



“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:

### 2022 Changes to Virginia’s Laws

*In Due Course* is a selection of legislation passed by the 2022 Regular 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, 2022.

The summaries were prepared by the staff of the Division of Legislative Services. Complete information on actions of the 2022 Regular Session is available on the Legislative Information System website.

### Topics

Alcoholic Beverage Control	Firearms & Weapons	Natural Resources
Animal Care & Control	Freedom of Information	Procurement
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Commerce	Health & Health Professions	Public Utilities
Corrections	Higher Education	Social Services
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### Alcoholic Beverage Control

**HB 426/SB 254. Alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container.** The law creates a third-party delivery license that authorizes the licensee to deliver alcoholic beverages purchased by consumers from other retail licensees. The law establishes conditions for the issuance of third-party delivery licenses, imposes eligibility requirements for delivery personnel, and sets forth requirements for a delivery to be made by such delivery personnel. The law imposes a \$2,500 fine for first-time violations of the delivery requirements and a \$5,000 fine for second and subsequent violations. The law also establishes container requirements for certain alcoholic beverages sold for off-premises consumption or



delivery. The law requires that such alcoholic beverages, if not contained in the manufacturer's original sealed container, (i) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with; (ii) display the name of the licensee from which the alcoholic beverages were purchased; (iii) be clearly marked with the phrase "contains alcoholic beverages"; (iv) have a maximum volume of 16 ounces per beverage for certain beverages; and (v) be stored in the trunk of the vehicle, in an area that is rear of the driver's seat, in a locked container or compartment, or, in the case of delivery by bicycle, in a compartment behind the bicyclist during delivery. The law also excludes from the rebuttable presumption in current law that a person is consuming alcohol while driving any person who is delivering an alcoholic beverage in accordance with the provisions of the law. The law directs the Virginia Alcoholic Beverage Control Authority to collect data regarding the compliance of third-party delivery licensees with the provisions of the law and report such data to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2023. The law extends from July 1, 2022, to July 1, 2024, the sunset on prior legislation that allowed certain licensees to sell mixed beverages for off-premises consumption.

## **Animal Care & Control**

**SB 604. Animal cruelty; companion animals.** The law clarifies that animals are not considered companion animals only when actively involved in bona fide medical or scientific experimentation. Current law exempts animals from the definition of companion animal if they are regulated under federal law as research animals.

## **Civil Procedure**

**HB 1236. Summons for unlawful detainer; notice; adverse employment actions prohibited.**

The law requires any summons for unlawful detainer to include a notice to the tenant that it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him for appearing at an initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

**SB 493. Civil action for the dissemination of sexually explicit visual material to another.**

The law provides that any person 18 years of age or older who knowingly transmits an intimate image, as defined in the law, by computer or other electronic means to the computer or electronic communication device of another person 18 years of age or older when such other person has not consented to the use of his computer or electronic communication device for the receipt of such material or has expressly forbidden the receipt of such material shall be considered to have committed a trespass and shall be liable to the recipient of the intimate image for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs.

## **Commerce**

**HB 358/SB 572. Veteran-owned small businesses; waiving of fees.** The law directs the Secretary of Veterans and Defense Affairs and the Secretary of Commerce and Trade, in conjunction with the Department of Small Business and Supplier Diversity, to examine the



waiving of fees associated with permits necessary to establish a small business for veteran-owned small businesses.

## Corrections

**HB 1332/SB 700. Covering a security camera in a correctional facility; penalty.** The law provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera, as defined in the law, without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice is guilty of a Class 1 misdemeanor. The law also provides that any person who intentionally covers, removes, damages, renders inoperable, or otherwise obscures a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony is guilty of a Class 6 felony.

## Criminal Offenses

**HB 496/SB 687. Abuse and neglect; financial exploitation; incapacitated adults; penalties.** The law changes the term “incapacitated adult” to “vulnerable adult” for the purposes of the crime of abuse and neglect of such adults and defines “vulnerable adult” as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult’s ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The law also changes the term “person with mental incapacity” to the same meaning of “vulnerable adult” for the purposes of the crime of financial exploitation. As introduced, this law was a recommendation of the Virginia Criminal Justice Conference.

**HB 497/SB 124. Misuse of power of attorney; financial exploitation; incapacitated adults; penalty.** The law makes it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult who is the principal of that agent. The law also provides that the agent’s authority terminates upon such conviction. As introduced, this law was a recommendation of the Virginia Criminal Justice Conference.

**SB 249. Sexual abuse of animals; penalty.** The law provides that any person who knowingly (i) engages in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; or (v) produces, distributes, publishes, sells, transmits, finances, possesses, or possesses with the intent to distribute, publish, sell, or transmit an obscene item depicting a person engaged in sexual contact with an animal is guilty of a Class 6 felony. The law also provides that any person convicted of sexual abuse of an animal shall be prohibited from possessing, owning, or



exercising control over any animal and may be ordered to attend an appropriate treatment program or obtain psychiatric or psychological counseling.

## **Criminal Procedure**

**HB 750/SB 327. Arrest and summons quotas; prohibition.** The law prohibits (i) any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers, (ii) any sheriff, (iii) any police force, or (iv) the Department of State Police from establishing a formal or informal quota that requires a law-enforcement officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time. The law also provides that the number of arrests made or summonses issued by a law-enforcement officer shall not be used as the sole criterion for evaluating the law-enforcement officer's job performance.

## **Domestic Relations**

**HB 869. Adoption.** The law allows a circuit court, upon consideration of a petition for adoption, to immediately enter an interlocutory order referring the case to a child-placing agency to conduct a visitation instead of entering an order of reference referring the case to a child-placing agency for investigation and makes other amendments to accommodate for and bolster this change. The law allows petitions for adoption submitted by the persons listed as the child's parents on his birth certificate to be filed and granted under the provisions governing stepparent adoptions. The law states that a putative father's registration with the Virginia Birth Father Registry is untimely regarding a child whose adoption has been finalized 180 days or more prior to such registration and in certain other instances set forth in the law and allows written notice of an adoption plan to be sent to a putative father by express mail with proof of delivery in addition to delivery by personal service or certified mailing as in current law.

## **Elections**

**HB 195. Polling places; location requirements; waiver in certain circumstances.** The law provides that in the event that there is no suitable building that could be used for a polling place within a precinct or within one mile of the precinct boundary, the general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements. The law provides that the Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

**HB 1140. Voter registration; cancellation of registration; notice requirement.** The law requires general registrars to provide notice of the cancellation of a voter's registration to the voter by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.



## Emergency Orders

**HB 158/SB 4. Emergency Services and Disaster Law; limitation on duration of executive orders.** The law limits the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 45 days from the date of issuance. The law provides that if the General Assembly does not take any action on the rule, regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency. Under current law, once issued, such executive orders are effective until June 30 following the next regular session of the General Assembly.

## Financial Institutions

**HB 263. Banks; virtual currency custody services.** The law permits banks in the Commonwealth to provide virtual currency custody services so long as the bank has adequate protocols in place to effectively manage the associated risks. The law defines “virtual currency” and provides that a bank may choose to offer such custody services in a nonfiduciary capacity or a fiduciary capacity. If it chooses to provide such custody services in a fiduciary capacity, it must possess trust powers and have a trust department approved by the State Corporation Commission.

**HB 1027. Financial institutions; sales-based financing providers.** The law requires a provider or broker of sales-based financing to register with the State Corporation Commission in accordance with procedures established by the Commission. The law requires a sales-based financing provider to provide certain disclosures to a recipient at the time of extending a specific offer of sales-based financing. The law requires that any cause of action arising under a contract or agreement for sales-based financing shall be brought in a court in the Commonwealth and any forum for any face-to-face arbitration proceedings required in such a contract or agreement are held in the jurisdiction where the recipient’s principal place of business is located. The law requires the provider to pay any arbitrators’ expenses or fees or any other expenses or administrative fees incurred in the conduct of the arbitration proceedings. The law prohibits a sales-based financing contract from containing a confession by judgment or any similar provision. The law requires the Commission to adopt regulations to implement the provisions of the law. The law authorizes the Attorney General to seek to enjoin violations of the law’s provisions and to seek damages and other relief as allowed by law. The provisions of the law apply to sales-based financing contracts or agreements entered into on or after July 1, 2022.

## Firearms & Weapons

**HB 1130/SB 207. Purchase of service handguns or other weapons by retired sworn law-enforcement officers.** The law removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun.



**SB 758. Selling or possessing switchblade.** The law eliminates the prohibition for selling, bartering, giving, furnishing, or possessing with the intent of selling, bartering, giving, or furnishing a switchblade.

## **Freedom of Information**

**HB 734. Virginia Freedom of Information Act; disclosure of certain criminal records.** The law provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the law, and (ii) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The law requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days have passed from the time notice was received by any such individual listed in clauses (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction.

**HB 1303/SB 5. Virginia Freedom of Information Act; Virginia Parole Board member votes.** The law provides that individual votes of the members of the Virginia Parole Board are public records and subject to the provisions of the Virginia Freedom of Information Act.

## **Gaming**

**HB 763/SB 403. Charitable gaming; social organizations and social quarters; electronic gaming; civil penalty.** The law provides that the conduct of electronic gaming, defined in the law, is restricted to qualified social organizations on their premises or other qualified organizations that lease the premises of a qualified social organization pursuant to the guidelines set out in the law. The law eliminates the exceptions related to the sale of instant bingo, pull tabs, or seal cards or the conduct of bingo games in current law for veterans and fraternal organizations. The law provides that such qualified organizations shall be subject to two prohibitions that, under current law, apply to all other organizations, as defined in relevant law: (i) they are prohibited from selling instant bingo, pull tabs, or seal cards or conducting bingo



games outside of their home locality and (ii) they are prohibited from offering such games at an establishment that has been granted a license by the Alcoholic Beverage Control Authority unless they hold such license. The law provides that all adjusted gross receipts attributable to electronic gaming shall be reported to the Department of Agriculture and Consumer Services (the Department) and shall be subject to application, audit, and administration fees. The law reduces the allowable audit and administration fee prescribed by the Department from 1.25 percent to 0.50 percent of gross receipts or electronic gaming adjusted gross receipts, as appropriate. The law also provides that application fees shall be paid to the Department by the qualified organization and that audit fees may be paid to the Department either by the qualified organization or the electronic gaming manufacturer that provides electronic gaming devices to such organization. The law imposes on any person or organization conducting charitable gaming without a permit a civil penalty of not less than \$25,000 and not more than \$50,000 per incident.

**SB 96. Gaming businesses; use of the phrase “Virginia is for Bettors”; civil penalty.** The law prohibits gaming businesses, as defined in the law, from using the phrase “Virginia is for Bettors” in an advertisement in association with their products or services. A violation is subject to a civil penalty of up to \$50,000.

## Health & Health Professions

**HB 213/SB 375. Optometrists; laser surgery.** The law allows an optometrist who has received a certification to perform laser surgery from the Board of Optometry to perform certain types of laser surgery of the eye and directs the Board to issue a certification to perform laser surgery to any optometrist who submits evidence satisfactory to the Board that he (i) is certified by the Board to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents pursuant to Code requirements and (ii) has satisfactorily completed such didactic and clinical training programs provided by an accredited school or college of optometry that includes training in the use of lasers for the medically appropriate and recognized treatment of the human eye as the Board may require.

The law also requires the Board to adopt regulations (a) establishing criteria for certification of an optometrist to perform permitted laser surgeries and (b) requiring optometrists to register annually with the Board and to report information regarding any disciplinary action, malpractice judgment, or malpractice settlement against the provider and any evidence that indicates the provider may be unable to engage safely in the practice of his profession. The law also requires optometrists certified to perform laser surgery to report to the Board certain information regarding the number and types of laser surgeries performed and the conditions treated as well as any adverse treatment outcomes associated with the performance of such laser surgeries and requires the Board to report such information to the Governor and the Secretary of Health and Human Resources annually.

**HB 264/SB 369. Public health emergency; out-of-state licenses; deemed licensure; emergency.** The law, which became effective on April 27, 2022, allows a practitioner of a profession regulated by the Board of Medicine who is licensed in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia to engage in the practice of that profession in the Commonwealth with a



patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months. The law also provides that when the Board of Health has issued an emergency order, the Boards of Medicine and Nursing may waive (a) the requirement for submission of a fee for renewal or reinstatement of a license to practice medicine or osteopathic medicine or as a physician assistant or nurse practitioner and (b) the requirement for submission of evidence that a practitioner whose license was allowed to lapse for failure to meet professional activity requirements has satisfied such requirements and is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license within the four-year period immediately prior to the application for renewal or reinstatement of such license.

**HB 481. Hospitals; price transparency.** The law requires every hospital to make information about standard charges for items and services provided by the hospital available on the hospital's website by July 1, 2023. The law directs the Secretary of Health and Human Resources to develop recommendations for implementation of the law and to report those recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

**HB 537. Telemedicine; out-of-state providers; behavioral health services.** The law allows certain practitioners of professions regulated by the Boards of Medicine, Counseling, Psychology, and Social Work who provide behavioral health services and who are licensed in another state, the District of Columbia, or a United States territory or possession and in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession to engage in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the practitioner has previously established a practitioner-patient relationship with the patient. The law provides that a practitioner who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient.

**SB 426. State plan for medical assistance services; remote patient monitoring.** The law directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for the payment of medical assistance for (i) remote patient monitoring services provided via telemedicine for patients who have experienced a chronic or acute health condition who have had two or more hospitalizations or emergency department visits related to such health condition in the previous 12 months, when there is evidence that the use of remote patient monitoring is likely to prevent readmission to a hospital or emergency department, and (ii) provider-to-provider consultations that is no more restrictive than, and is at least equal in amount, duration, and scope to, that available through the fee-for-service program.



## Higher Education

**HB 355. State Council of Higher Education for Virginia; baccalaureate public institutions of higher education; website; posting of certain comparative data relating to undergraduate students.** The law requires the State Council of Higher Education for Virginia to maintain on its website a comparison of each baccalaureate public institution of higher education to each other baccalaureate public institution of higher education on an enumerated list of undergraduate student metrics and requires each such institution to maintain a link on its website to such comparison.

**HB 525/SB 439. Institutions of higher education; hazing; policies.** The law establishes mandates at nonprofit private institutions of higher education and public institutions of higher education relating to hazing and defines different types of organizations at such institutions to which the mandates apply. The law requires each such institution to provide to each current member, new member, and potential new member of each student organization with new members hazing prevention training that includes extensive, current, and in-person education about hazing, the dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and information explaining that the institution's disciplinary process is not to be considered a substitute for the criminal legal process and provides that if a student organization with new members has an advisor, such advisor shall receive such hazing prevention training. The law requires the governing board of each institution to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury to a person. Beginning with the 2022–2023 academic year, the law requires each institution to maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported to campus authorities or local law enforcement. This law shall be known as Adam's Law.

**HB 565/SB 685. Advanced Manufacturing Talent Investment Fund.** The law creates the Advanced Manufacturing Talent Investment Fund to support the General Assembly's long-term goal of supporting efforts to increase the number of new eligible credentials in advanced manufacturing. The law provides that moneys in the Fund shall also be used to improve the readiness of graduates to be employed in advanced manufacturing fields and fields that align with advanced manufacturing growth opportunities identified by the Virginia Economic Development Partnership.

## Insurance

**HB 768/SB 335. Health insurance; association health plan for real estate salespersons.** The law provides that a licensed insurer may issue a policy of group accident and sickness insurance to an association of real estate salespersons (association), which association shall be deemed the policyholder, and that such association health plan is not considered to be insurance and is not subject to the existing requirements for insurance if certain requirements are met. The law requires that (i) all members of the association be eligible for coverage and membership,



including employer members with at least one employee that is domiciled in the Commonwealth or self-employed individuals; (ii) membership in the association not be conditioned on any health status-related factor; (iii) the coverage offered through the association be available to all members regardless of any health status-related factor; (iv) the association not make health insurance coverage offered through the association available other than in connection with a member of the association; and (v) premiums for the policy be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members. The law also requires that the association (a) has at the outset a minimum of 25,000 members; (b) has been organized and maintained in good faith for purposes other than that of obtaining insurance; (c) has been in active existence for at least five years; and (d) has a constitution and bylaws that provide that the association hold regular meetings not less than annually to further purposes of the members, that the association collects dues or solicits contributions from members, and that the members have voting privileges and representation on the governing board and committees.

The law provides that any such policy shall (1) be considered a large group market plan subject to all coverage mandates applicable to a large group market plan, (2) be subject to the group health plan coverage requirements under the federal Patient Protection and Affordable Care Act, (3) be prohibited from denying coverage under the policy on the basis of a preexisting condition, (4) be guaranteed issue and guaranteed renewable, (5) provide essential health benefits and cost-sharing requirements, and (6) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan.

The law requires an insurer issuing such policy to an association to (A) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (B) set premiums on the basis of the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (C) not vary premiums by age, except that the rate shall not vary by more than four to one for adults; (D) not vary premiums on the basis of gender; (E) not vary premiums on the basis of the health status of an individual employee of an employer member or a self-employed individual member; and (F) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution.

Finally, the law provides that a policy that meets certain requirements of the law is considered to be compliant with the large group market insurance regulations under the federal Public Health Service Act and, as such, the Commonwealth is considered to be substantially enforcing the federal Patient Protection and Affordable Care Act with regard to such policy. The law requires the State Corporation Commission to regulate the policy in a manner that is consistent with such provisions. The law provides that, in any case in which a federal agency renders a decision that is contrary to such provisions, notwithstanding any other provision of law, the Attorney General may resolve any difference between federal law and the laws of the Commonwealth.



**HB 884/SB 195. Group health benefit plans; bona fide associations; formation of benefits consortium.** The law provides that certain trusts constitute a benefits consortium and are authorized to sell health benefit plans to members of a sponsoring association that (i) has been formed and maintained in good faith for purposes other than obtaining or providing health benefits; (ii) does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of a member of the sponsoring association or a dependent of such an employee; (iii) makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through a member; (iv) does not make any health benefit plan available to any person who is not a member of the association; (v) makes available health plans or health benefit plans that meet requirements provided for in the law; (vi) operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code; and (vii) has been in active existence for at least five years. The law replaces references to “bona fide association,” as used in provisions applicable to health care plans in the small employer market, with the term “sponsoring association.”

The law requires any health benefit plan issued by a self-funded multiple employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers to (a) provide essential health benefits and cost-sharing requirements; (b) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; (c) not limit or exclude coverage for an individual by imposing a preexisting condition exclusion on that individual; (d) be prohibited from establishing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers; (e) meet the renewability standards set forth for health insurance issuers; (f) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims; and (g) utilize each employer member’s specific risk profile to determine premiums by actuarially adjusting above or below established base rates, and utilize either pooling or reinsurance of individual large claimants to reduce the adverse impact on any specific employer member’s premiums.

The law prohibits a self-funded MEWA from issuing health benefit plans in the Commonwealth until it has obtained a license pursuant to regulations promulgated by the State Corporation Commission. The law authorizes the Commission to adopt regulations applicable to self-funded MEWAs, including regulations addressing financial condition, solvency requirements, and the exclusion of self-funded MEWAs from the Virginia Life, Accident and Sickness Insurance Guaranty Association.

## **Intercollegiate Athletics**

**HB 507/SB 223. Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.** The law establishes several parameters for the compensation and representation of a student-athlete related to the use of such student’s name, image, or likeness. The law prohibits any private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public institution of



higher education or any agent thereof; athletic association; athletic conference; or other organization with authority over intercollegiate athletics from (i) prohibiting or preventing a student-athlete from earning compensation for the use of his name, image, or likeness, except in certain circumstances enumerated in the law; (ii) prohibiting or preventing a student-athlete from obtaining professional representation by a licensed athlete agent or legal representation by a licensed attorney in connection with issues related to name, image, or likeness; (iii) declaring a student-athlete ineligible for intercollegiate athletic competition because he earns such compensation or obtains such representation; or (iv) reducing, canceling, revoking, or not renewing an athletic scholarship because a student-athlete earns such compensation or obtains such representation. The law establishes several other conditions and limitations relating to pre-agreement disclosures, the use of the institution's property, and the effect on employment status in connection with a student-athlete's use of his name, image, or likeness. The law also amends the definition of "athlete agent" in relevant law to permit such agents to represent a student-athlete in connection with issues related to name, image, or likeness, including negotiating, securing, obtaining, arranging, and managing name, image, or likeness opportunities.

## **Labor & Employment**

**HB 1173/SB 631. Fair Labor Standards Act; overtime; employer liability.** The law replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The law requires an employer to compensate employees of a derivative carrier, defined in the law, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The law requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022.

## **Law Enforcement & Military**

**HB 1203. Department of Veterans Services; Suicide Prevention Coordinator; position created; report.** The law establishes the position of Suicide Prevention Coordinator in the Department of Veterans Services to support and closely coordinate effective mental health care services for military service members and veterans and their families. The law directs the Commissioner of the Department of Veterans Services to report on the work of the Coordinator in the annual report to the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly.

**SB 741. Facial recognition technology; authorized uses; report; penalty.** The law authorizes local law-enforcement agencies, campus police departments, and the Department of State Police (the Department) to use facial recognition technology for certain authorized uses as defined in



the law. The law requires that the appropriate facial recognition technology be determined by the Division of Purchases and Supply and that such facial recognition technology be evaluated by the National Institute of Standards and Technology and have an accuracy score of at least 98 percent true positives across all demographic groups. The law directs the Department to develop a model policy regarding the investigative uses of facial recognition technology, including training requirements and protocols for handling requests for assistance in the use of facial recognition technology made to the Department by local law-enforcement agencies and campus police departments, to be posted publicly no later than January 1, 2023, and requires local law-enforcement agencies or campus police departments that use facial recognition technology to either adopt the Department's model policy or develop an individual policy that meets or exceeds the standards set by the Department's model policy. The law directs local law-enforcement agencies, campus police departments, and the Department to collect and maintain certain data related to the use of facial recognition technology and to publish an annual report to provide information to the public regarding the agency's use of facial recognition technology. The law clarifies that any match made through facial recognition technology shall not be used in an affidavit to establish probable cause for the purposes of a search or arrest warrant. Additionally, the law provides that any facial recognition technology operator employed by a local law-enforcement agency, campus police department, or the Department who violates the agency's or department's policy for the use of facial recognition technology or conducts a search for any reason other than those authorized by the law is guilty of a Class 3 misdemeanor for a first offense and is guilty of a Class 1 misdemeanor for a second or subsequent offense. Finally, the law directs the Department of Criminal Justice Services to analyze the usage data of facial recognition technology reported and published by local law-enforcement agencies, campus police departments, and the Department and to submit its report and recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Public Safety by November 1, 2025. The provisions of this law sunset on July 1, 2026.

## Local Government

**HB 272/SB 501. Local land use approvals; extension of approvals to address the COVID-19 pandemic.** The law extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The law also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.

**HB 710. Local government hiring; people with disabilities.** The law requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position.

## Motor Vehicles

**HB 179/SB 186. Department of Motor Vehicles; permanent farm use placard.** The law requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semitrailer to obtain a



nontransferable permanent farm use placard from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times by July 1, 2023. The law requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured when applying for such farm use placard.

**HB 540. Driver's license; extension of validity.** The law extends (i) from three years to six years the period for which a driver's license extension may be granted to certain persons in service to the United States government and (ii) from one year to two years the period for which a driver's license extension may be granted for good cause shown.

**HB 1050/SB 139. Issuance of original driver's licenses to minors.** The law authorizes the chief juvenile and domestic relations district court judge to waive the ceremonial requirements for the issuance within the district of original driver's licenses to minors or order that the licensing ceremony be conducted in an alternative manner.

**SB 345. Department of Motor Vehicles documents; blood type.** Effective July 1, 2023, the law directs the Department of Motor Vehicles to establish a method by which an applicant for a driver's license or identification card may indicate his blood type to be noted on his license or card for the purpose of providing emergency medical support by emergency medical services agencies. The law prohibits the disclosure of such data and provides that the Department is not liable for the accuracy of such data.

**SB 733. Exempted vehicles; insurance.** The law requires motor vehicles, trailers, and semi-trailers exempted from the registration requirement to be covered by motor vehicle insurance, a general liability policy, or an umbrella or excess insurance policy. The law requires the owner of any such motor vehicle, trailer, or semi-trailer to provide proof of insurance within 30 days when requested by a law-enforcement officer and provides that failure to do so is punishable as a traffic infraction by a fine of \$600 to be paid into the Uninsured Motorists Fund.

## Natural Resources

**HB 120. Special hunting and fishing license for certain disabled veterans.** The law authorizes resident veterans who have a service-connected disability of at least 30 percent to receive from the Department of Wildlife Resources, at no cost or a reduced cost depending on the veteran's disability rating, a lifetime license to hunt and freshwater fish. Current law authorizes the provision of such license at no cost to a veteran who is totally and permanently disabled and at half-cost to a veteran who is 70 percent disabled.

**HB 1309/SB 756. Resilient Virginia Revolving Fund.** The law creates the Resilient Virginia Revolving Fund. The law provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The law provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them, provides that the Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants.



**SB 8. Hunting on Sundays.** The law permits hunting on Sunday on public or private land, so long as it takes place more than 200 yards from a place of worship.

## Procurement

**HB 429/SB 225. Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.** The law provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The law allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects of \$8 million. The law also removes specific agency and locality exceptions to such current limits.

## Public Education

**HB 4/SB 36. School principals; incident reports.** The law requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The law provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has a disability.

**HB 319/SB 616. Virginia Literacy Act; early student literacy; evidence-based literacy instruction; science-based reading research.** Effective beginning with the 2024-2025 school year, the law makes several changes relating to early student literacy, including requiring (i) each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any individual seeking initial licensure with an endorsement in a certain area, including as a reading specialist, to demonstrate mastery of science-based reading research and evidence-based literacy instruction, as such terms are defined in the law; (ii) the literacy assessment required of individuals seeking initial teacher licensure with endorsements in certain areas to include a rigorous test of science-based reading research and evidence-based literacy instruction; (iii) each local school board to establish a divisionwide literacy plan; (iv) each local school board to employ one reading specialist for each 550 students in kindergarten through grade three; and (v) each local school board to provide a program of literacy instruction whereby, among other things, (a) the program provides reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the



Department of Education; (b) a reading specialist, in collaboration with the teacher of any student who receives such reading intervention services, develops, oversees implementation of, and monitors student progress on a student reading plan; and (c) each student who receives such reading intervention services is assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

**HB 1272/SB 739. Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks; emergency.** The law, which became effective on February 16, 2022, requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the law, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The law permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The law provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The law clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat.

**HB 1299/SB 738. Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students.** The law requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The law directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The law requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the law.

**SB 656. Department of Education; local school boards; policies on sexually explicit content in instructional material.** The law requires the Department of Education to develop no later than July 31, 2022, model policies and each local school board to adopt no later than January 1,



2023, policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to (i) ensuring parental notification; (ii) directly identifying the specific instructional material and sexually explicit subjects; and (iii) permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests. The law provides that the local school board policies shall be consistent with but may be more comprehensive than the model policies developed by the Department. The law states that the provisions of the law shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

## **Public Utilities**

**HB 266/SB 505. Electric cooperatives; net energy metering; power purchase agreements; local facilities usage charges.** The law permits any customer, besides a farm or small agricultural generating facility and any customer selling power to the electric cooperative, to interconnect with an electric cooperative and enter an agreement for local facilities usage charges. The law provides that electric cooperatives can seek approval from the State Corporation Commission at any time for a tariff for local facilities usage charges for the use of cooperative system facilities; however, the terms of an independent agreement for local facilities usage charges shall prevail if inconsistent with the approved tariff amount.

The law permits the board of directors of an electric cooperative to approve any voluntary tariff and associated cost recovery without filing additional information with the Commission besides an informational notice. Under the law, the Commission may administratively approve a change in rate, tariff, or term or condition of service without notice or a hearing.

The law removes the limit on raising the cap for electric cooperatives' generating capacity beyond seven percent of system peak for the purposes of net energy metering. The law also allows electric cooperatives to permit the use of third-party partial requirements power purchase agreements for eligible customer-generators without separate approval by the Commission; however, the cooperative is required to file a revised net energy metering compliance filing.

Additionally, the law permits impacted cooperative customers to file a petition with the Commission for redress and review of the local facilities usage charges.

**HB 558/SB 565. Natural gas, biogas, and other gas sources of energy; definitions; energy conservation and efficiency; Steps to Advance Virginia's Energy Plan; biogas supply infrastructure projects; work group.** The law permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the law, that meet certain standards and that reduce emissions intensity. The law amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The law expands conservation and ratemaking



efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption.

The law introduces enhanced leak detection and repair programs, defined in the law, as a type of eligible infrastructure replacement for a natural gas utility facility. The law provides that the costs of detecting and repairing leaks may be added to a natural gas utility's plan to identify proposed eligible infrastructure replacement projects and related cost recovery mechanisms, known as the utility's Steps to Advance Virginia's Energy (SAVE) Plan.

The law adds provisions to the Code related to biogas supply infrastructure projects, defined in the law, and specifies that eligible infrastructure costs for such projects include (i) the investment in such projects, (ii) the return on the investment in such projects, (iii) a revenue conversion factor, (iv) operating and maintenance expenses, (v) depreciation, (vi) property tax and other taxes or government fees, and (vii) carrying costs on the over-recovery or under-recovery of the eligible biogas supply infrastructure costs. Under the law, natural gas utilities can recover these eligible infrastructure costs on an ongoing basis through the gas component of the utility's rate structure or other recovery mechanism approved by the Commission. The law provides that the biogas supply investment plan submitted by a natural gas utility may include an option to receive the biogas or sell the biogas at market prices and establishes a timeline for the Commission to approve such plan. The law requires a natural gas utility with an approved biogas supply investment plan to annually file a report of the investments made, the eligible infrastructure costs incurred and the amount of such costs recovered, the volume of biogas delivered to customers or sold to third parties during the 12-month reporting period, and an analysis of the price of biogas delivered to customers and the market cost of biogas during the reporting period.

Additionally, the law directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group shall be reported to the General Assembly by July 1, 2023.

## Social Services

**HB 50. Safe haven protections; hotline to provide information about infant relinquishment laws and options.** The law directs the Department of Social Services to establish a toll-free, 24-hour hotline to make information about the Commonwealth's safe haven laws that provide for relinquishment of an infant, infant relinquishment locations, and support and resources available for parents available to the public and to make information about the hotline, including the toll-free number that may be used to contact the hotline, available on its website. The law also directs the Department to undertake a campaign to increase public awareness of the Commonwealth's laws providing for relinquishment of an infant and the hotline established pursuant to the law.

**HB 484. Virginia Initiative for Education and Work; exemption for postsecondary students.** The law exempts from mandatory participation in the Virginia Initiative for Education and Work recipients of Temporary Assistance for Needy Families who are enrolled full time in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and are



taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license.

**SB 40. Assisted living facilities; involuntary discharge.** The law requires that regulations of the Board of Social Services regarding involuntary discharges of residents from assisted living facilities provide certain safeguards for residents, including a description of the reasons for which a resident may be involuntarily discharged, certain notice requirements, a requirement that the facility make reasonable efforts to resolve any issues upon which the discharge is based, and the provision of information regarding the resident's right to appeal the facility's decision to discharge the resident.

## Special License Plates

The transfer of disabled veteran special license plates issued to a disabled veteran, upon his death, to his unremarried surviving spouse is authorized (HB 40).

Localities are authorized to pay the initial issuance fee costs for the development and issuance of special license plates displaying the seal, symbol, emblem, or logotype of the locality in lieu of collecting 350 paid applications for such license plates (HB 703).

The issuance of revenue-sharing special license plates with a design that incorporates the emblem of the United States Navy to active members and certain veterans of the United States Navy is authorized (SB 212).

The issuance of special license plates commemorating the Richmond Planet newspaper bearing the legend THE RICHMOND PLANET authorized (SB 753).

Information on obtaining special license plates is available at any DMV office or online at [www.dmv.virginia.gov](http://www.dmv.virginia.gov).

## Taxation

**HB 551/SB 517. Retail sales and use tax; exemption for medicine and drugs purchased by veterinarians.** The law exempts veterinarians from sales and use tax on the purchase of prescription medicines and drugs that are administered or dispensed to patients within a veterinarian-client-patient relationship. The law repeals provisions of current law that provide that a veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs. The law provides that the exemption shall be in effect from July 1, 2022, until July 1, 2025.

**HB 936. Sales tax exemption; gold, silver, and platinum bullion.** The law extends from June 30, 2022, to June 30, 2025, the sunset date for the sales tax exemption for gold, silver, and platinum bullion and legal tender coins. The law eliminates the limitation that only purchases in excess of \$1,000 are eligible for the exemption.

**HB 971/SB 94. Conformity of the Commonwealth's taxation system with the Internal Revenue Code; Rebuild Virginia grants and Paycheck Protection Program loans; emergency.** The law, which became effective on February 23, 2022, advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2020, to December 31, 2021.



The law also deconforms from provisions of the (i) federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The law also retroactively allows up to \$100,000 of the individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans to certain fiscal filers. The law also allows full deductibility of expenses paid or incurred with forgiven Paycheck Protection Program loan proceeds and expenses paid or incurred with Economic Injury Disaster Loan program funding for taxable year 2021 and thereafter.

**HB 1083. Tax assessments; notices.** The law requires the Department of Taxation to identify on bills for omitted tax assessments the date the initial tax return or payment was received by the Department, any payment amounts received from the taxpayer, and an explanation of the taxes, penalties, and interest related to such assessment beginning on January 1, 2023.

### **Traffic Infractions**

**HB 450. Parking of vehicles; electric vehicle charging spots; civil penalties.** The law prohibits a person from parking a vehicle not capable of receiving an electric charge or not in the process of charging in a space clearly marked as reserved for charging electric vehicles. A violation is subject to a civil penalty of no more than \$25.

**HB 632. Exhaust systems; excessive noise.** The law makes certain secondary offenses related to loud exhaust systems that are not in good working order primary offenses and exempts local ordinances related to such exhaust systems from the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is a jailable offense.

**SB 362. Bicycles and certain other vehicles; riding two abreast.** The law prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.

**SB 777. Front and rear bumper height limits; emergency.** The law, which became effective on March 22, 2022, provides that no passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper.

### **Unemployment Compensation**

**HB 270/SB 219. Virginia Employment Commission; administrative reforms; reporting requirements; electronic submissions; Unemployment Compensation Ombudsman established; emergency.** The law, which became effective on April 27, 2022, requires the Virginia Employment Commission to calculate and report the (i) average unemployment



insurance benefit levels, (ii) average income replacement of unemployment insurance benefits, and (iii) reciprocity rate for unemployment insurance benefits in the Commonwealth as part of the Commission's annual balance sheet. The law also requires the Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, to develop and maintain an unemployment insurance Resiliency Plan that describes the specific actions the agency would take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program.

The law creates within the Commission on Unemployment Compensation a subcommittee that shall be responsible for monitoring the Virginia Employment Commission's management of the unemployment insurance program. The subcommittee shall meet at least once each quarter and shall report annually, beginning on December 1, 2022, to the House Committee on Appropriations, the House Committee on Commerce and Energy, the Senate Committee on Commerce and Labor, and the Senate Committee on Finance and Appropriations. The law also directs the Commission to convene an advisory committee composed of stakeholders and subject matter experts to review information related to UI claims.

The law requires employers to submit claim-related forms and separation information electronically, as well as other information and electronic tax payments upon the Commission's request, unless the employer has received a waiver by the Commission.

The law provides that a claim for unemployment benefits that has been determined invalid by the Virginia Employment Commission as a result of the claimant's monetary ineligibility shall first be reviewed upon a request for redetermination prior to filing an appeal. The law also creates an Unemployment Compensation Ombudsman position for the purpose of providing information and assistance to persons seeking assistance in the unemployment compensation process and exempts confidential case files of the Unemployment Compensation Ombudsman from the mandatory disclosure provisions of the Virginia Freedom of Information Act.

The law directs the Virginia Department of Human Resource Management to lead a multiagency work group to discuss strategies for staffing assistance and support for agencies that might need staffing assistance during emergencies. Additionally, the Virginia Employment Commission is directed to task its internal audit division to review and revise documents and online resources related to unemployment compensation.

## **Wills, Trusts & Estates**

**HB 1212. Guardianship and conservatorship; notice of hearing.** The law requires the notice of hearing for a guardianship or conservatorship petition to include a notice that any adult individual or entity whose name and post office address appears in the initial petition for appointment may become a party to the action by filing a pleading with the circuit court in which the guardianship or conservatorship proceeding is pending.

**SB 514. Guardianship and conservatorship of incapacitated persons.** The law makes several changes to the provisions of adult guardianships and conservatorships, including (i) requiring a guardian ad litem appointed to represent a respondent to a guardianship proceeding to notify the



court as soon as practicable if the respondent requests counsel, regardless of whether the guardian ad litem recommends counsel; (ii) requiring the notice of hearing on a guardianship or conservatorship petition to include notice that any adult individual or entity required to receive a copy of such notice may become a party to the proceeding by filing a pleading with the circuit court in which the case is pending; and (iii) requiring an appointed guardian to include in his annual report to the local department of social services certain additional information.

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