



“All laws enacted at a regular session, . . .  
excluding a general appropriation law,  
shall take effect on the first day of July  
following the adjournment of the session of the  
General Assembly at which it has been enacted.”  
*Constitution of Virginia, Article IV, Section 13*

## In Due Course: 2017 Changes to Virginia’s Laws

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*In Due Course* is a selection of legislation passed by the 2017 Session of the General Assembly that is likely to affect the daily lives of the citizens of Virginia. The following legislation has been signed by the Governor and for the most part will go into effect on July 1, 2017.

The summaries were prepared by the staff of the Division of Legislative Services. Complete information on actions of the 2017 Session is available on the Legislative Information System (<http://lis.virginia.gov>).

### Topics

Agriculture	Environment	Regulation of Commerce
Alcoholic Beverage Control	Firearms	Short-term Rental of Property
Civil Law	FOIA	Social Services
Corporations	General Laws	Special License Plates
Criminal Offenses	Health/Health Professions	Taxation
Criminal Procedure	Higher Education	Traffic Offenses
Domestic Animals	Historical Preservation	Transportation
Education	Hunting	Utilities
Elections/Voting	Insurance	Workers’ Compensation

### Agriculture

**SB 1195. Produce safety; farm inspections; civil penalty.** The law prohibits certain farms from violating the federal regulations that set minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables. The law authorizes the Board of Agriculture and Consumer Services to adopt regulations to carry out the purposes of the law and gives the Commissioner of Agriculture and Consumer Services free access at reasonable hours to certain farms to inspect the farms and take samples. The Commissioner also is authorized to seize certain produce if he believes it is being grown, kept, or exposed for sale or held in violation of federal regulations or state law, and the law provides a court process by which the seizure may be contested. The law authorizes the Board to levy a civil penalty of up to \$1,000 per violation, to be deposited in the Virginia Natural Resources Commitment Fund. The law includes provisions that would cause it to expire upon the repeal of the relevant federal law, the granting of an exemption under such federal law, or the cessation of federal funding.



## Alcoholic Beverage Control

**HB 1743. Alcoholic beverage control; retail on-premises license for nonprofit historic cinema houses.** The law creates a new retail on-premises wine and beer license for nonprofit historic cinema houses. The law defines “historic cinema house” and sets out the privileges of the license and imposes a \$200 annual state license tax and a \$20 annual local license tax.

**HB 1744/SB 1469. Alcoholic beverage control; disposable containers.** The law includes a single original metal can in the list of allowable disposable containers that a beer licensee, a wine and beer licensee, and certain mixed beverage licensees may use to sell alcoholic beverages.

**HB 1842. Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores; proof.** The law increases from 101 to 151 the proof of neutral grain spirits or alcohol that is without distinctive character, aroma, taste, or color that may be sold at government stores. The law has an expiration date of July 1, 2022.

**HB 1987/SB 1391. Alcoholic beverage control; new license for certain commercial lifestyle centers.** The law defines “commercial lifestyle center” and creates a new nonretail license for commercial lifestyle centers. The law sets out the privileges of the license and imposes a \$300 annual state tax and a \$60 annual local tax on the license.

**HB 2029/SB 1448. Alcoholic beverage control; privileges of licensed distillers appointed as agents of the Alcoholic Beverage Control Board.** The law allows a licensed distiller who has been appointed as an agent by the Alcoholic Beverage Control Board to sell spirits manufactured by the distiller at a site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

**SB 1108. Alcoholic beverage control; culinary walking tour permit.** The law creates a new permit that allows tour companies guiding individuals for compensation on a culinary walking tour to licensed on-premises retail establishments to collect as one fee from tour participants (i) the licensee’s fee for the food and alcoholic beverages served as part of the tour and (ii) a fee for the culinary walking tour service. The law requires the tour company to remit to the licensee any fee collected for the food and alcoholic beverages served as part of the tour. The law provides that food cooked or prepared on the premises of such licensed on-premises retail establishments shall be served at each such establishment on the tour.

**SB 1216. Alcoholic beverage control; availability of food when spirits served.** The law directs the Alcoholic Beverage Control Board to promulgate regulations that require mixed beverage licensees to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment’s closing. The law requires that such food be available in all areas of the licensed premises in which spirits are sold or served.

## Civil Law

**HB 1941/SB 1413. Immunity of persons; defamation; statements regarding matters of public concern communicated to a third party; statements made at a public hearing.** The law adds defamation to the causes of action from which a citizen shall be immune when making statements (i) regarding matters of public concern to a third party or (ii) at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity. The law further provides that the

immunity does not apply to any statements made with actual or constructive knowledge that they are false, or with reckless disregard for whether they are false.

**HB 2289. Award of life insurance upon divorce or dissolution of marriage.** The law provides that where an order for spousal support or separate maintenance has been entered by the court, the court may order a party to maintain an existing life insurance policy, designate the other party as beneficiary, allocate the premium cost of life insurance between the parties, and order the insured party to facilitate the provision of certain information from the insurer to the beneficiary. The law sets out factors to be considered by the court when making such an award and provides that any obligation or requirement under any such court order ceases upon the termination of the party's obligation to pay spousal support or separate maintenance. The introduced bill was a recommendation of the Boyd-Graves Conference.

## Corporations

**HB 2230. Stock corporations; shareholders' meetings.** The law authorizes the board of directors of a stock corporation to determine that any meeting of shareholders not be held at any place and instead be held by means of remote communication if the articles of incorporation or bylaws do not require the meeting to be held at a place. The law also limits the provision that currently authorizes the holders of at least 20 percent of the votes entitled to be cast on an issue to call a special meeting of shareholders of a corporation that has 35 or fewer shareholders by requiring that the corporation not be a public corporation.

## Criminal Offenses

**HB 1921/SB 973. Assault and battery; health care providers; penalty.** The law expands the penalty for battery against a health care provider who is engaged in the performance of his duties to apply in hospitals or in emergency rooms on the premises of any clinic or other facility rendering emergency care. Under current law, the penalties only apply to a battery against an emergency health care provider. The law requires the Department of Health to work with stakeholder groups to develop guidelines regarding the publication of penalties for battery on a health care provider and for the training of health care professionals and providers in violence prevention programs.

**HB 2350. Use of electronic device to trespass; peeping into dwelling or occupied building; penalty.** The law punishes as a Class 1 misdemeanor the use of an electronic device to enter the property of another to secretly or furtively peep or spy or attempt to peep or spy into a dwelling or occupied building located on such property, unless such use occurs pursuant to a lawful criminal investigation.

**SB 1060. Female genital mutilation; criminal penalty and civil action.** The law makes it a Class 1 misdemeanor for any person to knowingly circumcise, excise, or infibulate the labia major, labia minora, or clitoris of a minor. The law makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to consent to such circumcision, excision, or infibulation. The law also makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation. The law also provides a civil cause of action for any person injured by such circumcision, excision, or infibulation. The law provides that any of these offenses shall be a separate and distinct offense and shall not preclude prosecution under any other statute.



## Criminal Procedure

**HB 2051/SB 1091. Driver's license; marijuana possession.** The law revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The law provides that a court retains the discretion to suspend or revoke the driver's license of a person placed on deferred disposition for simple possession of marijuana and must suspend or revoke for six months the driver's license of such person who was operating a motor vehicle at the time of the offense. The law also requires that such a person whose driver's license is not suspended or revoked perform 50 hours of community service in addition to any community service ordered as part of the deferred disposition. The provisions of the law are contingent upon written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the law.

**HB 2064. Assault and battery against a family or household member; eligibility for first offender status.** The law precludes a person who has been convicted of any felony defined as an act of violence from being eligible for first offender status for assault and battery against a family or household member unless the attorney for the Commonwealth does not object to the person being placed on first offender status. Under current law, only prior convictions for assault and battery against a family or household member serve as a disqualifier.

**HB 2127. Rights of victims of sexual assault; physical evidence recovery kits.** The law requires that victims of sexual assault be advised by the investigating law-enforcement agency of their rights regarding physical evidence recovery kits. The law requires the Division of Consolidated Laboratory Services of the Virginia Department of General Services and law-enforcement agencies to store a physical evidence recovery kit for an additional 10 years following a written objection to its destruction from the victim. The law requires the law-enforcement agency to notify the victim at least 60 days prior to the intended date of destruction of the kit and provides that no victim of sexual assault shall be charged for the cost of collecting or storing a kit.

**HB 2240. Crime victim's right to nondisclosure of certain information; murder.** The law requires that written consent provided by the victim's next of kin to law enforcement is necessary, if the victim is a minor, before a law-enforcement agency may disclose any information that identifies the victim of a crime that resulted in the victim's death.

**HB 2327. DUI; implied consent; refusal of blood or breath tests.** As required by the U.S. Supreme Court decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016), the law eliminates the criminal penalties for refusing to submit to a blood test to determine the alcohol or drug content of a defendant's blood upon arrest for a DUI-related offense under the law on implied consent. The law also increases to a Class 1 misdemeanor the criminal penalty for refusing to submit to a breath test under the law on implied consent for an offense committed within 10 years of a prior offense of refusal or of another DUI-related offense. The law also extends to blood tests performed by the Department of Forensic Science pursuant to a search warrant the rebuttable presumption that a person is intoxicated based on the person's blood alcohol level demonstrated by such tests. The law also provides that an application for a search warrant to perform a blood test on a person suspected of committing a DUI-related offense shall be given priority over other matters pending before the judge or magistrate. Finally, the law establishes a rebuttable presumption applicable in a civil case for punitive damages for injuries caused by an intoxicated driver that a person who has consumed alcohol knew or should have known that his ability to drive was or would be impaired by such consumption. The law became effective on March 16, 2017.

**HB 2386/SB 854. Collection of unpaid court fines, etc.** The law increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment. The law also establishes the requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay court-ordered fines, costs, forfeitures, and penalties. The law requires that a court take into account a defendant's financial circumstances, including whether the defendant owes fines and costs to other courts, in setting the terms of a payment agreement, but such decision shall not be based solely on the amount of fines and costs owed. The law fixes the maximum down payments that a court may require as a condition of entering a payment plan and provides that payments made within 10 days of their due date are timely made. The law precludes a court from denying a defendant the opportunity to enter into a payment agreement solely because of the crime committed, the total amount owed or that such amount has been referred to collections, any previous default by the defendant or failure to establish a payment history, or the defendant's eligibility for a restricted driver's license. The law allows all costs and fines owed by a defendant to any one court to be incorporated into one payment agreement and allows a defendant to request a modification of the terms of the agreement, which shall be granted upon a good faith showing of need. The law requires a court to consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent agreement and requires the court to fix a down payment for subsequent payment agreements. Finally, the law provides that the payment agreement includes restitution unless the court has entered a separate order regarding the payment of restitution.

## Domestic Animals

**HB 2381. Dangerous dogs.** The law removes the requirement that a law-enforcement officer or animal control officer apply for a summons requiring a dog owner to appear before a general district court when the officer has reason to believe that the dog is dangerous. In the case of a dog that has bitten a cat or dog, the law requires investigation by an officer for certain exemptions from the definition of "dangerous dog" to apply and removes an exemption for good cause as determined by a court. In the case of a dog that has bitten a person, the law creates an exemption when an investigating officer finds that the injury is minor. The law allows a court to use good cause as a reason to determine that a dog is not dangerous. The law also reduces from 45 days to 30 days the period within which (i) an owner of a dog found to be dangerous is required to obtain a dangerous dog registration certificate and (ii) a convicted owner of a dangerous dog is required to comply with certain provisions.

**SB 856. Cats and dogs; lifetime licenses.** The law authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The law also removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at \$50, and limits the fee for a duplicate dog or cat tag to \$1.

## Education

**HB 1709. School boards; policies and procedures prohibiting bullying; parental notification.** The law requires the policies and procedures prohibiting bullying that are contained in each school board's code of student conduct to direct the principal to notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.

**HB 1982. Graduation requirements; verified units of credit; satisfactory score on the PreACT or PSAT/NMSQT examination.** The law requires the Board of Education, in establishing graduation requirements, to provide for the award of verified units of credit for a satisfactory score, as determined



by the Board, on the Preliminary ACT (PreACT) or the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

**HB 2290. Driver education programs; instruction concerning traffic stops.** The law requires each driver education program in the public school system to include instruction concerning traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops. The law requires the Board of Education to collaborate with the Department of State Police in implementing the changes to its driver education program.

## Elections/Voting

**HB 1431. Voter registration drives; compensation prohibition.** The law prohibits any individual or group conducting a voter registration drive from compensating its volunteers or employees on the basis of the number of completed voter registration applications the volunteer or employee collects. The law also prohibits volunteers and employees from accepting compensation based on the number of completed voter registration applications the volunteer or employee collects.

**HB 1912. Absentee voting; eligibility of persons granted protective order.** The law entitles a person to vote absentee if the person has been granted a protective order issued by or under the authority of any court of competent jurisdiction.

**HB 1933. Candidate withdrawal; notice of withdrawal; information to voters.** The law provides that a candidate who has qualified to have his name printed on the ballot for an election is not deemed to have withdrawn from such election until he has submitted a signed written notice declaring his intent to withdraw and that notice has been received by the general registrar. The law requires the Department of Elections to include in its candidate guidance documents the requirements and process for candidate withdrawal. The law also provides that when ballots are not corrected to delete a candidate's name, the general registrar shall provide a list of candidates who have withdrawn to be posted in each polling place and made available to the public.

## Environment

**HB 2383/SB 898. Department of Environmental Quality (DEQ); combined sewer overflow (CSO) outfalls; Chesapeake Bay Watershed.** The law directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner, if it is not under a state order, are necessary to bring such an outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The law requires any owner of such an outfall to initiate construction activities by July 1, 2023, to bring the outfall into compliance by July 1, 2025. Until compliance is achieved, the law requires the outfall owner to annually report its progress to DEQ. The law requires DEQ to provide all such reports to certain legislative committees, the Virginia delegation to the Chesapeake Bay Commission, the Secretary of Natural Resources, and the Governor. The law does not apply to any outfall for which a higher level of control is necessary to comply with a Total Maximum Daily Load (TMDL).

**SB 1398. Coal combustion residuals unit; closure permit, assessments required.** The law requires the owner or operator of a coal combustion residuals unit (CCR unit) to identify water pollution and address corrective measures to resolve it, evaluate the clean closure of the CCR unit by recycling the ash for use in cement or moving it to a landfill, and demonstrate the long-term safety of the CCR unit. The

law requires the owner or operator of each CCR unit to transmit its assessment to the Department of Environmental Quality (DEQ) and other agencies or legislative committees by December 1, 2017. The law requires the Director of DEQ to delay the issuance of a permit to close any CCR unit until May 1, 2018, or the effective date of any legislation adopted during the 2018 Regular Session of the General Assembly that addresses the closure of CCR units, whichever occurs later.

## Firearms

**HB 2325. Application for a concealed handgun permit; photo identification.** The law requires applicants for a concealed handgun permit to present one valid form of government-issued photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). The law removes the requirement that the application be made under oath before a notary.

## FOIA

**HB 1876. Virginia Freedom of Information Act; public access to library records of minors.** The law excludes from mandatory disclosure library records that can be used to identify any library patron under the age of 18 years. The law provides that access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

**SB 1102. Virginia Freedom of Information Act; completed unattended death investigations; mandatory disclosure.** The law requires that records of completed unattended death investigations be released to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided that the person is not a person of interest or a suspect. The law defines “unattended death” and “immediate family member.”

## General Laws

**HB 2006/SB 1228. Virginia Fair Housing Law; rights and responsibilities with respect to the use of an assistance animal in a dwelling.** The law sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The law establishes a process through which a person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling, including any supporting documentation from verifying the disability and disability-related need for an accommodation. Under the law, a request for reasonable accommodation to maintain an assistance animal may be denied for any one of the following reasons: (i) the requester does not have a disability; (ii) the requester does not have a disability-related need for an assistance animal; (iii) the accommodation imposes an undue financial and administrative burden on the person receiving the request; or (iv) the accommodation would fundamentally alter the nature of the operations of the person receiving the request. The law provides that whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have a disability or a disability-related need for an assistance animal, an interactive process shall be initiated to determine if there is an alternative accommodation that would effectively address the disability-related need. The law defines “assistance animal,” “major life activities,” “therapeutic relationship,” and “physical or mental impairment.” The law provides that if any of its provisions is determined by the U.S. Department of Housing and Urban Development to be not substantially equivalent or otherwise inconsistent with the federal Fair Housing Act of 1968, 42 U.S.C. § 3601 et seq., as amended, such provision shall not be enforceable. The introduced bill was a recommendation of the Virginia Housing Commission.



**HB 2217. Address confidentiality program; victims of sexual violence and human trafficking.** The law expands the types of crimes victims of which are eligible to apply for the address confidentiality program to include sexual violence. The law provides that such programs may also include specialized services for victims of human trafficking. Current law permits victims of domestic violence and stalking to apply to this program. The law requires that sexual or domestic violence programs be accredited by the Virginia Sexual and Domestic Violence Program Professional Standards Committee to accept applications and authorizes crime victim and witness assistance programs to accept applications. The law increases program participants' certification period from one to three years.

**SB 1113. Board for Contractors; optional bonding for Class A and B contractors.** The law allows applicants for Class A and Class B contractor licenses to demonstrate financial responsibility by posting a surety bond for both initial application for licensure and subsequent renewals in lieu of providing a financial statement. The law provides a process for recovery on a surety bond of a contractor who has elected to post such a bond. The law also amends the Virginia Contractor Transaction Recovery Act (the Act) by providing that an informal fact-finding conference or formal hearing under the Administrative Process Act is not required as a part of the consideration of the claim against the Act unless requested by the claimant. Under current law, an informal fact-finding conference may be held at the discretion of the Department of Professional and Occupational Regulation.

**SB 1341. Digital certification of government records.** The law provides for the Secretary of the Commonwealth, in cooperation with the Virginia Information Technologies Agency, to develop standards for the use of digital signatures by government agencies on electronic records generated by such agencies. The law further provides that such agencies may provide copies of digital records, via a website or upon request, and may charge a fee of \$5 for each digitally certified copy of an electronic record. Any digitally certified record submitted to a court in the Commonwealth shall be deemed to be authenticated by the custodian of the record. The law defines "agency" to include all state agencies and local government entities, including constitutional officers, except circuit court clerks.

## Health/Health Professions

**HB 1453/SB 848. Dispensing of naloxone.** The law, which became effective on February 23, 2017, allows a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy pursuant to § 54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The law also provides that dispensing may occur at a site other than that of the controlled substance registration, provided that the entity possessing the controlled substance registration maintains records in accordance with regulations of the Board of Pharmacy. The law further provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the law may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.



**HB 1467/SB 1323. Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of reportable diseases.** The law requires the Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of diseases that shall be required to be reported.

**HB 1548/SB 1511. Advance directives; mental health treatment; capacity determinations.** The law provides that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board. The law also provides that a person's agent may make a health care decision over the protest of the person if, in addition to other factors, at the time the advance directive was made, a licensed physician, licensed clinical psychologist, licensed physician assistant, licensed nurse practitioner, licensed professional counselor, or licensed clinical social worker who is familiar with the person attested in writing that the person was capable of making an informed decision and understood the consequences of the provision.

**HB 1549/SB 1005. Community services boards and behavioral health authorities; services to be provided.** The law provides that, effective July 1, 2019, the core of services provided by community services boards and behavioral health authorities shall include (i) same-day access to mental health screening services and (ii) outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The law provides that, effective July 1, 2021, the core of services provided by community services boards and behavioral health authorities additionally shall include (a) crisis services for individuals with mental health or substance use disorders, (b) outpatient mental health and substance abuse services, (c) psychiatric rehabilitation services, (d) peer support and family support services, (e) mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility, (f) care coordination services, and (g) case management services. The law also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of the law.

**HB 1688. Practice of chiropractic; certain medical evaluations.** The law provides that the practice of chiropractic medicine shall include performing the physical examination of an applicant for a commercial driver's license or commercial learner's permit if the practitioner has (i) applied for and received a certificate as a medical examiner from the Federal Motor Carrier Safety Administration in accordance with 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified Medical Examiners. The law also provides that it shall be unprofessional conduct for any person to perform the services of a medical examiner as defined in 49 C.F.R. § 390.5 if, at the time such services are performed, the person performing such services is not listed on the National Registry of Certified Medical Examiners or fails to meet the requirements for continuing to be listed on the National Registry of Certified Medical Examiners.

**HB 1750. Dispensing of naloxone; patient-specific order not required.** The law provides that a pharmacist may dispense naloxone in the absence of a patient-specific prescription pursuant to a standing order issued by the Commissioner of Health authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific



patient issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

**HB 2165/SB 1230. Opiate prescriptions; electronic prescriptions.** The law requires a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The law defines electronic prescription as a written prescription that is generated on an electronic application and provides that Schedule II through V prescriptions must be transmitted in accordance with federal regulations. The law requires the Secretary of Health and Human Resources to convene a work group to review actions necessary for the implementation of the law's provisions and to evaluate hardships on prescribers and the inability of prescribers to comply with the deadline for electronic prescribing and to make recommendations for any extension or exemption processes relative to compliance or disruptions due to natural or manmade disasters or technology gaps, failures, or interruptions of service. The law requires the work group to report on its progress to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2017, and to issue a final report to such Chairmen by November 1, 2018.

**HB 2317. Comprehensive harm reduction program; public health emergency.** The law authorizes the Commissioner of Health (the Commissioner) to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include the provision of sterile and disposal of used hypodermic needles and syringes. The objectives of the programs are to reduce the spread of HIV, viral hepatitis, and other blood-borne diseases in Virginia, to reduce the transmission of blood-borne diseases through needlestick injuries to law-enforcement and other emergency personnel, and to provide information to individuals who inject drugs regarding addiction recovery treatment services. The programs will be located in at-risk communities, in accordance with criteria established by the Department of Health. The law requires the Commissioner to establish standards and protocols for the comprehensive harm reduction programs and requires the Secretary of Health and Human Services and the Secretary of Public Safety to approve such standards and protocols. The law also allows the Commissioner to authorize persons who are not otherwise authorized by law to dispense or distribute hypodermic needles and syringes to do so as part of a comprehensive harm reduction program during a declared public health emergency. The law requires the Department of Health to submit to the Governor and to the General Assembly a progress report concerning any such program established under the law by October 1, 2018, and a report evaluating the effectiveness of any such program by October 1, 2019. The law has an expiration date of July 1, 2020.

**SB 1027. Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.** The law, which became effective March 16, 2017, authorizes a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy (the Board) and under the supervision of a licensed pharmacist, to manufacture and provide cannabidiol oil and THC-A oil to be used for the treatment of intractable epilepsy. The law sets limits on the number of permits that the Board may issue and requires that the Board adopt regulations establishing health, safety, and security requirements for permitted processors. The law provides that only a licensed practitioner of medicine or osteopathy who is a neurologist or who specializes in the treatment of epilepsy may issue a written certification to a patient for the use of cannabidiol oil or THC-A oil. The law also requires that a practitioner who issues a written certification for cannabidiol oil or THC-A oil, the patient issued such certification, and, if the patient is a minor or incapacitated, the patient's parent or legal guardian register with the Board. The law requires further that a pharmaceutical processor shall not provide cannabidiol oil or THC-A oil to a patient or a

patient's parent or legal guardian without first verifying that the patient, the patient's parent or legal guardian if the patient is a minor or incapacitated, and the practitioner who issued the written certification have registered with the Board. Finally, the law provides an affirmative defense for agents and employees of pharmaceutical processors in a prosecution for the manufacture, possession, or distribution of marijuana.

## Higher Education

**HB 1965/SB 1026. Two-Year College Transfer Grant Program; Expected Family Contribution.** The law broadens eligibility for the Two-Year College Transfer Grant Program by including students whose Expected Family Contribution, as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA), is no more than \$12,000. Currently the program is available only to students whose Expected Family Contribution is no more than \$8,000. The law does not affect additional eligibility requirements for the Two-Year College Transfer Grant Program.

**SB 1234. Public institutions of higher education; passport credit program.** The law requires the State Council of Higher Education for Virginia (the Council) and each public institution of higher education to develop a passport credit program that will be offered at each associate-degree-granting public institution of higher education. Under the program, each passport credit course shall satisfy a lower division general education requirement at any public institution of higher education. The law requires the Council to develop such program by July 1, 2020, and each associate-degree-granting public institution of higher education to offer such program by the 2020-2021 academic year.

**SB 1376. Public institutions of higher education; public notice of planned tuition increase.** The law prohibits the governing board of a public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without first providing to students and the public a projected range of the planned increase, an explanation of the need for the increase, and notice of the date and location of any vote on the increase at least 30 days prior to such vote.

## Historical Preservation

**HB 1547. Historical African American cemeteries and graves.** The law directs the distribution of funds to qualifying charitable organizations that preserve historical African American cemeteries established before 1900. The funding formula is \$5, or the average actual cost of routine maintenance, multiplied by the number of graves, monuments, and markers of African Americans who lived at any time between 1800 and 1900 and are interred in the cemetery. The law lists two cemeteries, East End Cemetery in Henrico County and Evergreen Cemetery in the City of Richmond, that are to receive any funds appropriated for a total of 6,975 gravesites.

## Hunting

**HB 1939. Hunting apparel; blaze pink.** The law allows hunters to wear blaze pink instead of blaze orange hunting apparel when required during firearms deer hunting season or the special season for hunting deer with a muzzle-loading rifle.

**HB 2255. State junior bear hunting license; fee.** The law creates a junior bear hunting license, separate from the combined big game hunting and junior hunting licenses, for any resident under the age of 16. The fee for the license is \$5.50.



**SB 968. Hunting license; bear, deer, or turkey; electronic carry.** The law removes the requirement that a license to hunt bear, deer, or turkey be carried in paper form, allowing it to be carried by electronic or computerized means.

## Insurance

**HB 1835. Information about a decedent's life insurance policy.** The law allows a funeral service provider to request, and allows a life insurer to provide, information about a deceased person's life insurance policy, including the name and contact information of any beneficiaries of record. The law does not require a life insurer to provide information that is confidential or protected. The law requires a funeral service provider to whom such information is provided to make all reasonable efforts to contact all beneficiaries of record, if the beneficiary is not the decedent's estate, within four calendar days of receiving such information and provide to the beneficiaries all information provided to the funeral service provider by the insurance carrier. The law also requires the funeral service provider to inform the beneficiaries that the beneficiary of a life insurance policy has no legal duty or obligation to pay any amounts associated with the provision of funeral services or the debts or obligations of the deceased.

**HB 2267. Health benefit plans; coverage for hormonal contraceptives.** The law requires any health benefit plan that is amended, renewed, or delivered on or after January 1, 2018, that provides coverage for hormonal contraceptives to cover up to a 12-month supply of hormonal contraceptives when dispensed or furnished at one time for a covered person or at a location licensed or otherwise authorized to dispense drugs or supplies. Such a plan is prohibited, in the absence of clinical contraindications, from imposing utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished by a provider or pharmacy, or at a location licensed or otherwise authorized to dispense drugs or supplies, to an amount that is less than a 12-month supply. The law does not require a provider to prescribe, furnish, or dispense 12 months of self-administered hormonal contraceptives at one time. The law also provides that it shall not be construed to exclude coverage for hormonal contraceptives as prescribed by a provider for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

## Regulation of Commerce

**HB 1422/SB 839. Virginia Consumer Protection Act; storm-related repairs.** The law provides that it is a prohibited practice under the Virginia Consumer Protection Act for a supplier to engage in fraudulent or improper or dishonest conduct while engaged in a transaction that was initiated (i) during a declared state of emergency or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is a licensed contractor.

**HB 1825/SB 1425. Rights to resell tickets; civil penalty.** The law prohibits any person that issues tickets for admission to a professional concert, professional sporting event, or professional theatrical production, open to the public for which tickets are ordinarily sold, from issuing the ticket solely through a delivery method that substantially prevents the ticket purchaser from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice. The law also prohibits a person from being discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on a specific Internet ticketing platform. A person violating these prohibitions is subject to a civil penalty of not less than \$1,000 nor more than \$5,000.

## Short-term Rental of Property

**SB 1578. Short-term rental of property.** The law authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental. The law defines “short-term rental” as the provision of a room or space suitable for sleeping or lodging for less than 30 consecutive days in exchange for a charge for the occupancy. Persons and entities already licensed or registered related to the rental or management of property by the Department of Health, the Real Estate Board, the Virginia Real Estate Time-Share Act, or a locality would not be required to register. The law authorizes localities to impose penalties not to exceed \$500 per violation on persons who violate the registry ordinance. The law amends the Alcoholic Beverage Control (ABC) Act to clarify that certain property rented on a short-term basis is considered a bed and breakfast establishment for purposes of ABC licensing and that the exception from ABC licensing for serving alcoholic beverages to guests in a residence does not apply if the guest is a short-term lessee of the residence.

## Social Services

**HB 1568/SB 897. Child care providers; criminal history background check; penalty.** The law requires the following individuals to undergo a fingerprint-based national criminal history background check: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant, as well as the applicant’s current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. The law also mandates that all background checks required pursuant to §§ 63.2-1720.1 and 63.2-1721.1 be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth, and every five years thereafter. The law has an expiration date of July 1, 2018. The law further provides that if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing a corresponding requirement is repealed prior to July 1, 2018, the provision of the law establishing such requirement shall expire upon the date of such repeal.

**SB 1008. Criminal history records checks; barrier crimes.** The law clarifies the individual crimes that constitute a barrier for (i) individuals seeking employment at nursing homes, home care organizations, hospices, state facilities, and private providers licensed by the Department of Behavioral Health and Developmental Services, community services boards, behavioral health authorities, assisted living facilities, adult day care centers, children’s welfare agencies, family day homes approved by family day systems, and children’s residential facilities; (ii) applicants for licensure, registration, or approval as assisted living facilities, child welfare agencies, or family day homes approved by family day systems; (iii) individuals with whom a local board of social services or child-placing agency is considering placing a child on an emergency, temporary, or permanent basis; (iv) foster and adoptive homes seeking approval from child-placing agencies; and (v) providers of adult services and adult foster care seeking approval by the Department of Social Services. The law also adds certain offenses to the list of barrier crimes.



## Special License Plates

**HB 1732. Special license plates; Virginia Nurses Foundation.** The law authorizes the issuance of revenue-sharing special license plates for supporters of the Virginia Nurses Foundation.

**HB 1763. Special license plates; highway safety.** The law authorizes the issuance of special license plates for supporters of highway safety, including awareness of distracted driving. The law exempts the plate from the requirement to obtain 450 prepaid applications prior to issuance and from the provision that prohibits issuance of additional plates in the series if, after five or more years after issuance, the plate has fewer than 200 active sets of plates. Additionally, the plate shall be subject only to a one-time fee of \$10 at the time the plates are issued, in addition to the prescribed cost of state license plates.

## Taxation

**HB 1884. Real property tax exemption; certain surviving spouses.** The law authorizes localities to exempt from real property tax the primary residence of the surviving spouse of a law-enforcement officer, a firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. The exemption does not apply to that portion of the value of the residence in excess of the average assessed value of dwellings in the locality. The law is pursuant to Article X, Section 6-B of the Constitution of Virginia, a constitutional amendment adopted by the voters in 2016.

**HB 1913/SB 1390. Purchase of cigarettes for resale; penalties.** The law creates a new requirement that purchasers of cigarettes for resale must apply for a special cigarette exemption certificate from the Department of Taxation in order to not be liable for the payment of sales tax at the time of purchase. The law sets forth numerous requirements that a taxpayer must meet in order to qualify for a cigarette exemption certificate and establishes processes and procedures for the application, renewal, denial, and revocation of the certificates. The law creates new recordkeeping requirements for the sale or distribution of any quantity of cigarettes in excess of 50 cartons or with a value greater than \$10,000 in any single sale. The provisions of the law requiring the use of a cigarette exemption certificate have a delayed effective date of January 1, 2018.

**HB 2246/SB 1438. Virginia Tax Amnesty Program.** The law establishes the Virginia Tax Amnesty Program to be administered by the Department of Taxation during the 2017-2018 fiscal year for not less than 60 nor more than 75 days, as determined by the Tax Commissioner. The Program will be open to any taxpayer that is required but has failed to file a return or to pay any tax administered by the Department. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities will be waived upon payment of the taxes and interest. For purposes of implementing the Program, the Department is exempt from the project management and procurement oversight of the Virginia Information Technologies Agency.

## Traffic Offenses

**HB 2201. Failure to drive on right side of highways or observe traffic lanes; penalties.** The law sets the fine for failing to drive on the right side of highways or failing to observe traffic lanes at \$100. Under current law, any such failure is punishable by a fine of no more than \$250.

**HB 2467. Driving on a suspended or revoked license; period of suspension.** The law provides that any driver's license suspension imposed upon a person for the failure to pay court-ordered fines and costs shall run concurrently with any other period of license suspension, revocation, or forfeiture

imposed upon such person. The law also provides that in the event that a person whose license has been suspended for the failure to pay court-ordered fines and costs is convicted of driving on a suspended or revoked license, the additional period of license suspension imposed as a result of that conviction runs concurrently with the underlying suspension for the failure to pay court-ordered fines and costs. Under current law, such additional suspension period does not commence until the expiration of the previous suspension or revocation.

## Transportation

**HB 2022. Department of Transportation; traffic incident response and management.** The law allows individuals or entities acting on behalf of the Department of Transportation to operate as needed in response to traffic incidents and to access and to remove from moving lanes on a highway vehicles and cargo that are impeding traffic flow due to a traffic incident. The law requires a driver to move a vehicle from the roadway after an emergency, accident, or breakdown that did not result in injury or death if the vehicle is movable and the driver is capable of safely doing so. Current law allows drivers to move a vehicle from the roadway after an accident if the vehicle is movable and the driver is capable of safely doing so, but does not require it.

## Utilities

**HB 2358. Water utilities; temporary and interim rate increases.** The law extends the maximum period that the State Corporation Commission is authorized to suspend the implementation of a proposed rate increase from 150 to 180 days. The law applies only to certain investor-owned water utilities.

**SB 1492. Water utilities; consolidated ratemaking.** The law requires that, in any ratemaking proceeding for certain investor-owned water utilities that are part of a water utility network, the State Corporation Commission shall ensure that equal fixed and volumetric rates are charged for each customer class of every water utility that is in the water utility network. In such proceeding, the Commission is authorized to aggregate the revenues and costs of the water utilities that are members of the applicable water utility network. In a proceeding implementing these provisions, the Commission is directed to order gradual adjustments to the water utility's rates over an appropriate period.

## Workers' Compensation

**SB 1201. Workers' compensation; suitably equipped automobile.** The law authorizes the Workers' Compensation Commission to require an employer to provide funds for the purchase of a suitably equipped automobile for an incapacitated employee if it finds that it is medically necessary and that modifications to the employee's automobile are not technically feasible or will cost more than the funds available for a replacement automobile. The law limits the total of the costs of the replacement automobile and of any bedside lifts, adjustable beds, and modification of the employee's principal home to \$42,000, which is the amount of the existing cap on expenses for modifications to the injured employee's automobile and home.

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