

SESSION HIGHLIGHTS 2015

The *2015 Session Highlights* summarizes significant legislation considered by the 2015 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the General Assembly Session covers legislative actions through *sine die* on Friday, February 27, 2015.

Agriculture

Passed

HB 1277/SB 955. Industrial hemp production and manufacturing. Allows the cultivation by licensed growers of industrial hemp as part of a university-managed research program. The bill defines industrial hemp as the plant *Cannabis sativa* with a concentration of THC no greater than that allowed by federal law, excludes industrial hemp from the definition of marijuana in the Drug Control Act, and bars the prosecution of a licensed grower under drug laws for the possession of industrial hemp as part of the research program.

HB 2330/SB 1440. Tobacco Indemnification and Community Revitalization Commission; financial viability and feasibility study prior to disbursement; Virginia Tobacco Region Revolving Fund. Renames the Tobacco Indemnification and Community Revitalization Commission as the Tobacco Region Revitalization Commission (the Commission) and requires it to contract with a manager to oversee Commission loans, grants, and other distributions of money. The bill requires the Commission to (i) adopt policies governing the Tobacco Region Opportunity Fund; (ii) require a dollar-for-dollar match from entities receiving grants; (iii) make no distribution to a tobacco-dependent community solely based on the historical production of tobacco; (iv) require each project to have an accountability matrix, provide a set of quantified outcome expectations and other figures, and demonstrate how it will address low employment levels or other indicators; (v) develop a strategic plan every two years; and (vi) establish a public database of awards. The bill also establishes the Virginia Tobacco Region Revolving Fund, the assets of which are to be used to make loans to local governments for the financing of any project.

Table of Contents

Agriculture.....	1
Business.....	2
Constitution.....	3
Courts/Civil Law.....	3
Criminal Justice.....	4
Education.....	4
Elections.....	5
FOIA.....	6
General Laws.....	6
Health.....	8
Housing.....	9
Motor Vehicles.....	9
Natural Resources.....	9
Social Services.....	9
Taxation.....	10
Technology.....	11
Transportation.....	12

Failed

HB 1290. Home-produced or farm-produced food products. Exempts food products and food made from milk processed or prepared in private homes or farms from Board of Agriculture and Consumer Services regulations, provided that (i) the sale is made directly to end consumers and (ii) the product is labeled with the producer's name and address, the product's ingredients, and a disclosure statement indicating that the product is not for resale and that it is processed and prepared without state inspection. The bill also exempts private homes or farms that meet the same conditions from examinations conducted by the State Health Commissioner of establishments in which crustacea, finfish, and shellfish are handled.

SB 1315. Nonhuman primates; penalties. Prohibits the acquisition of nonhuman primates and controls the ownership of such primates already in the Commonwealth. The bill prohibits the possession, sale, transfer, or breeding of a primate, defined as any species of the taxonomic order Primates except humans. The bill exempts from this prohibition certain institutions, such as zoos; qualified transporters passing through the Commonwealth; those in possession of a state or federal exhibitor's license; and those in lawful possession of a primate prior to July 1, 2015, as long as they meet certain conditions. Finally, the bill provides a procedure for the seizure of a primate in certain circumstances and establishes that a violation of any of its provisions is a Class 1 misdemeanor.

Business

Passed

HB 1360. Securities Act; crowdfunding exemption. Creates an exemption from the securities, broker-dealer, and agent registration requirements of the Securities Act for any security issued by a Virginia entity if (i) the offering is conducted in accordance with the federal exemption for intrastate offerings in § 3(a)(11) of the Securities Act of 1933 and Securities Exchange Commission Rule 147; (ii) the offer and sale are made only to Virginia residents; (iii) the aggregate price of the securities offered under the exemption does not exceed \$2 million or such other amount as the State Corporation Commission (SCC) establishes by rule or order; (iv) the maximum amount that may be invested by a purchaser who is not an accredited investor is \$10,000 or such

other amount as the SCC establishes by rule or order; (v) compensation is not paid to employees, agents, or other persons for the solicitation or based on the sale of such securities unless they are registered as a broker-dealer or agent, except as permitted by the SCC; (vi) neither the issuer nor any related person is subject to disqualification; and (vii) the security is sold in an offering conducted in compliance with conditions established by rule or order of the SCC. The SCC may assess a filing fee not to exceed \$500. The SCC is required to report annually on the implementation of the measure. The measure will expire on July 1, 2020.

HB 1940. Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from age two through 10. Currently, such coverage is required to be provided for individuals from age two through six. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016. The measure does not apply to policies, contacts, or plans issued in the individual market or the small group market, which effective January 1, 2016, will include employers with no more than 100 employees.

SB 1349. Electric utility regulation; suspension of reviews of earnings. Bars the State Corporation Commission (SCC) from conducting a biennial review of the rates, terms, and conditions for any service of (i) Dominion Virginia Power for the five test periods beginning January 1, 2015, and ending December 31, 2019, and (ii) Appalachian Power for the four test periods beginning January 1, 2014, and ending December 31, 2017 (the Transitional Rate Period). An investor-owned incumbent electric utility's existing tariff rates shall not be adjusted between the beginning of the Transitional Rate Period and the conclusion of the first biennial review after the conclusion of the Transitional Rate Period, except as permitted for fuel factor and purchased power cost adjustments, rate adjustment clauses, and emergency temporary rate increases. During the Transitional Rate Period, the SCC shall have the right to inspect the books, papers, and documents of any such utility and to require it to provide special reports and statements concerning its business. The SCC is directed to conduct two biennial proceedings for each

such utility during the Transitional Rate Period to determine what constitutes the utility's fair rate of return on common equity for use in connection with rate adjustment clauses. Dominion Virginia Power is prohibited from recovering from customers 50 percent of certain deferred fuel expenses, and the SCC is required to reduce the utility's fuel factor rate. Except for early retirement plans identified in an integrated resource plan filed by September 1, 2014, an electric utility shall not permanently retire an electric power generation facility from service during the Transitional Rate Period without first obtaining the SCC's approval, which may be granted if the SCC determines that the retirement is reasonable and prudent. During the Transitional Rate Period, an electric utility shall recover the costs associated with asset impairments related to early retirement determinations for utility generation facilities resulting from the implementation of carbon emission guidelines for existing electric power generation facilities issued pursuant to § 111(d) of the Clean Air Act, costs associated with severe weather events, and costs associated with natural disasters, only through its existing tariff rates for generation or distribution services. During the Transitional Rate Period, the SCC and Department of Environmental Quality shall provide reports that address issues related to the implementation of such carbon emission guidelines issued pursuant to the federal Clean Air Act. The measure also (i) authorizes a utility to recover, through a rate adjustment clause, the costs of constructing or purchasing solar energy facilities and (ii) requires Dominion Virginia Power and Appalachian Power to conduct and fund pilot programs for energy assistance and weatherization for low income, elderly, and disabled individuals in their respective service territories in the Commonwealth. The measure also requires each electric utility to file updated integrated resource plans.

Failed

SB 681. Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2015, to \$9.00 per hour effective July 1, 2016, and to \$10.10 per hour effective July 1, 2017, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA).

Constitution

Passed

SJ 256. Constitutional amendment (first resolution); charter schools. Grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth.

Courts/Civil Law

Passed

HB 1928/SB 1187. DNA analysis upon conviction of certain misdemeanors. The bill adds misdemeanor violations of §§ 16.1-253.2 (violation of a protective order), 18.2-60.3 (stalking), 18.2-60.4 (violation of a stalking protective order), 18.2-67.4:1 (infected sexual battery), 18.2-102 (unauthorized use of animal, aircraft, vehicle, or boat valued at less than \$200), 18.2-121 (entering property of another for purpose of damaging it), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display), and 18.2-479.1 (resisting arrest) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. Under current law, a sample is taken for DNA analysis from adults convicted of only five misdemeanor sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5 (attempted sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue). The bill also increases the fee collected for the withdrawal of the DNA sample from \$25 to \$53.

HB 2125/SB 1301. Use of unmanned aircraft systems by public bodies; search warrant required. Replaces the moratorium on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, that will expire on July 1, 2015, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply to certain search and rescue operations, certain Virginia National Guard functions, research and development conducted by institutions of higher education or other research organizations, or the

use of unmanned aircraft systems for private, commercial, or recreational use.

Criminal Justice

Passed

HB 1445/SB 1235. Possession or distribution of marijuana for medical purposes; epilepsy. Provides an affirmative defense in a prosecution for the possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil possessed pursuant to a valid written certification issued by a practitioner of medicine or osteopathy licensed by the Board of Medicine for purposes of treating or alleviating a patient's symptoms of intractable epilepsy. The bill provides that a practitioner shall not be prosecuted for distribution of marijuana under the circumstances outlined in the bill. The bill contains an emergency clause.

HB 1500/SB 892. Safe reporting of overdoses. Establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual sought or obtained emergency medical attention for himself or for another individual because of a drug- or alcohol-related overdose and if the evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention. The bill provides that the affirmative defense may only be invoked by an individual who (a) remains at the scene of the overdose or at any location to which he is transported for emergency medical attention until a law-enforcement officer responds to the report of an overdose or, if no law-enforcement officer is present at either the scene or the other location, cooperates with law enforcement, (b) identifies himself to the responding law-enforcement officer, and (c) cooperates, upon request, with any criminal investigation reasonably related to the drug or alcohol that resulted in the overdose. No individual may assert this affirmative defense if the emergency medical attention sought or obtained was during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

HB 1964/SB 1188. Commercial sex trafficking; penalties. Creates new felonies for trafficking of persons for commercial sexual activity. The bill provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to engage in prostitution with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of the solicited person from an act of prostitution is guilty of a Class 5 felony. Felonies are increased if the person exhibiting such behavior is an adult and the person solicited is a minor (Class 3 felony) and if force is used or threatened against the person solicited or the person's family or household member (Class 4 felony). The new crime was added to the definition of violent felony for the purposes of the sentencing guidelines, the Virginia Racketeer Influence and Corrupt Organization Act, multijurisdiction grand jury, and asset forfeiture and if a minor is solicited, the Sex Offender Registry. The bill also amends two existing Code sections related to receiving money for procuring a person for prostitution and receiving money from the earnings of a person engaged in prostitution to increase penalties if the receipt is from a minor.

Failed

SB 686. Marijuana; decriminalization of simple marijuana possession. Decriminalizes marijuana possession and changes the current \$500 criminal fine for simple marijuana possession to a maximum \$100 civil penalty payable to the Literary Fund and eliminates the 30-day jail sentence. The bill reduces the criminal penalties for distribution of marijuana and possession of marijuana with intent to distribute. The bill creates a rebuttable presumption that a person who grows no more than six marijuana plants does so only for personal use and not for distribution and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor.

Education

Passed

HB 324. Virginia Virtual School established. Establishes the Board of the Virginia Virtual School as a policy agency in the executive branch of state government for the purpose of governing the online

educational programs and services offered to students enrolled in the Virginia Virtual School. The Secretary of Education is responsible for such agency. The 13-member Board is given operational control of the School and assigned powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12.

HB 1626. Students receiving home instruction; participation in interscholastic programs. Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) is receiving home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to permit students receiving home instruction to participate in interscholastic programs. The bill has an expiration date of July 1, 2020.

HB 1930/SB 712. Institutions of higher education; reporting acts of sexual violence. Requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student or on campus property or other property related to the institution to report such information to the Title IX coordinator for the institution as soon as practicable. The bill requires the Title IX coordinator to report such information to a review committee which shall meet within 72 hours of the receipt of information of an alleged act of sexual violence and which shall include the Title IX coordinator, a representative of law

enforcement, and a student affairs representative. At the conclusion of the review committee meeting, the Title IX coordinator shall disclose the information regarding the alleged act of sexual violence, including personally identifiable information, to the law-enforcement agency responsible for investigating the alleged act, and the representative of law enforcement on the review committee shall consult with the local attorney for the Commonwealth in cases involving a felony sexual assault. The bill also requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service.

Failed

HB 2238. Parental Choice Education Savings Accounts. Permits the parents of certain students with disabilities to apply to their resident school division for a Parental Choice Education Savings Account, to consist of the student's Standards of Quality per pupil funds and to be used for certain educational expenses of the student. The bill also contains provisions for the audit and revocation of such accounts.

Elections

Passed

HB 1296/SB 1066. Vacancies in elected offices; term of office; special elections. Prohibits a special election to fill a vacancy in an office from being held on the same day as the general election at which that office is regularly scheduled to be filled. The bill further prohibits an election to fill a vacancy in the representation of the Commonwealth in the United States Congress from being ordered or held if the general or special election at which it is to be called is scheduled within 75 days of the end of the term of the office to be filled. The bill provides that the term of office of any person who is elected at a general election to an office that is vacant at the time of the election shall begin when the person so elected has qualified and taken the oath of office.

HB 1653. Voter identification; accepted forms of identification. Adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth. Students of public high schools

are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from both public and private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. The bill has a delayed effective date of January 2, 2016.

SB 1062. Election administration; presidential elections; officers of election and ballot scanner machines. Requires any precinct having more than 4,000 registered voters to have not less than five officers of election serving at a presidential election and requires the electoral board to appoint additional officers as may be needed to comply with this requirement. The bill also requires the governing body of a county or city that uses ballot scanner machines at elections to provide for any precinct having more than 4,000 registered voters not less than two such machines at a presidential election, but provides an exception for localities that determine a second scanner is not necessary at a particular precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections. Current law requires not less than three officers of election and at least one ballot scanner machine at each precinct.

FOIA

Failed

HB 2223. Virginia Freedom of Information Act; willful violations a misdemeanor; penalty. Provides that in addition to the civil enforcement provisions of FOIA, any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor.

General Laws

Passed

HB 1472/SB 1362. State song. Designates "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis, as the official traditional state song and "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett, as the official popular state song.

HB 1776/SB 1032. Alcoholic beverage control. Eliminates the Alcoholic Beverage Control Board (ABC) and replaces it with the Virginia Alcoholic Beverage Control Authority (the Authority). The bill provides for the appointment of the Board of Directors of the Authority by the Governor, to be confirmed by the General Assembly, and the appointment by the Governor of a Chief Executive Officer of the Authority, also to be confirmed by the General Assembly. The bill sets the eligibility requirements for appointment of both the Board members and the Chief Executive Officer, including background checks. The bill provides for the salary of Board members and the Chief Executive Officer and specifies that Board members and the Chief Executive Officer may only be removed for cause by the Governor. Among other things, the bill also (i) provides for the transfer of current ABC employees to the Authority, (ii) continues such employees' participation in the state health plan and Virginia Retirement System, and (iii) sets out the powers and duties of the Authority and the Chief Executive Officer. The bill contains numerous technical amendments. The bill has a delayed effective date of July 1, 2018, except that a provision for the Virginia Freedom of Information Advisory Council to include in its current FOIA study matters in this bill related to FOIA shall become effective July 1, 2015.

HB 1835/SB 1371. Virginia Public Procurement Act (VPPA); methods of procurement; job order contracting and cooperative procurement. Adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term., and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill and requires that by October 1, 2017, the Department of Small Business and Supplier

Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires for construction projects in excess of \$2 million, a public body, including public institutions of higher education, provide their justification for use of any procurement method, other than competitive sealed bidding, to the Director of the Department of General Services. The bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions.

HB 1826/SB 1097. Virginia Racing Commission (VRC); powers. Revises the Virginia horse racing statute in light of Colonial Downs' surrender of its unlimited license to own and operate the racetrack in New Kent County and the nine satellite facilities (OTBs) in Virginia. Specifically, the bill (i) revises the definition of licensee to permit any licensee to own or operate a race track; (ii) adds a definition of "recognized majority horsemen's group" to clarify that the VRC determines which organizations represent horse owners and trainers at race meets and a definition of "significant infrastructure limited licensee" (Colonial Downs); (iii) reallocates the source market fee paid by online wagering companies (account wagering) licensed by the VRC for specified and VRC-approved purposes; and (iv) establishes a simulcast escrow fund to allow OTB wagering to continue in the absence of a contract between a licensee and a recognized majority horsemen's group. The bill contains technical amendments.

HB 1908/SB 1034. Alcoholic beverage control; powdered or crystalline alcohol; penalty. Adds powdered or crystalline alcohol to the definition of alcoholic beverages, prohibits containers sold in or shipped into the Commonwealth from including powdered or crystalline alcohol, and creates a Class 1

misdeemeanor for anyone who purchases, possesses, offers for sale or use, sells, or uses a powdered or crystalline alcohol product.

SB 1424. State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel. Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons; however, such prohibition does not apply to gifts from personal friends. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request approval from the Virginia Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9, and requires there be bipartisan balance of the General Assembly members appointed to the Council. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Commonwealth's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a

civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

Failed

SB 716. Virginia Casino Gaming Commission; regulation of casino gaming; penalties. Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill specifies the licensing requirements for casino gaming and imposes penalties for violations of the casino gaming law. Under the bill, casino gambling shall be limited to localities in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or specified provisions of the Constitution of Virginia. The bill requires proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) 10 percent to the locality in which the casino gaming operation is located and (ii) 90 percent into the Toll Mitigation Fund.

Health

Passed

HB 1458/SB 1186. Naloxone; administration in cases of opiate overdose. Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health; that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose; and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency.

HB 1499/SB 1427. Right to breastfeed in public places. Provides that a mother may breastfeed in any

place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth.

HB 1750/SB 732. Expanded access to investigational drugs, biological products, and devices. Provides that a person who has a terminal condition shall be eligible for expanded access to an investigational drug, biological product, or device when (i) no comparable or satisfactory alternative treatment options approved by the U.S. Food and Drug Administration are available to treat his terminal condition; (ii) the potential benefits of the use of the investigational drug, biological product, or device outweigh the risks of use of the investigational drug, biological product, or device; (iii) his treating physician has recommended use of the investigational drug, biological product, or device; and (iv) the person or his legally authorized representative or his parent or legal guardian has provided informed written consent to use of the investigational drug, biological product, or device. The bill also provides that a manufacturer may provide an investigational drug, biological product, or device for treatment of such eligible person's terminal condition and may do so free of charge or may require the person to pay costs associated with manufacture of the investigational drug, biological product, or device and that health insurance providers may, but are not required to, provide coverage for costs associated with use of the investigational drug, biological product, or device. The bill provides immunity from civil liability for health care providers who recommend an investigational drug, biological product, or device and for manufacturers of investigational drugs, biological products, or devices that make such drugs, products, or devices available to a person who meets the criteria set forth in the bill.

Failed

HB 1385. Sexual orientation change efforts prohibited. Prohibits any health care provider from engaging in sexual orientation change efforts with any person under 18 years of age. The bill defines "sexual orientation change efforts" as including the provision of treatment, interventions, counseling, or services intended to change a person's sexual orientation, gender identity, or gender expressions, but not including treatment, interventions, counseling, or services provided to

persons seeking to transition from one gender to another or that provide acceptance, social support, and identity exploration and development.

HB 1830. State plan for medical assistance; eligibility. Requires the Board of Medical Assistance Services to include in the state plan for medical assistance provision for the payment of medical assistance on behalf of individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) who are under 65 years of age and not otherwise eligible for medical assistance and whose household income does not exceed 133 percent of the federal poverty level for a family of that size. The bill provides that such provision shall expire on December 31 of any year in which the federal medical assistance percentage for such individuals falls below the percentages set forth in 42 C.F.R. § 433.10(c)(6).

Housing

Passed

HB 1446/SB 801. Financing of clean energy programs; development of underwriting guidelines. Expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered, allows a locality to contract with a third party to administer the loan program, and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy to develop underwriting guidelines for local loans made to finance clean energy improvements.

Motor Vehicles

Failed

SB 1279. Use of handheld personal communications devices while driving; penalty. Provides that, subject to certain exceptions, using a handheld personal

communications device while operating a moving vehicle, unless such device is used in voice-operated or hands-free mode, is a traffic infraction punishable by a fine of \$125 for a first offense and \$250 for a second or subsequent offense. If a person is using such a device at the same time he (i) violates any traffic offense punishable as a misdemeanor or a felony or (ii) causes an accident as the proximate result of his use of the device, he is guilty of reckless driving, a Class 1 misdemeanor. Currently, only texting while driving is a traffic infraction, subject to the same \$125 and \$250 fines.

Natural Resources

Passed

HB 2058. Coalbed methane gas; release of funds held in escrow or suspense. Requires the operator of certain previously pooled coalbed methane gas wells to request, by the beginning of 2016, the release of any funds held in escrow or suspense to the person who possesses a claim through a gas title. A coal claimant may halt such a release of funds by providing evidence that the coal and gas claimants have reached an agreement or that a proceeding against the gas claimant is pending. For a well that is pooled after July 1, 2015, the bill requires the operator to pay royalties directly to the gas claimant unless the coal claimant provides evidence of an agreement or a proceeding within a certain time. The Virginia Oil and Gas Board, under certain conditions, is authorized to extend the time for the payment of funds held in escrow and is not required to order payment if the gas claimant fails to provide information needed by the Board in order to distribute the funds.

Social Services

Passed

HB 1570/SB 1168. Family day homes and child day centers; licensure; background checks; reporting; notice. Requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes and requires employees and volunteers of such child day centers and family day homes to notify the provider if they are convicted of a barrier crime or subject to a founded complaint of child abuse or neglect. The bill adds the offenses that require registration in the Sex Offender and Crimes Against Minors Registry to the list of barrier crimes specific to family day homes. The bill lowers from five to four the

maximum number of children for whom a family day home may provide care without a license, exclusive of the provider's children and any children who reside in the home. The bill requires (i) local commissioners of the revenue or other local business license officials to report to the Department of Social Services (the Department) semiannually the contact information for any child day center or family day home to which a business license was issued; (ii) unlicensed and unregistered family day homes, other than those in which all of the children receiving care are related to the provider by blood or marriage, to provide written notice to parents stating that the family day home is not regulated by the Department and referring the parents to a website maintained by the Department for additional information; and (iii) child day centers and family day homes that contract with the Department to provide child care services that are funded by the Child Care and Development Block Grant to comply with all requirements established by federal law and regulation. The bill also requires the Department to (a) develop recommendations related to appropriate criminal and civil penalties for individuals who wrongfully operate a child day center or family day home without a license or provide care for more children than the maximum number permitted under their license; (b) report on the requirements established in the Child Care and Development Block Grant to the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by December 1, 2015; (c) develop and make available to child day centers and family day homes training and technical information and assistance regarding compliance with new licensure requirements established in the bill; and (d) work with certain localities authorized to regulate and license family day homes to identify and address any differences between ordinances adopted by such localities and state regulations for the licensure of family day homes. The provisions of the bill that require licensure of family day homes providing care for five or more children have a delayed effective date of July 1, 2016. The provisions of the bill that require fingerprint-based national criminal history records checks have a delayed effective date of July 1, 2017.

Failed

SB 679. Adoption by person other than spouse of a parent. Provides that a person other than the spouse of a parent may adopt a child if the child has only one parent,

the adoption would not terminate the parental rights of the parent, and the parent joins in the petition for the purpose of indicating his consent.

Taxation

Passed

HB 1286/SB 701. Individual income tax refunds; payment. Requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. The bill applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter.

HB 1828/SB 1019. Land preservation tax credit. Makes several changes to the land preservation tax credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for the tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of the year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.

HB 2306/SB 1404. Achieving a Better Life Experience (ABLE) savings trust accounts established; administered by the Virginia College Savings Plan. Establishes ABLE savings trust accounts to be administered by the Virginia College Savings Plan to facilitate the saving of private funds for paying the qualified disability expenses of certain disabled individuals. Under the federal Achieving a Better Life Experience Act of 2014, Congress authorized states to establish ABLE savings trust accounts to assist individuals and families in saving and paying for the education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, and other

expenses of individuals who were disabled or blind prior to the age of 26. Earnings on contributions to ABLE savings trust accounts are exempt from federal income tax. Because Virginia conforms to the federal income tax laws, earnings on contributions to ABLE savings trust accounts will also be excluded from Virginia taxable income.

SB 1319. Temporary exemption periods from retail sales and use taxes for qualifying items. Combines the three existing "sales tax holidays" into one three-day holiday that begins on the first Friday in August and ends at 11:59 p.m. the following Sunday. Currently, the sales tax holidays for Energy Star or WaterSense products, school supplies, and hurricane preparedness equipment take place at different times during the calendar year and for differing lengths of time. The bill also sunsets the sales tax holiday for school supplies on July 1, 2017.

Failed

HB 1310/SB 1004. Taxes on electronic cigarettes and other vapor products. Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited. Counties, cities, and towns that are currently authorized to tax cigarettes would be authorized to also tax vapor products at rates determined by the local governing bodies. Any local government imposing a vapor products tax would be required to use the revenues from the tax solely for making grant payments to or funding in support of center-based pre-kindergarten programs or preschool programs designed for child development and kindergarten preparation.

HB 2117/SB 1210. Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes

based upon the total charges or the total price paid for the use or possession of the room.

Technology

Passed

HB 1562/SB 814. Electronic identity management; standards; liability. Creates the Identity Management Standards Advisory Council to advise the Secretary of Technology on the adoption of technical and data standards regarding the verification and authentication of identity in digital and online transactions. The bill also establishes in the Code of Virginia the concept of an identity trust framework operator, an entity that establishes rules and policies for identity providers operating within the framework and issues electronic trustmarks to such providers signifying compliance with the rules and policies of that trust framework. The bill provides that electronic identity providers and identity trust framework operators shall not be liable if the issuance of an identity credential or assignment of an identity attribute or trustmark was in compliance with (i) the Commonwealth's identity management standards in place at the time of issuance or assignment, (ii) applicable terms of any contractual agreement with a contracting party, and (iii) any written rules and policies of the identity trust framework of which it is a member, absent gross negligence or willful misconduct.

SB 1121. IT responsibility of agency directors. Provides that the director of every department in the executive branch of state government shall be responsible for securing the electronic data held by his department and shall comply with the requirements of the Commonwealth's information technology security and risk management program as developed by the Chief Information Officer.

Failed

HB 1985/SB 1369. Establishment of the Virginia Science Technology Engineering and Applied Mathematics Academy. Establishes the Virginia Science Technology Engineering and Applied Mathematics (STEAM) Academy, Inc., as a private, nonprofit organization and a statewide, publicly accessible, special, residential high school of science, technology, engineering, and applied mathematics.

Transportation

Passed

HB 1662/SB 1025. Transportation network companies. Establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries. The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers. The bill authorizes DMV to conduct periodic reviews of TNCs to confirm compliance.

HB 1887. Transportation funding; formula, reporting, and allocations. Removes the Executive Director of the Virginia Port Authority from the Commonwealth Transportation Board (CTB) and makes the members of the CTB subject to removal by the Governor for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. Both provisions would become effective July 1, 2016. The bill updates the required content for the annual report of the Commissioner of Highways and adds that such report be submitted to the Joint Legislative Audit and Review

Commission and the CTB. The report must include the condition of existing transportation assets; the methodology used to determine maintenance and state of good repair needs; performance targets and outcomes; a listing of prioritized pavement and bridge projects based on the priority ranking system; VDOT strategies for improving the safety, security, and operations of highways; and a review of VDOT's collaboration with the private sector in delivering services. The bill adds to transportation funding considerations the state of good repair purposes, along with asset management practices and maintenance, and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants. The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the definition of "grant" from the Virginia Transportation Infrastructure Bank and excludes grants from other financing, thereby removing the ability of a governmental entity to apply for a grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the Virginia Transportation Infrastructure Bank. Further, the bill authorizes the Department of Rail and Public Transportation to enter into agreements not to exceed 20 years under the Public-Private Transportation Act to improve passenger rail service with private entities that finance improvements in return for annual payments.

DIVISION OF LEGISLATIVE SERVICES

© 2015 Division of Legislative Services

Published in Richmond, Virginia, by the Division of Legislative Services,
an agency of the General Assembly of Virginia.