



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** January 9, 2023, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Brendan Atwood, Diane Bothfeld, Jennifer Mojo, John Kessler, Diane Sherman, Mike Obuchowski and Donna Russo-Savage

**Members Absent:** Jared Adler

**Minutes By:** Melissa Mazza-Paquette

- 2:01 PM meeting called to order, welcome and introductions.
- Review and approval of minutes from the [December 12, 2022](#) meeting.
- Original agenda approved as drafted with the following change:
  - The next scheduled meeting was moved from Monday, February 13, 2023 to Wednesday, February 22, 2023, 2:00 PM.
- No public comments made.
- Presentation of Proposed Rules on pages 2-8 to follow.
  1. HazMat Transportation & Motor Carrier Safety Standards, Agency of Transportation, Department of Motor Vehicles, page 2
  2. Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board, page 3
  3. Rule 2: Regulation of Cannabis Establishments, Cannabis Control Board, page 4
  4. Rule 4: Compliance and Enforcement, Cannabis Control Board, page 5
  5. Home Visiting Rule, Vermont Department of Health, page 6
  6. STep Ahead Recognition System (STARS) Rules, Department for Children and Families, page 7
  7. Privacy of Consumer Financial and Health Information, Department of Financial Regulation, page 8
- Other business: Diane Bothfeld noted her upcoming retirement from the State of Vermont this month and therefore this was her last ICAR meeting.
- 3:32 PM meeting adjourned.

**Presented By:** Michael Smith, Adam Pockette, and Anthony Facos

ICAR did not vote on moving the rule forward as there appeared to be two separate proposed rules in the one proposed filing presented. The Committee suggested the Agency of Transportation return to ICAR with two separate proposed rule filings: one for each separate proposed rule.

Recommendations discussed when submitting new filings include:

1. Proposed Filing – Coversheet:
  - a. #6: Include the specific statutory or legal citation from session law indicating who the adopting entity is and who the signatory should be.
  - b. #7: Describe *how* the rule is within the authority of the agency.
  - c. #8: Describe the rule holistically and further describe what is changing and being proposed.
  - d. #10: Explain *how* the rule is not arbitrary as defined in 3 V.S.A. § 801(b)(13)(A).
  - e. #12: Include all economic impact, including positive.
  - f. #13-15: Host public hearings and include a virtual option to attend.
2. Adopting Page, #4: Include.
3. Economic Impact Analysis: Clarify if there is a cost and the impacts.
4. Proposed Rule:
  - a. Under action 3, state the statutory authority under the Agency of Transportation to delegate the permitting function to the Agency of Natural Resources; and explain in the proposed filing forms as well.
  - b. Clarify the change of trains, boats, etc. being crossed out and who is responsible for the transport of hazardous materials.

**Proposed Rule:** Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board

**Presented By:** Brynn Hare

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

1. Proposed Filing Coversheet:
  - a. #6: Include the specific citation, who the entity is and who is authorized to sign.
  - b. #7: Revise to include how the rule is within the authority of the agency.
  - c. #8 and #9: Include more details as to proposed changes and what the proposed rule specifically is doing.
  - d. #10, 2<sup>nd</sup> paragraph: Change ‘heard’ to ‘considered’.
  - e. #12: Check for spelling and grammar.
  - f. #12, 3<sup>rd</sup> sentence: Expand upon for clarity.
  - g. #14: Include details for a virtual option once known.
2. Economic Impact Analysis:
  - a. #3: Include the estimated costs and benefits anticipated.
  - b. #6, 2<sup>nd</sup> sentence: Clarify ‘that may’ language.
  - c. #6, Paragraph beginning with ‘Third...’: For clarity, be more specific regarding ‘few businesses’ – perhaps include a range.
3. Public Input Maximization Plan: Include all ways the proposed rule will be publicized outside of the CCB website.

**Proposed Rule:** Rule 2: Regulation of Cannabis Establishments, Cannabis Control Board

**Presented By:** Brynn Hare

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

1. Proposed Filing Coversheet:
  - a. #5, Include exemption for the public records act for trade secrets.
  - b. #7: Revise to include how the rule is within the authority of the agency.
  - c. #8 and #9: Include more details as to proposed changes and what the proposed rule specifically is doing.
  - d. #14: Include a virtual option when scheduling.
2. Economic Impact Analysis:
  - a. #3: Include the estimated costs and benefits anticipated.
3. Scientific Information Statement, #5: Correct website links.
4. Incorporation by Reference: Form not necessary.
5. Proposed Rule, Section 2.2.22, page 16: Correct 'reasonable' to 'reasonably'.

**Proposed Rule:** Rule 4: Compliance and Enforcement, Cannabis Control Board

**Presented By:** Brynn Hare

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

1. Proposed Filing Coversheet:
  - a. #7: Revise to include how the rule is within the authority of the agency.
  - b. #8 and #9: Include more details as to proposed changes and what the proposed rule specifically is doing.
  - c. #12: Include data, projected data, or a range on how much one amendment could increase. Include any favorable impacts.
  - d. #14: Include a virtual option when scheduling.
2. Economic Impact Analysis:
  - a. #3: Include the estimated costs and benefits anticipated. Rephrase and clarify 'won't have a significant impact'; quantify if possible, including data and/or range.
  - b. #6: Remove 'a' before 'no impact...'
  - c. #7: Narrow and modify regarding the amendment addition of the appeal.
3. Incorporation by Reference: Form not necessary.
4. Proposed Rule: Include who the hearing officer is.

**Proposed Rule:** Home Visiting Rule, Vermont Department of Health

**Presented By:** Natalie Weill

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

1. Proposed Filing – Coversheet:
  - a. #8: Clarify type of home providers.
  - b. #14: Include details for a virtual option.
2. Economic Impact Analysis, #6: Expand and include any positive economic impacts.

**Presented By:** Heidi Moreau, Nicole Dubuque, and Leslie Bergeron

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Brendan Atwood who abstained, and Mike Obuchowski who lost his internet connection briefly right before voting, with the following recommendations:

1. Proposed Filing – Coversheet:
  - a. #8: Describe what is being changed. Include the impact to the childcare financial assistance program.
  - b. #14: Include details for a virtual option once known.
2. Economic Impact Analysis: Include the impact to the childcare financial assistance program.

**Proposed Rule:** Privacy of Consumer Financial and Health Information, Department of Financial Regulation

**Presented By:** Karla Nuisl

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

1. Proposed Filing – Coversheet:
  - a. #7: Explain *how* the rule is within the authority of the agency.
  - b. #9, #10, and throughout rule filing: Check for spelling errors.
2. Proposed Rule, page 3, Section 2: Change ‘C.’ to ‘B. (1) (b)’ and then change ‘D.’ to ‘C.’.