 3.9: Change language to 'will keep information confidential' and clarify what information.

Proposed Rule: Rule 4: Compliance and Enforcement, Cannabis Control Board
Presented By: David Scherr

Motion made to accept the rule by John Kessler, seconded by Diane Bothfeld, and passed unanimously with the following recommendations:

2. Proposed Filing Coversheet, 2nd paragraph: Include ‘beneficial’ after ‘significant’ and state the overall potential savings and benefits.
3. Economic Impact Analysis, #3: Provide the economic cost summary.
4. Economic Impact Analysis, #7: Identify the net benefit of the rule.
5. Environmental Impact Analysis, #3: Change ‘if’ to ‘as’ “...can be curbed or mitigated **if** the state of Vermont...”.
6. Public Input #3:
 - a. Clarify ‘lived experience’ – perhaps change to something like ‘with experience personally’.
 - b. Include a word between ‘advocates’ and ‘commercial’ and clarify the paragraph of “Board members have individually had extensive discussions with members of the public and various experts and advocates commercial cannabis businesses, including enforcement concerns.”
 - c. In the last paragraph:
 - i. Include 'its' between 'provided' and 'national'.
 - ii. Clarify ‘comments’ – perhaps it should refer to ‘commentators’.
7. Incorporation by Reference: Cross reference Vermont rules.
8. Proposed Rule, including Section 4.1.5(b): Move all define terms to the definitions section.
9. Proposed Rule, including Section 4.1.1: Include subsection (b) to 7. V.S.A. §§ 863 are identify other applicable law.
10. Proposed Rule, including Section 4.5.2.(r): Consider including monetary penalties in addition to the suspension, perhaps with reinstation.
11. Proposed Rule, Section 4.5: Reorder so the progression of penalties escalates in order or clarify in the beginning how it reads now.
12. Proposed Rule, Section 4.5.1(t): Clarify during the upcoming notice and comment period if it’s ‘and/or’, ‘and’, or ‘or’.
13. Proposed Rule, Section 4.14: Change language to ‘will keep information confidential’ and clarify what information.