

# **Virginia General Assembly**

## **2021 Session Summary** **Regular Session and Special Session I**



**Virginia Division of Legislative Services**



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**Virginia Division of Legislative Services**

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# Introduction

This publication presents a summary of legislation considered by the Virginia General Assembly at its 2021 Regular Session and 2021 Special Session I through adjournment sine die on **March 1, 2021**. Eight bills were passed and signed during the 2021 Regular Session that lasted 30 days and are notated accordingly. Other bills that were passed in the house of origin in the regular session were carried over to the 2021 Special Session I, which was considered as a continuation of the regular session. Detailed information on any piece of legislation in Virginia may be found on the Virginia Legislative Information System (<http://lis.virginia.gov>). If LIS indicates that a bill in the 2021 Regular Session was carried over to the 2021 Special Session I, information on the bill's history and final outcome will be found in LIS under the 2021 Special Session I.

Bill summaries are organized by alphabetical subject areas that correspond to titles in the Code of Virginia. Bills that affect more than one Code title have been placed under the dominant subject area of the legislation. Bills that do not amend the Code of Virginia are also listed under the subject headings. Within each subject heading, the bills are further differentiated as *Passed* or *Failed*. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law. Bills that have been vetoed by the Governor or that have received Governor's recommendations and may be acted upon by the General Assembly at the Reconvened Session on April 7, 2021, include such notation accordingly.

The General Assembly sometimes incorporates provisions from one bill into another bill, so even if a bill has failed, one or more of its provisions may exist in legislation that has been passed. If a summary indicates that a bill must be reenacted by the 2022 Session of the General Assembly, its provisions will not become effective on July 1, 2021, unless the bill is amended at the Reconvened Session to remove that requirement.

Five special categories of legislation follow the bills listed by subject area: constitutional amendment resolutions, other resolutions, miscellaneous noncodified bills (including the budget, bonds, and claims bills), charter bills, and study resolutions.





# Administration of Government

## Passed

**P HB1811 Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods.** Provides that in the course of procuring goods, if a state agency receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP)-designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such state agency may only select among those bids. The bill also provides that in the course of procuring goods, if a local public body receives two or more bids for such products, such local public body may only select among those bids unless, before selecting a different bid, the local public body provides a written statement that demonstrates the cost of the products that are Energy Star certified, meet FEMP-designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified was unreasonable.

*Patron - Helmer*

**P HB1830 Virginia Small Business Financing Authority; Board of Directors; membership; small business lending experience.** Requires at least five of the nine citizen members of the Virginia Small Business Financing Authority to have experience in small business lending. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

*Patron - Head*

**P HB1836 Secretary of Natural Resources.** Renames the Secretary of Natural Resources as the Secretary of Natural and Historic Resources. The bill also designates the Secretary as the Chief Resilience Officer and removes the Virginia Museum of Natural History from the purview of the Secretary.

*Patron - Plum*

**P HB1848 Virginia Human Rights Act; discrimination on the basis of disability.** Adds discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

*Patron - Sickles*

**P HB1849 Virginia Board of Workforce Development, Department of Labor and Industry, and Department of General Services; apprenticeship training programs; report.** Directs the Virginia Board of Workforce Development (the Board), the Department of Labor and Industry (DOLI), and the Department of General Services (DGS) to review the availability of registered apprenticeship programs in the Commonwealth and evaluate the capacity to build a program that

would require contractors engaged in construction contracts with public bodies to participate in apprenticeship training programs for each trade or classification of employees engaged in the construction contract. The bill also requires the Board, DOLI, and DGS to evaluate whether a requirement to limit public procurements to bidders with registered apprenticeship programs would assist the construction industry in meeting its workforce needs. The bill permits the Board, DOLI, and DGS to convene a stakeholder advisory group as part of its review. The bill requires the Board, DOLI, and DGS to complete its review and complete any advisory group meetings by September 1, 2021, and to submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations no later than December 1, 2021.

*Patron - Simonds*

**P HB1864 Virginia Human Rights Act; definition of employer; person employing one or more domestic workers.** Expands the definition of "employer" for all purposes of the Virginia Human Rights Act to include a person employing one or more domestic workers, as defined in the bill.

*Patron - Price*

**P HB1876 Workforce development; data sharing.** Expands the type of workforce development data that state agencies may share with the Virginia Workforce System to support workforce program evaluation and policy analysis. The bill removes the requirement that all personal identifying information be removed before being shared among other state agencies and with the Workforce Development System and instead requires the identifying attribute information necessary to match entities across programs, support the coordination of services, and evaluate outcomes to be shared among agencies that enter into the memorandum of understanding supporting the Virginia Workforce Data Trust.

*Patron - Subramanyam*

**P HB1891 Department of Human Resource Management; duties of the Department; annual safety and disaster awareness training.** Requires the Department of Human Resource Management, in coordination with the Secretary of Health and Human Resources or his designee, to develop an online training module addressing safety and disaster awareness, including information on public health safety. The bill also requires that all state employees complete the training annually. The bill requires such training to be incorporated into existing mandatory training.

*Patron - Ayala*

**P HB1931 Virginia Freedom of Information Act; electronic meetings.** Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Levine*

**P HB1967 Virginia Jobs Investment Program and Fund; minimum wage requirements.** Adjusts the minimum

entry-level wage rate per hour a company is required to pay in order to be eligible for assistance under the Virginia Jobs Investment Program from at least 1.35 times the federal minimum wage to at least 1.2 times the federal minimum wage or the Virginia minimum wage, whichever is higher.

*Patron - Bagby*

**[P] HB1993 Duties of agencies and their appointing authorities; diversity, equity, and inclusion strategic plans.** Requires state agencies to establish and maintain a comprehensive diversity, equity, and inclusion strategic plan in coordination with the Governor's Director of Diversity, Equity, and Inclusion.

*Patron - Askew*

**[P] HB2001 Building standards for certain state and local buildings.** Requires that any executive branch agency or institution or locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building ensure that such building has sufficient electric vehicle charging infrastructure, defined in the bill, and has features that permit the agency or institution to track the building's energy efficiency and carbon emissions. The bill authorizes the Director of the Department of General Services to grant exemptions to such standards, in writing and with certain terms. The bill requires agencies to annually report to the Governor the energy efficiency and carbon emissions metrics for each such building built or renovated.

The bill requires localities to design such building projects according to the same or similar standards, or more stringent standards if adopted by ordinance. The bill also requires that localities incorporate appropriate resilience and distributed energy features. The bill requires that any exemption from the standards granted by resolution of the governing body of a locality be made in writing and explain the basis for granting the exemption. The bill contains a delayed enactment of July 1, 2023, with respect to the provisions related to any locality with a population of less than 100,000.

*Patron - Helmer*

**[P] HB2004 Virginia Freedom of Information Act; law-enforcement criminal incident information; criminal investigative files.** Adds criminal investigative files, defined in the bill, relating to a criminal investigation or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall not be required if the release of such information would likely effect certain results, outlined in the bill. The bill also extends the amount of additional time a public body has to respond, in the case of a request for certain criminal investigative files, from an additional seven work days to an additional 60 work days as long as the public body has communicated to the requester within the initial allowable five-work-day response period that it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Hurst*

**[P] HB2025 Virginia Freedom of Information Act; record exclusion for personal contact information provided to a public body.** Provides that personal contact information

provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. Currently, the law provides protections for personal contact information provided to a public body, not to its members; only applies to electronic mail; and requires the electronic mail recipient to request the public body not to disclose his personal contact information in order for the information to be exempt from mandatory disclosure. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Gooditis*

**[P] HB2098 Disposition of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute.** Authorizes the Governor to lease a portion of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute to Smyth County in as-is condition for a term of three years upon such terms and conditions as may be agreed by the parties, including, without limitation, Smyth County's responsibility for building or infrastructure refurbishments and operational expenses. The bill also corrects tax map references from a 2019 conveyance of property in Smyth County. This bill is identical to SB 1429.

*Patron - O'Quinn*

**[P] HB2101 GO Virginia Grants; matching funds; sunset.** Delays from July 1, 2021, to July 1, 2022, the sunset of the provision of the Code of Virginia allowing a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds for GO Virginia grants.

*Patron - Wampler*

**[P] HB2130 Virginia LGBTQ+ Advisory Board.** Establishes the Virginia LGBTQ+ Advisory Board to advise the Governor regarding the economic, professional, cultural, educational, and governmental links between the Commonwealth and the LGBTQ+ community in Virginia and sets out the powers and duties of the Board. The Board shall be composed of 21 nonlegislative citizen members, at least 15 of whom shall identify as LGBTQ+, to be appointed by the Governor, and the Secretaries of the Commonwealth, Commerce and Trade, Education, Health and Human Resources, and Public Safety and Homeland Security, or their designees, who shall serve as ex officio members.

*Patron - Lopez*

**[P] HB2140 Department of Human Resource Management, alternative application for employment for persons with a disability.** Directs the Department of Human Resource Management to create an alternative application process for the employment of persons with a disability. The process must be noncompetitive in nature and provide state agencies using the process an option for converting positions filled through the noncompetitive process into positions that are normally filled through a competitive process. The bill directs the Department of Human Resource Management to develop and disseminate a policy to implement the provisions of the bill.

*Patron - Guzman*

**[P] HB2147 Division of Human Rights; renamed as Office of Civil Rights.** Renames the Division of Human Rights in the Department of Law as the Office of Civil Rights.

*Patron - Herring*

**P HB2161 Active military or a military spouse; prohibits discrimination in public accommodations, etc.** Prohibits discrimination in public accommodations, employment, and housing on the basis of a person's military status, defined as a member of the uniformed services of the United States or a reserve component thereof or a spouse or other dependent of the same. The bill also prohibits terms in a rental agreement in which the tenant agrees to waive remedies or rights under the federal Servicemembers Civil Relief Act prior to the occurrence of a dispute between the landlord and the tenant. This bill is identical to SB 1410.

*Patron - Tran*

**P HB2170 Virginia Small Business Financing Authority; risk-based review of outstanding loans; report.** Requires the Virginia Small Business Financing Authority to conduct a risk-based review of all outstanding loans at least annually and report the results of such review to the Board of Directors of the Authority. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

*Patron - Mundon King*

**P HB2171 Virginia Small Business Financing Authority; annual report; utilization or award of loan and grant program funds.** Requires the Virginia Small Business Financing Authority to include in its annual report information regarding the percentage of loan and grant program funds utilized or awarded by the Authority during the preceding fiscal year. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

*Patron - Mundon King*

**P HB2172 Department of Small Business and Supplier Diversity; certification of small, women-owned, and minority-owned businesses; right to appeal denial of initial certification.** Requires the Department of Small Business and Supplier Diversity to adopt regulations to establish a process for businesses that are denied initial certification as a small, women-owned, or minority-owned business to appeal such denial on the basis that the Department made a mistake in denying the business's application for certification. This bill is a recommendation of the Joint Legislative Audit and Review Commission.

*Patron - Mundon King*

**P HB2174 State-facilitated IRA savings program; establishment.** Directs the governing board of the Virginia College Savings Plan (the Board) to establish a state-facilitated individual retirement account (IRA) savings program (the Program). The Board shall administer the Program and develop requirements, procedures, and guidelines for the Program, including default contribution rates, procedures for enrollment and withdrawal, and procedures for noncompliance. Moneys in the Program shall be invested in a manner deemed appropriate by the Board.

Eligible employers shall enroll their eligible employees in the Program. Eligible employers are defined in the bill as any non-governmental employer that employs 25 or more eligible employees and does not offer a qualified retirement plan to their employees. Eligible employees are limited to individuals who are employed at least 30 hours per week. Each eligible employee shall be enrolled in the Program unless the employee elects not to participate in the Program.

Any employer that is not an eligible employer may facilitate the participation of its eligible employees in the program. Self-employed individuals and eligible employees whose employers do not enroll in the program may participate in the program in accordance with terms and conditions prescribed by the Board.

The bill contains provisions limiting the liability of the Board, the Plan, and the Commonwealth or any of its political subdivisions for obligations associated with the Program. The Commonwealth shall have no duty or liability to any party for the payment of any retirement savings benefits accrued by any individual under the Program. Participating employers shall not (i) have any liability for an employee's decision to participate in or opt out of the Plan, (ii) be a fiduciary over the Program, or (iii) have any liability or responsibility related to the operation of the Program. The bill also adds a requirement that at least one member of the Board have expertise in the management and administration of private defined contribution retirement plans.

The Program shall be established, and enrollment shall begin, on July 1, 2023, or as soon thereafter as practicable. Finally, the bill directs the Board to establish a group of stakeholders to identify and make recommendations as to other amendments necessary and prudent to effectuate the provisions of the bill. This bill received Governor's recommendations.

*Patron - Torian*

**P HB2208 Department of General Services; removal of Harry F. Byrd, Sr., statue.** Directs the Department of General Services to remove the statue of former Virginia Governor and U.S. Senator Harry F. Byrd, Sr., from Capitol Square. The bill directs the Department to store the statue until such time as the General Assembly determines its final disposition.

*Patron - Jones*

**P HB2222 Military medical personnel program.** Adds any facility that offers medical services to the public and that is supervised by one or more physicians or podiatrists to the list of entities that may participate in the military medical personnel program established by the Department of Veterans Services and directs the Department to assist veterans and other service members who are preparing for discharge or release and who have recently served in health care-related specialties but who do not meet the definition of "military medical personnel" in finding employment in the health care sector.

*Patron - Hayes*

**P HB2223 Department of the Treasury and State Treasurer; bonds.** Eliminates language that directs certain officers and board members to procure individual surety bonds mandated by current law when such officers and board members are already covered under bonding provided by the Division of Risk Management. The bill directs such officers and board members to be bonded pursuant to the blanket surety bond plan for state and local employees.

*Patron - Hayes*

**P HB2321 Governor's Secretaries; Secretary of Labor created.** Creates in the Governor's Cabinet the position of Secretary of Labor. The bill transfers from the Secretary of Commerce and Trade to the Secretary of Labor responsibility for the Department of Labor and Industry, the Department of Professional and Occupational Regulation, and the Virginia Employment Commission. The bill removes the position of Chief Workforce Development Advisor and reassigns its duties to the Secretary of Labor. The bill also adds the Secretary of Labor to the Governor's comprehensive economic development policy committee.

*Patron - Simonds*

**P HB2322 Opioid Abatement Authority; established; report.** Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts,

and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids and any other funds received on the Fund's behalf that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, or reducing opioid use disorder and the misuse of opioids or otherwise abating or remediating the opioid epidemic in the Commonwealth. This bill is identical to SB 1469.

*Patron - Herring*

**[P] HB2327 Virginia Public Procurement Act; requirement to pay prevailing wage; transportation infrastructure projects.** Clarifies, for purposes of the requirement under certain circumstances to pay the prevailing wage rate for work performed on public works contracts, that public works includes transportation infrastructure projects. This bill received Governor's recommendations.

*Patron - Krizek*

**[P] SB1150 Department of Veterans Services; Military Spouse Liaison; position created.** Establishes the position of Military Spouse Liaison (the Liaison) in the Department of Veterans Services to conduct outreach and advocate on behalf of military spouses in the Commonwealth. The bill directs the Liaison to report by December 1 of each year through the Commissioner of the Department of Veterans Services to the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly on the work of the Liaison and any legislative recommendations.

*Patron - Kiggans*

**[P] SB1271 Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency.** Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received.

*Patron - McPike*

**[P] SB1279 Department of Veterans Services; initiatives to reduce unemployment among veterans; comprehensive transition program.** Requires the Department of Veterans Services to develop a comprehensive program to assist military service members, veterans, and their spouses in making a successful transition from military to civilian life in Virginia. The program promotes strategies and services for connecting transitioning service members, veterans, and spouses to local, regional, state, and federal employment resources in Virginia, including (i) skills and workforce assessments and (ii) internship and apprenticeship programs. The bill also requires that the program prioritize assistance to military service members, veterans, and their spouses who have not

sought services from or do not qualify for services under certain federal programs administered by the Commonwealth.

*Patron - Bell*

**[P] SB1310 Employment; domestic service; Virginia Human Rights Act.** Provides that individuals who are engaged in providing domestic service are not excluded from employee protection laws and laws regarding the payment of wages. The measure also provides that the prohibitions on non-discrimination in employment of the Virginia Human Rights Act apply to employers that employ one or more domestic workers.

*Patron - McClellan*

**[P] SB1314 Virginia Economic Development Partnership Authority; Office of Education and Labor Market Alignment established; workforce and higher education alignment.** Directs the Virginia Economic Development Partnership Authority to establish an Office of Education and Labor Market Alignment (the Office) to coordinate data analysis on workforce and higher education alignment and translate data to partners. The Office shall provide a unified, consistent source of information or analysis for policy development and implementation related to talent development and shall partner with the State Council of Higher Education for Virginia, institutions of higher education, the Virginia Department of Education, the Virginia Employment Commission, GO Virginia, and other relevant entities to offer resources and expertise related to education and labor market alignment.

*Patron - Hashmi*

**[P] SB1343 Virginia Freedom of Information Act; proprietary records and trade secrets; carbon sequestration agreements.** Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a carbon sequestration agreement. The bill requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary.

*Patron - Vogel*

**[P] SB1365 Data governance; Office of Data Governance and Analytics; Chief Data Officer; Virginia Data Commission; report.** Creates the Office of Data Governance (the Office) in the Office of the Secretary of Administration, to be directed by the existing Chief Data Officer of the Commonwealth. The Office is charged with overseeing general data governance in the Commonwealth, as well as developing and managing the Commonwealth Data Trust, a multi-stakeholder data exchange and analytics platform. A multi-level governance structure is established to govern the Trust. The provisions of the bill establishing the Office expire on July 1, 2023. The bill also establishes the Virginia Data Commission to advise the Office on issues relating to data sharing. The Commission is directed to review and evaluate the Office and provide recommendations regarding its permanent structure and long-term funding options. The provisions related to the Commission expire on July 1, 2024.

*Patron - Barker*

**[P] SB1410 Active military or a military spouse; prohibits discrimination in public accommodations, etc.** Prohibits discrimination in public accommodations, employment, and housing on the basis of a person's military status, defined as a member of the uniformed services of the United States or a reserve component thereof or a spouse or other dependent of the same. The bill also prohibits terms in a rental agreement in which the tenant agrees to waive remedies or rights under the

federal Servicemembers Civil Relief Act prior to the occurrence of a dispute between the landlord and the tenant. This bill is identical to HB 2161.

*Patron - Bell*

**[P] SB1414 Henrietta Lacks Commission; sunset.** Extends the expiration of the Henrietta Lacks Commission from July 1, 2021, to July 1, 2026.

*Patron - Stanley*

**[P] SB1418 Grants from the Commonwealth's Development Opportunity Fund; waiver or reduction of capital investment and local match requirement.** Provides that, for grants from the Commonwealth's Development Opportunity Fund, capital investment and local match requirements may be reduced or waived based on the creation of telework jobs that pay an average wage of at least 1.2 times the Virginia minimum wage.

*Patron - McPike*

**[P] SB1429 Disposition of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute.** Authorizes the Governor to lease a portion of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute to Smyth County in as-is condition for a term of three years upon such terms and conditions as may be agreed by the parties, including, without limitation, Smyth County's responsibility for building or infrastructure refurbishments and operational expenses. The bill also corrects tax map references from a 2019 conveyance of property in Smyth County. This bill is identical to HB 2098.

*Patron - Pillion*

**[P] SB1458 Secretary of Commerce and Trade; Identity Management Standards Advisory Council.** Transfers the management of the Identity Management Standards Advisory Council from the Secretary of Administration to the Secretary of Commerce and Trade. The bill also adds to the membership of the Advisory Council a representative from the Commonwealth of Virginia Innovation Partnership Authority and a representative of Virginia consumers. The bill also allows the Commissioner of the Department of Motor Vehicles to serve ex officio with voting privileges.

*Patron - Boysko*

**[P] SB1469 Opioid Abatement Authority; established, report.** Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids and any other funds received on the Fund's behalf that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, or reducing opioid use disorder and the misuse of opioids or otherwise abating or remediating the opioid epidemic in the Commonwealth. This bill is identical to HB 2322.

*Patron - Barker*

## Failed

**[F] HB1741 Virginia Public Procurement Act; contract clause requiring subcontractor reporting of payments to employees and independent contractors.** Requires any contract awarded by a state agency or an agency of local government to require the contractor to include in each of its sub-

contracts a provision requiring the subcontractor to report to the contractor on a monthly basis (i) payroll records for all of the subcontractor's employees; (ii) records of all payments made by the subcontractor to individuals classified as independent contractors; and (iii) the total number of individuals on the jobsite, including the number classified as employees and the number classified as independent contractors. The bill requires the contractor to compile such information and submit it in a monthly report to the Department of Labor and Industry.

*Patron - Campbell, R.R.*

**[F] HB1784 Department of Small Business and Supplier Diversity; Small Business Procurement Enhancement Program established; report.** Establishes the Small Business Procurement Enhancement Program (the Program) with a statewide goal of 42 percent of small business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill (i) provides for a small business set-aside for competition among all small businesses for state agency purchases of up to \$100,000 for goods, nonprofessional services, and construction and up to \$80,000 for professional services and (ii) establishes certification criteria for participation in the Program by business operations on the basis of the total number of employees or annual gross receipts, averaged over the previous three years.

*Patron - Ward*

**[F] HB1857 Virginia Public Procurement Act; architectural and professional engineering term contracting; certain localities.** Exempts any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for environmental, location, design, and inspection work regarding highways and bridges. Current law exempts the Commissioner of Highways from such limitations and the exemption is continued in the bill.

*Patron - Subramanyam*

**[F] HB1972 Virginia Freedom of Information Act; Virginia Parole Board member votes.** Provides that individual votes of the members of the Virginia Parole Board shall be public records and subject to the provisions of the Virginia Freedom of Information Act.

*Patron - Rush*

**[F] HB1996 Virginia Public Procurement Act; determination of responsibility; local option to include criteria in Invitation to Bid.** Allows localities to include in the Invitation to Bid criteria that may be used in determining whether any bidder, not just any bidder who is not prequalified by the Virginia Department of Transportation as under current law, is a responsible bidder.

*Patron - Murphy*

**[F] HB1997 Virginia Freedom of Information Act; definition of "meeting."** Increases from three to four the number of members of a public body meeting as an informal assemblage that constitutes a meeting under the Virginia Freedom of Information Act.

*Patron - Murphy*

**[F] HB2000 Virginia Freedom of Information Act; charges for production of public records.** Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual records requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester

makes five or more individual records requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill also requires public bodies to post on their website or otherwise publish a written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, by the public body for accessing and searching for the requested records.

*Patron - Roem*

**[F] HB2089 Office of the State Inspector General; concurrent distribution of reports to executive and legislative branches.** Requires that the reports, information, or documents of the Office of the State Inspector General that are required to be transmitted to the executive and legislative branches be transmitted concurrently.

*Patron - Cox*

**[F] HB2155 Virginia Human Rights Act; nondiscrimination in employment; sexual harassment and workplace harassment.** Makes it an unlawful discriminatory practice for an employer, labor organization, or employment agency to engage in workplace harassment, including sexual harassment, as defined in the bill. The bill also provides (i) a nonexhaustive list of factors to consider when determining whether certain conduct constitutes workplace harassment, (ii) guidelines for when a court may find an employer liable for workplace harassment, (iii) that a person claiming to be aggrieved by an unlawful discriminatory practice may file a written complaint with the Division of Human Rights within two years of the occurrence of the alleged unlawful discriminatory practice, and (iv) that an aggrieved person who has been provided a notice of his right to file a civil action for such grievance may do so within one year of receiving such notice. The bill also amends the definition of "employer" to mean a person employing five or more employees, instead of 15 or more employees under current law, for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

*Patron - Watts*

**[F] HB2183 Department of Small Business and Supplier Diversity; small business resource for changes in the law.** Requires the Department of Small Business and Supplier Diversity (the Department) to publish on its website, by November 1 of each year, a resource to assist small businesses in the Commonwealth to navigate recent changes in the law impacting small businesses. The bill requires each state agency to submit to the Department, by September 1 of each year, a list of all statutory or regulatory changes that have become effective in the previous fiscal year or are known to become effective in the current fiscal year that will impact the operations and labor requirements of a broad spectrum of small businesses in the Commonwealth. The bill provides that each state agency is only responsible for submitting statutory and regulatory changes that the state agency is responsible for implementing or enforcing and requires the responsible state agency to include a summary of the change, written in layman's terms, and contact information for the agency. If a state agency determines it is not responsible for any such statutory or regulatory changes, the bill requires such agency to notify the Department. The bill defines "statutory or regulatory change" to mean any act of assembly or any new regulation or amendment to an existing regulation that occurred as a result of an act of assembly. The bill requires the Interdepartmental Board to establish criteria that will be used by state agencies in identifying statutory and regulatory changes that will impact the operations and

labor requirements of a broad spectrum of small businesses in the Commonwealth.

*Patron - Wilt*

**[F] HB2196 Virginia Freedom of Information Act; required release of law-enforcement disciplinary records; exceptions.** Requires the release of law-enforcement disciplinary records related to completed disciplinary investigations. The bill defines "law-enforcement disciplinary records" as any record created in furtherance of a law-enforcement disciplinary proceeding or any other administrative or judicial proceeding, whether such proceeding takes place in the Commonwealth or in another jurisdiction. The bill allows for the redaction of certain personal contact information of the law-enforcement officer, complainant, and witness or their families; social security numbers; and certain medical information of the law-enforcement officer and complainant.

*Patron - Mullin*

**[F] HB2210 Department of Law; Division of Civil Rights created; duties.** Creates in the Department of Law a Division of Civil Rights that has the power and duty to investigate crimes involving the nonpayment of wages.

*Patron - Jones*

**[F] HB2214 Commonwealth Broadband Chief Advisor; broadband service territory maps.** Requires the Commonwealth Broadband Chief Advisor to develop and maintain a map of private broadband provider service territories, including accurate average broadband speeds in such territories. The map shall be updated yearly and be made available to the public.

*Patron - O'Quinn*

**[F] HB2237 Virginia Public Procurement Act; project labor agreements; transportation projects.** Requires every public body, prior to requiring bidders, offerors, contractors, subcontractors, or operators on contracts for the design or construction of a road, highway, bridge, or similar transportation improvement to enter into, become or remain signatories to, or adhere to project labor agreements, to make a written determination that requiring such bidders, offerors, contractors, subcontractors, or operators to enter into, become or remain signatories to, or adhere to such project labor agreements advances the public's interests based on objective criteria established by the public body by regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned and women-owned business participation in the project.

*Patron - McQuinn*

**[F] HB2246 State agencies; automatic workforce management verification software.** Requires all state agencies with more than 20 full-time teleworking employees to use automatic workforce management verification software to verify the hours employees worked while teleworking by counting and reporting to the agency all keystroke, mouse event, and screenshot data. The bill requires all such data collected by the software to be considered personnel records belonging to the agency; however, agencies are prohibited from selling or transferring such data or using it for any purpose or in any manner other than to verify hours worked for the agency.

*Patron - LaRock*

**[F] HB2288 Virginia Public Procurement Act; construction contracts; requirement to submit list of subcontractors.** Requires bidders or offerors on contracts for construction of \$250,000 or more to submit along with their bid or proposal a list of all subcontractors, regardless of tier, that the bidder or offeror intends at the time of submitting the

bid or proposal to use on the contract to perform work valued at \$50,000 or more, including labor and materials. The bill requires such list to include certain information about each contractor. The bill also requires the bidder or offeror to submit (i) a statement declaring that the bidder or offeror has reviewed the qualifications and performance history of each subcontractor and found such qualifications and performance history to be sufficient to qualify the subcontractor to perform the subcontract work and (ii) a statement indicating that the bidder or offeror has received a written statement from each subcontractor verifying that such subcontractor (a) has not defaulted on any projects within the last three years, (b) is not currently suspended or disbarred by any public body, and (c) is not currently in bankruptcy. The bill allows the public body to disqualify any listed subcontractors, but requires the public body to notify the bidder or offeror of such disqualification and allow the bidder or offeror reasonable time to find a qualified replacement. The bill provides that any bidder or offeror that does not submit the required list and statements may have its bid or proposal disqualified, and any bidder or offeror that is found to have knowingly provided false information pursuant to this section shall be debarred from contracting with any public body for a period of up to one year. The bill requires compliance with its provisions for bids or offers on contracts for construction of \$250,000 or more with localities with a population in excess of 50,000, but provides that compliance is optional for bids or offers on contracts for construction of \$250,000 or more with any other locality. The provisions of this bill do not become effective unless reenacted by the 2022 Session of the General Assembly.

*Patron - Williams Graves*

**[F] HB2306 Virginia Public Procurement Act; contract clause requiring subcontractor reporting of payments to employees and independent contractors.** Requires any contract awarded by a state agency or an agency of local government to require the contractor to include in each of its subcontracts a provision requiring the subcontractor to report to the contractor on a monthly basis (i) payroll records for all of the subcontractor's employees; (ii) records of all payments made by the subcontractor to individuals classified as independent contractors; and (iii) the total number of individuals on the jobsite, including the number classified as employees and the number classified as independent contractors. The bill requires the contractor to compile such information and submit it in a monthly report to the Department of Labor and Industry.

*Patron - VanValkenburg*

**[F] HB2313 Freedom of Information Act; exclusions; definition of "Office of the Governor."** Adds the Chief Workforce Development Advisor and the Director of Diversity, Equity, and Inclusion to the definition of "Office of the Governor" for purposes of excluding the working papers and correspondence of the Office of the Governor from mandatory disclosure under the Freedom of Information Act.

*Patron - McQuinn*

**[F] HB5002 Department of Small Business and Supplier Diversity; Small Business Procurement Enhancement Program, and Women-owned and Minority-owned Business Procurement Enhancement Program established; report.** Establishes the Small Business Procurement Enhancement Program with a statewide goal of 42 percent of certified small business utilization in all discretionary spending by state agencies and covered institutions in procurement orders, prime contracts, and subcontracts, as well as a target goal of 50 percent subcontracting to certified small businesses in instances where the prime contractor is not a small business for all new capital outlay construction solicitations that are issued. In addition, the bill provides for a small business set-aside for state

agency and covered institution purchases of goods, services, and construction, requiring that purchases up to \$100,000 be set aside for award to certified small businesses and that purchases up to \$10,000 be set aside for award to microbusinesses. The bill also establishes the Women-owned and Minority-owned Business Procurement Enhancement Program with a statewide goal of 23.1 percent of certified women-owned and minority-owned business utilization in all discretionary spending by state agencies and covered institutions in procurement orders, prime contracts, and subcontracts. The bill creates the Division of Procurement Enhancement within the Department of Small Business and Supplier Diversity for purposes of collaborating with the Department of General Services, the Virginia Information Technologies Agency, the Department of Transportation, and covered institutions to further the Commonwealth's efforts to meet the goals established under the Small Business Procurement Enhancement Program and the Women-owned and Minority-owned Business Procurement Enhancement Program, as well as implementing initiatives to enhance the development of small businesses, microbusinesses, women-owned businesses, and minority-owned businesses in the Commonwealth. Finally, the bill amends the Virginia Public Procurement Act to permit public bodies to establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for the purchase or lease of goods, or for the purchase of services, insurance, or construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000. Under current law, such purchase procedures may only be established for (i) goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000; (ii) transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000; and (iii) professional services, provided that the aggregate or the sum of all phases is not expected to exceed \$80,000. The bill has a delayed effective date of July 1, 2023, for certain university hospitals and medical centers. The provisions of the bill creating the Women-owned and Minority-owned Business Procurement Enhancement Program sunset on July 1, 2028.

*Patron - Ward*

**[F] SB1099 Children's Services Act; special education programs.** Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

*Patron - Stuart*

**[F] SB1103 Virginia Freedom of Information Act; Virginia Parole Board member votes.** Provides that individual votes of the members of the Virginia Parole Board shall be public records and subject to the provisions of the Virginia Freedom of Information Act.

*Patron - Suetterlein*

**[F] SB1114 Children's Services Act; eligibility for state pool of funds.** Expands eligibility for use of the state pool of funds under the Children's Services Act to services that are provided in a public school setting.

*Patron - Peake*



**[F] SB1133 Children's Services Act; eligibility for state pool of funds; pilot program related to educational placement transition for certain students with disabilities.** Expands eligibility for use of the state pool of funds under the Children's Services Act to services that are provided in a public school setting and requires that private day schools be approved and licensed by the Department of Education or an equivalent out-of-state licensing agency to be eligible for the state pool of funds. The bill requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance and Appropriations, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years.

*Patron - Suetterlein*

**[F] SB1171 State and Local Government Conflict of Interests Act; disclosure requirements; industrial development authorities and economic development authorities.** Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, in a locality with a population in excess of 25,000 or in a region serving more than one locality that, in the aggregate, has a population in excess of 25,000 to file a Statement of Economic Interests (SOEI) with the clerk of the local governing body as a condition to assuming office and thereafter annually on or before February 1. Current law requires all executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act, to file a SOEI.

*Patron - Norment*

**[F] SB1174 Director of Diversity, Equity, and Inclusion; reporting requirements.** Directs the Director of Diversity, Equity, and Inclusion to, when sending any memorandum to a public institution of higher education recommending or mandating diversity of any description, submit copies of such memorandum to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health. The bill also directs the Director to provide to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by January 1 of each year an itemized list of expenditures made by the office of the Director.

*Patron - Norment*

**[F] SB1198 Government Data Collection and Dissemination Practices Act; license plate readers.** Prohibits law-enforcement and regulatory agencies from using license plate readers to collect and maintain personal information on

individuals without a warrant. The bill provides that license plate data may be collected if intended for prompt evaluation and potential use in investigating suspected criminal activity, civil or regulatory violations, or terrorism, or in support of the emissions inspection program of the Department of Motor Vehicles (DMV). The data may only be retained for 30 days and shall not be subject to any outside inquiries or internal usage except for the investigation of a report of a missing person, suspected criminal activity, civil or regulatory violations, or terrorism by any person. The bill also prohibits an agency from acquiring personal information collected from license plate readers from a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own, unless such license plate reader technology is being utilized as part of the DMV's emissions inspection program.

*Patron - Petersen*

**[F] SB1222 Virginia Public Procurement Act; purchase of personal protective equipment.** Requires a state agency, whenever purchasing personal protective equipment (PPE) for public use, to purchase such PPE from a Virginia-based company or manufacturer or a manufacturer that uses materials made in the United States. The bill provides that if a state agency is unable to purchase PPE from such company or manufacturer, it may purchase from another company or manufacturer, pending the results of independent laboratory testing of the PPE.

*Patron - DeSteph*

**[F] SB1305 Virginia Public Procurement Act; construction contracts; subcontractor workforce requirements.** Requires all public bodies in a locality with a population in excess of 25,000 and covered institutions, defined in the bill, to include in every construction contract of more than \$500,000 certain provisions related to the outsourcing of subcontracted work, which a contractor shall agree to during the performance of such contract. Such provisions mandate that a contractor shall only utilize subcontractors that certify in writing to the contractor that they will outsource no more than 10 percent of the cost of the work subcontracted for, excluding the provision of materials, with specified exceptions.

*Patron - McPike*

**[F] SB1349 Government Data Collection and Dissemination Practices Act; exemptions; email addresses of licensed professionals.** Modifies current law to provide that electronic mail addresses of persons applying for or possessing a license to engage in the practice of any profession in the Commonwealth may also be disseminated, in addition to such person's name and address, by the agency maintaining such information.

*Patron - Newman*

**[F] SB1360 Virginia Human Rights Act; nondiscrimination in employment; sexual harassment and workplace harassment.** Clarifies, by defining sexual harassment and workplace harassment, what constitutes an unlawful employment practice if engaged in by an employer. The bill also provides (i) a nonexhaustive list of factors to consider when determining whether certain conduct constitutes workplace harassment, (ii) that a person claiming to be aggrieved by an unlawful discriminatory practice may file a written complaint with the Division of Human Rights within two years after the occurrence of the alleged unlawful discriminatory practice, and (iii) that an aggrieved person who has been provided a notice of his right to file a civil action for such grievance may do so within one year of receiving such notice and may be awarded reasonable attorney fees, including costs and reasonable litigation expenses if the court or jury finds in his



favor. The bill also amends the definition of "employer" to mean a person employing five or more employees, instead of 15 or more employees under current law, for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

*Patron - McClellan*

**[F] SB1369 Department of Small Business and Supplier Diversity; definitions; small business.** Redefines "small business" for the purpose of programs for the Department of Small Business and Supplier Diversity to allow a cooperative association organized pursuant to Chapter 3 (Cooperative Associations) of Title 13.1 as a nonstock corporation to qualify as a small business if it is at least 51 percent independently controlled by one or more members who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. The bill also redefines "small business" for the purpose of programs for the Virginia Public Procurement Act to allow a cooperative association organized pursuant to Chapter 3 (Cooperative Associations) of Title 13.1 as a nonstock corporation to qualify as a small business if it is controlled by one or more members who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

*Patron - Obenshain*

**[F] SB1384 Virginia Public Procurement Act; local arbitration agreements.** Allows a participating locality, for any procurement solicitation or contract exceeding \$10,000 for goods and services, to require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses, defined in the bill, in employment, civil rights, and consumer disputes, and provides that a locality may consider the policies and practices related to arbitration of each bidder and offeror. The bill also provides that a participating locality shall require the bidder or offeror to provide written or electronic submissions to allow the locality to ascertain (i) whether the bidder or offeror requires persons with whom it is in a work relationship or prospective work relationship to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover an employment or civil rights dispute and (ii) whether the bidder or offeror requires consumers to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover a consumer or civil rights dispute as a condition of purchasing products or services, downloading mobile applications, or using websites. The bill authorizes a participating locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor that has violated a provision of the bill and to declare the contractor ineligible for further contracts with such locality for up to five years.

*Patron - Surovell*

**[F] SB1419 Project labor agreements; public interest.** Requires that for contracts requiring the design or construction of a road, highway, bridge, or similar transportation improvement, a public body wishing to enter into a project labor agreement shall first determine by written finding that participation in such project labor agreement advances the public interest, based on objective criteria established by the public body by regulation, ordinance, or resolution that may include cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned or women-owned business participation in the project.

*Patron - Marsden*

**[F] SB1450 COVID-19 vaccination; discrimination in employment prohibited.** Prohibits discrimination in

employment based on a person's vaccination status with respect to any COVID-19 vaccine.

*Patron - Chase*

**[F] SB1451 Department of General Services; equal access to state and local public property by persons who choose not to receive COVID-19 vaccine.** Prohibits state agencies and localities from denying the use of certain public facilities to any person based on such person's vaccination status with respect to any COVID-19 vaccine.

*Patron - Chase*

## Agriculture, Animal Care, and Food

### Passed

**[P] HB1750 Dairy Producer Margin Coverage Premium Assistance Program.** Directs the Commissioner of Agriculture and Consumer Services to establish and administer the Dairy Producer Margin Coverage Premium Assistance Program (the Program). The bill provides that any dairy farmer that has a resource management plan or nutrient management plan and participates in the federal margin coverage program for dairy producers at the tier I level as contained in the federal Agriculture Improvement Act of 2018 is eligible to participate in the Program. Under the bill, each year a Program participant will receive a refund of its annual premium payment paid into the federal program. Such reimbursement shall be provided on a first-come, first-served basis and shall be subject to availability of funds expressly appropriated for the purposes set forth in the chapter. The Commissioner shall submit an annual report no later than December 1 of each year to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources assessing the effectiveness of the Program. The bill has an expiration date of July 1, 2023. This bill is identical to SB 1193.

*Patron - Gooditis*

**[P] HB2030 Neonicotinoid pesticides; study.** Directs the Department of Agriculture and Consumer Services to study the Beekeeper Pollinator Protection Plan and voluntary best management practices for the purpose of proposing improvements to communication between beekeepers and applicators to reduce the risk to pollinators from neonicotinoid pesticides. The bill authorizes the Department to establish a stakeholder working group and directs it to report on its findings no later than December 1, 2021.

*Patron - Krizek*

**[P] HB2068 Local Food and Farming Infrastructure Grant Program.** Establishes the Local Food and Farming Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$25,000, shall be awarded on a competitive basis to support infrastructure development projects that support local food production and sustainable farming. The bill directs the Secretary of Agriculture and Forestry to develop guidelines for the Program that favor projects that establish or maintain farmers markets; businesses or organizations that manage the aggregation, distribution, and marketing of food products primarily from local and regional producers; and primarily locally owned processing facilities.

*Patron - Rasoul*

**P HB2078 Industrial hemp; federal hemp producer license; emergency.** Updates Virginia's industrial hemp laws to address the new hemp producer license issued by the U.S. Department of Agriculture. The bill changes drug laws to exclude the industrial hemp possessed by a federally licensed hemp producer from the definition of "marijuana" and to exclude certain amounts of tetrahydrocannabinol (THC) in such industrial hemp from the prohibition on THC. The bill exempts federally licensed hemp producers from state industrial hemp registration requirements and adds such producers to the list of those eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund.

The bill provides that no grower, agent of such grower, or federally licensed producer shall be prosecuted for possession of industrial hemp or Cannabis sativa with a THC concentration that does not exceed the concentration established in certain federal regulations and prohibits the Commissioner of Agriculture and Consumer Services from deeming a grower negligent if the grower makes reasonable efforts to grow industrial hemp but grows Cannabis sativa with a THC concentration that does not exceed the concentration established in federal regulations. The bill makes other changes to industrial hemp laws, including (i) limiting the application fee for registration of growers, dealers, and producers to \$250; (ii) excluding from the definition of "dealer" any retail establishment that sells a completed product containing industrial hemp; (iii) making optional the monitoring and random testing of industrial hemp by the Commissioner and authorizing the random sampling of such hemp; (iv) removing the requirement that the Attorney General of the United States be notified when a Virginia grower, dealer, or processor exceeds the federal THC limit; and (v) directing the Commissioner to adopt regulations establishing a fee structure for registration.

Finally, the bill exempts employees of the Virginia Department of Agriculture and Consumer Services from prosecution for possession or distribution of industrial hemp when possession is necessary in the performance of their duties. The bill contains an emergency clause.

*Patron - Marshall*

**P HB2203 Virginia Agriculture Food Assistance Program and Fund; established.** Requires the Commissioner of Agriculture and Consumer Services (the Commissioner) to establish the Virginia Agriculture Food Assistance Program (VAFA Program) for Virginia farmers and food producers to donate, sell, or otherwise provide agriculture products to charitable food assistance organizations. The bill also creates the Virginia Agriculture Food Assistance Fund to disburse moneys to such charitable food assistance organizations to reimburse farmers or food producers for any costs associated with harvesting, processing, packaging, or transporting agriculture products donated to such charitable food assistance organizations. The bill authorizes the Commissioner to adopt guidelines and regulations to carry out the VAFA Program, which must prohibit grant recipients from attributing more than 10 percent of the grant amount to administrative costs. This bill is identical to SB 1188.

*Patron - Filler-Corn*

**P HB2302 Farmers markets treated as grocery stores during state of emergency.** Provides that farmers markets shall be treated the same as grocery stores if such stores are allowed to remain open as essential businesses during a state of emergency declared by the Governor.

*Patron - Wyatt*

**P SB1135 Dangerous dogs; procedure for adjudication; penalty.** Restructures the procedure for adjudication of a dog as a dangerous dog to provide for (i) written notice by an

animal control officer to the owner of the dog that he has applied for a summons, and a prohibition on disposal of the dog by the owner for 30 days; (ii) the issuance of a summons with an option rather than a requirement that the officer confine the dog, a prohibition on the disposal of the dog other than by euthanasia, and an authorization for the court to compel the implanting of electronic identification; (iii) the holding of a hearing within 30 days unless good cause is shown; (iv) the authority of the court if deferring further proceedings without adjudicating to compel the implanting of electronic identification; and (v) a limit of 30 days for any appeal of a dangerous dog adjudication.

The bill authorizes an officer to obtain a summons for a hearing to determine whether a dog that has been surrendered is a dangerous dog and provides that any dangerous dog not reclaimed from the animal control officer within 10 days of notice shall be considered abandoned.

The bill imposes new requirements for the transfer of dangerous dogs, requiring a releasing agency that is transferring or releasing for adoption a dangerous dog in the Commonwealth to notify the receiving party of the legal requirements for keeping a dangerous dog. If the agency is transferring the dog outside the Commonwealth, it is required to notify the appropriate animal control officer of the dog's adjudication as dangerous. An owner who is bringing a dog found to be dangerous in another state to reside in the Commonwealth shall notify the local animal control officer. Any owner who disposes of a dangerous dog by gift, sale, transfer, trade, or surrender shall notify the receiver in writing of the dog's adjudication as dangerous, with a violation penalized as a Class 3 misdemeanor.

Finally, the bill provides that if a dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal of the dangerous dog registration shall be included in the initial registration at no additional charge. The bill contains technical amendments.

*Patron - Marsden*

**P SB1188 Virginia Agriculture Food Assistance Program and Fund; established.** Requires the Commissioner of Agriculture and Consumer Services (the Commissioner) to establish the Virginia Agriculture Food Assistance Program (VAFA Program) for Virginia farmers and food producers to donate, sell, or otherwise provide agriculture products to charitable food assistance organizations. The bill also creates the Virginia Agriculture Food Assistance Fund to disburse moneys to such charitable food assistance organizations to reimburse farmers or food producers for any costs associated with harvesting, processing, packaging, or transporting agriculture products donated to such charitable food assistance organizations. The bill authorizes the Commissioner to adopt guidelines and regulations to carry out the VAFA Program, which must prohibit grant recipients from attributing more than 10 percent of the grant amount to administrative costs. This bill is identical to HB 2203.

*Patron - Hashmi*

**P SB1193 Dairy Producer Margin Coverage Premium Assistance Program.** Directs the Commissioner of Agriculture and Consumer Services to establish and administer the Dairy Producer Margin Coverage Premium Assistance Program (the Program). The bill provides that any dairy farmer that has a resource management plan or nutrient management plan and participates in the federal margin coverage program for dairy producers at the tier I level as contained in the federal Agriculture Improvement Act of 2018 is eligible to participate in the Program. Under the bill, each year a Program participant will receive a refund of its annual premium payment paid into the federal program. Such reimbursement shall be provided on a first-come, first-served basis and shall be subject to availability of funds expressly appropriated for the purposes set forth in

the chapter. The Commissioner shall submit an annual report no later than December 1 of each year to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources assessing the effectiveness of the Program. The bill has an expiration date of July 1, 2023. This bill is identical to HB 1750.

*Patron - Obenshain*

**[P] SB1194 Produce safety; sunset.** Removes the sunset date for Chapter 51.1 (§ 3.2-5146 et seq.) of Title 3.2 on produce safety, which was enacted in 2017 and set to expire upon the effective date of the repeal of certain federal regulations or on July 1, 2022, whichever occurs sooner. The chapter will still expire upon the effective date of the repeal of such federal regulations that require the provisions of Chapter 51.1 to exist.

*Patron - Obenshain*

**[P] SB1412 Pet shops, dealers, and dog breeders; employees convicted of animal cruelty; penalty.** Prohibits any person from serving as an owner, director, officer, manager, operator, member of staff, or animal caregiver for a pet shop, dealer, or commercial dog breeder if such person has been convicted of animal cruelty. The bill prohibits pet shops from selling or giving for adoption a dog without first obtaining a signed statement from the purchaser or adopter that such person has never been convicted of animal cruelty. A violation of any such requirement is a Class 1 misdemeanor.

*Patron - Stanley*

**[P] SB1417 Animal testing facilities; adoption of dogs and cats; civil penalty.** Requires any animal testing facility, defined in the bill, that no longer has need for a dog or cat in its possession that does not pose a health or safety risk to the public or itself to offer, for a reasonable period of time prior to euthanasia, such dog or cat for adoption to a releasing agency or through a private placement or in the case of a testing facility operated by an agency or institution of higher education, develop its own adoption program. The bill authorizes an animal testing facility to enter into an agreement with a releasing agency for the implementation of the adoption. Violation is subject to a civil penalty of not more than \$5,000 and any court costs and attorney fees.

*Patron - Stanley*

## Failed

**[F] HB1744 Animal care; zoos and petting zoos; seizure of animals.** Raises from reasonable cause to probable cause the standard for a belief that animal cruelty laws are being violated for purposes of an application for a search warrant. The bill adds animals located at a zoo or petting zoo, defined in the bill, to agricultural animals as exceptions to the standards for seizure or impoundment of companion animals. The bill also requires that before a seizure can take place at a zoo or petting zoo, a direct and immediate threat to an animal must exist that cannot be corrected in a reasonable time or that the owner is unable or unwilling to correct. The bill requires humane investigators to be residents of the Commonwealth. The bill contains technical amendments.

*Patron - Campbell, R.R.*

**[F] HB1767 Tobacco Indemnification and Community Revitalization Fund; Powhatan County.** Directs the Tobacco Region Revitalization Commission to distribute moneys from the Tobacco Indemnification and Community Revitalization Fund for (i) the stimulation of economic growth and development in tobacco-dependent communities in Powhatan

County and (ii) scientific research performed at one of the Commonwealth's National Cancer Institute-designated research institutes designed to advance the treatment and prevention of cancers that directly impact the citizens of tobacco-dependent communities in Powhatan County. Currently, such moneys are distributed for such purposes only in tobacco-dependent communities in the Southside and Southwest regions.

*Patron - Ware*

**[F] HB2109 Board of Agriculture and Consumer Services; membership.** Expands the Board of Agriculture and Consumer Services by adding as an at-large member an expert in companion animal welfare who is employed by a releasing agency in the Commonwealth. Under current law, the Board is composed of one member from each congressional district, of which there are 11, two at-large members engaged in the application or sale of pesticides, and two ex officio members.

*Patron - Fariss*

**[F] HB2275 Food and drink permit requirements; regulations.** Directs the Commissioner of Agriculture and Consumer Services (the Commissioner), after conducting the required inspection, to issue a permit for the operation of any food manufacturer, food storage warehouse, or retail food establishment. The bill prohibits the operation of such manufacturer, warehouse, or establishment without a permit unless the inspection finds no significant health hazard and the business is awaiting receipt of its permit, which shall be processed within 30 days of the inspection. The bill authorizes the Commissioner to deny, suspend, or revoke such permit for certain violations and authorizes the Commissioner to suspend such permit and seek an expedited informal fact-finding proceeding if conditions exist that present a significant and immediate public health hazard.

The bill requires the Commissioner to issue a permit to any manufacturer, warehouse, or establishment that is legally operating on July 1, 2021, and has satisfactorily completed its most recent inspection. The bill also authorizes the Board of Agriculture and Consumer Services to adopt regulations to administer the permitting process and directs the Commissioner to develop a written appeal process for use when a permit is suspended.

*Patron - Gooditis*

**[F] SB1115 Industrial hemp; federal hemp producer license; emergency.** Updates Virginia's industrial hemp laws to address the new hemp producer license issued by the U.S. Department of Agriculture. The bill changes drug laws to exclude the industrial hemp possessed by a federally licensed hemp producer from the definition of "marijuana" and to exclude certain amounts of tetrahydrocannabinol (THC) in such industrial hemp from the prohibition on THC. The bill exempts federally licensed hemp producers from state industrial hemp registration requirements and adds such producers to the list of those eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund.

The bill makes other changes to industrial hemp laws, including (i) excluding from the definition of "dealer" any retail establishment that sells a completed product containing industrial hemp; (ii) making optional the monitoring and random testing of industrial hemp by the Commissioner of Agriculture and Consumer Services and authorizing the random sampling of such hemp; (iii) removing the requirement that the Attorney General of the United States be notified when a Virginia grower, dealer, or processor exceeds the federal THC limit; and (iv) directing the Commissioner to adopt regulations establishing a fee structure for registration.

Finally, the bill exempts employees of the Virginia Department of Agriculture and Consumer Services from prosecution for

possession or distribution of industrial hemp when possession is necessary in the performance of their duties. The bill contains an emergency clause.

*Patron - Peake*

**[F] SB1173 Tobacco Region Revitalization Commission; membership.** Requires that legislative members of the Tobacco Region Revitalization Commission each represent a district with at least 25 percent of its population residing within the Tobacco Region as defined in the bill.

*Patron - Norment*

**[F] SB1177 Public weighmasters; license.** Allows a business entity to apply to the Commissioner of Agriculture and Consumer Services for a license that allows qualified individuals working for or on behalf of the entity to act as licensed public weighmasters.

*Patron - Ruff*

**[F] SB1312 Virginia Spirits Promotion Fund; assessment on distillers; emergency.** Requires licensed distillers to collect an assessment for each liter of spirits sold and remit such assessment to the Tax Commissioner to the credit of the Virginia Spirits Promotion Fund. The bill authorizes the Virginia Spirits Board to set the amount of such assessment, not to exceed \$1 per liter of spirits sold. The bill contains an emergency clause.

*Patron - Mason*

**[F] SB1390 Cats; trap, neuter, and return programs; civil penalty.** Authorizes any public or private animal shelter, releasing agency, or hospital or clinic that is operated under the immediate supervision of a duly licensed veterinarian to operate a trap, neuter, and return program, as defined in the bill. The bill exempts volunteers of such program from provisions related to abandonment and licensing of animals and exempts the operator from general requirements of shelters related to holding periods, release of animals, and recordkeeping. A person who violates certain required provisions for such a program is subject to a civil penalty not to exceed \$150 brought by any animal control officer, humane investigator, releasing agency, or the State Veterinarian or State Veterinarian's representative.

*Patron - Lewis*

## Alcoholic Beverage Control Act

### Passed

**[P] HB1845 Alcoholic beverage control; license fee reform; delay; emergency.** Delays the effective date of the 2020 alcoholic beverage control license and fee reform from July 1, 2021, to January 1, 2022. During the period of delay and subject to certain requirements, the bill allows on-premises wine or beer licensees to sell wine or beer for off-premises consumption and allows such licensees, as well as off-premises wine or beer licensees, to deliver wine or beer that the licensee is authorized to sell without a delivery permit. The bill contains a technical amendment and an emergency clause.

*Patron - VanValkenburg*

**[P] HB1879 Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption.** Allows distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority (the Authority), mixed beverage restaurant licensees, and limited

mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. The bill directs the Authority to convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021. The provisions of this bill sunset on July 1, 2022, and this bill is identical to SB 1299.

*Patron - Bulova*

**[P] HB1973 Alcoholic beverage control; privileges of banquet licensees.** Provides that banquet licensees that are nonprofit corporations or associations conducting fundraisers and that are authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold may, if conducting such fundraiser through an online meeting platform, ship such wine, in accordance with the regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, in closed containers to persons located within the Commonwealth.

*Patron - Rush*

**[P] HB2131 Alcoholic beverage control; license application; corrective action.** Adds the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by the Board of Directors of the Virginia Alcoholic Beverage Control Authority. The bill also expands the definition of "criminal blight" for which the locality may require a property owner to take corrective action to include a condition existing on real property that endangers public health or safety and is caused by (i) the regular presence on the property of persons in possession of controlled substances and (ii) the discharge of a firearm under certain conditions.

*Patron - Lopez*

**[P] HB2266 Alcoholic beverage control; designated outdoor refreshment area license.** Renames the "local special events" license as the "designated outdoor refreshment area" license. The bill allows the Board of Directors of the Virginia Alcoholic Beverage Control Authority to increase the frequency and duration of events held under such license after adoption of an ordinance by a locality requesting such increase in frequency and duration. Under current law, localities are limited to holding 16 events per year under such license, with each event lasting no more than three consecutive days, except during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. The bill also increases the state and local license fees for designated outdoor refreshment area licenses issued pursuant to a local ordinance. This bill incorporates HB 2051 and is identical to SB 1471.

*Patron - Ayala*

**[P] HB2312 Marijuana; legalization; retail sales; penalties.** Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The

bill creates the Virginia Cannabis Control Authority (the Authority), the Cannabis Oversight Commission, the Cannabis Public Health Advisory Council, the Cannabis Equity Reinvestment Board and Fund, and the Virginia Cannabis Equity Business Loan Program and Fund and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates, and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly. This bill incorporates HB 1815 and is identical to SB 1406. This bill received Governor's recommendations.

*Patron - Herring*

**[P] SB1299 Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption.** Allows distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority (the Authority), mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. The bill directs the Authority to convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021. The provisions of the bill sunset on July 1, 2022. This bill incorporates SB 1388 and is identical to HB 1879.

*Patron - Bell*

**[P] SB1406 Marijuana; legalization; retail sales; penalties.** Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority), the Cannabis Oversight Commission, the Cannabis Public Health Advisory Council, the Cannabis Equity Reinvestment Board and Fund, and the Virginia Cannabis Equity Business Loan Program and Fund and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates, and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly. This bill incorporates SB 1243 and is identical to HB 2312. This bill received Governor's recommendations.

*Patron - Ebbin*

**[P] SB1428 Alcoholic beverage control; operation of government stores; sale of low alcohol beverage coolers.** Prohibits the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority from selling in govern-

ment stores low alcohol beverage coolers not manufactured by licensed distillers. Under current law, the Board may sell any low alcohol beverage coolers in government stores. The bill has a delayed effective date of January 1, 2022.

*Patron - Locke*

**[P] SB1471 Alcoholic beverage control; designated outdoor refreshment area license.** Renames the "local special events" license as the "designated outdoor refreshment area" license. The bill allows the Board of Directors of the Virginia Alcoholic Beverage Control Authority to increase the frequency and duration of events held under such license after adoption of an ordinance by a locality requesting such increase in frequency and duration. Under current law, localities are limited to holding 16 events per year under such license, with each event lasting no more than three consecutive days, except during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. The bill also increases the state and local license fees for designated outdoor refreshment area licenses issued pursuant to a local ordinance. This bill is identical to HB 2266.

*Patron - Dunnivant*

## Failed

**[F] HB1735 Alcoholic beverage control; privileges of farm winery licensees and limited brewery licensees.** Expands the privileges of farm winery licensees by allowing them to sell at retail beer manufactured by limited brewery licensees for on-premises consumption. The bill also expands the privileges of limited brewery licensees by allowing them to sell at retail wine manufactured by farm winery licensees for on-premises consumption.

*Patron - Ware*

**[F] HB1738 Alcoholic beverage control; local outdoor refreshment areas.** Defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area.

*Patron - Wampler*

**[F] HB1815 Marijuana; legalization of cultivation, manufacture, sale, possession, and testing; penalties.** Establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill also grants localities the authority to enact ordinances establishing additional licensing requirements for marijuana establishments located within such locality and allows the home cultivation of marijuana for personal use under certain circumstances. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely

for purposes of public education. Finally, the bill establishes several new criminal penalties related to marijuana, as well as modifies some existing criminal penalties. This bill was incorporated into HB 2312.

*Patron - Heretick*

**[F] HB2051 Alcoholic beverage control; local outdoor refreshment areas.** Defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area. This bill was incorporated into HB 2266.

*Patron - Bourne*

**[F] HB2136 Alcoholic beverage control; mobile retailer license.** Creates a mobile retailer license, which authorizes the licensee to sell wine and beer during events within designated areas for on-premises consumption or in closed containers for off-premises consumption. The bill requires such licensees to (i) comply with any requirements or limitations imposed by the Board of Directors of the Virginia Alcoholic Beverage Control Authority and (ii) serve food, prepared on or off premises, whenever wine or beer is served. The bill allows such licenses to be granted to persons operating a mobile retail venture that sells wine or beer to patrons at special events or private gatherings through trucks or trailers equipped with no more than four beverage taps.

*Patron - Batten*

**[F] HB2164 Tobacco retail licensing; penalties.** The bill prohibits any person from selling any tobacco product at retail without first obtaining a license from the Alcoholic Beverage Control Authority (the Authority). The bill prohibits the sale of tobacco products and hemp products intended for smoking from vending machines. The bill imposes civil penalties on licensees for selling tobacco products without a license and for selling tobacco products to persons under age 21. Licenses would be subject to annual renewal and subject to revocation for violations of federal, state, or local laws related to tobacco products. The bill creates the Tobacco Retail Administration Subfund for the purpose of funding the Authority's costs of administering licenses and enforcing laws related to tobacco retail licensing.

The bill updates, for the purpose of the crime of selling or distributing tobacco products to a person younger than 21 years of age, the definition of "tobacco products" by including in such definition products currently defined as nicotine vapor products or alternative nicotine products. The bill also removes provisions prohibiting the attempt to purchase, purchase, or possess tobacco products and hemp products intended for smoking by persons younger than 21 years of age. The bill also removes the exception allowing the sale of tobacco products to active-duty military personnel who are 18 years of age or older.

*Patron - Hope*

**[F] HB2297 Alcoholic beverage control; transfer of wine; penalty.** Allows retail off-premises and on-and-off premises wine and beer licensees to transfer wine from one licensed place of business to another, subject to certain requirements.

*Patron - Plum*

**[F] SB1243 Marijuana; legalization of cultivation, manufacture, sale, possession, and testing; penalties.** Establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill also grants localities the authority to enact ordinances establishing additional licensing requirements for marijuana establishments located within such locality and allows the home cultivation of marijuana for personal use under certain circumstances. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely for purposes of public education. The bill establishes several new criminal penalties related to marijuana and modifies some existing criminal penalties. The bill requires the automatic expungement of records relating to the arrest, charge, conviction, adjudication or civil offense of a person for a misdemeanor violation of distribution or possession with intent to distribute marijuana and for a violation of possession of marijuana by July 1, 2022, or if, on July 1, 2022, the person who is the subject of the arrest, charge, conviction, adjudication, or civil offense has not completed all terms of sentencing and probation, including satisfaction of all court costs and fines and all orders of restitution, by three months after the date of completion of all terms of sentencing and probation. Finally, the bill permits any person who is convicted or adjudicated delinquent of a felony violation of distribution or possession with intent to distribute marijuana or charged with such violation which charge is deferred and dismissed, to petition for expungement of such charge, conviction, or adjudication under certain circumstances. This bill was incorporated into SB 1406.

*Patron - Morrissey*

**[F] SB1345 Alcoholic beverage control; license applications; notice requirements.** Directs the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority to make available on its website a list of all license applications that have been filed with the Board. The bill requires that such list include information regarding the type of license applied for, the proposed location of the licensed premises, a statement that objections to the license must be submitted within 30 days, and any other information deemed necessary by the Board. The bill also requires the license applicant to publish notice of the application at least once a week for two consecutive weeks in a newspaper of general circulation that is widely circulated in the county, city, or town wherein such applicant proposes to engage in such business.

*Patron - Vogel*

**[F] SB1346 Alcoholic beverage control; mobile retailer license.** Creates a mobile retailer license, which authorizes the licensee to sell wine and beer during events within designated areas for on-premises consumption or in closed containers for off-premises consumption. The bill requires such licensees to (i) comply with any requirements or limitations imposed by the Board of Directors of the Virginia Alcoholic Beverage Control Authority and (ii) serve food, prepared on or off premises, whenever wine or beer is served. The bill allows such licenses to be granted to persons operating a mobile retail venture that sells wine or beer to patrons at special events or private gatherings through trucks or trailers equipped with beverage taps.

*Patron - Stuart*

**[F] SB1388 Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption.** Allows distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority, mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. This bill was incorporated into SB 1299.

*Patron - Reeves*

## Aviation

### Passed

**[P] HB1851 Aircraft registration; unmanned aircraft.** Exempts an owner of an unmanned aircraft from the requirement to register aircrafts. This bill is identical to SB 1098.

*Patron - Delaney*

**[P] SB1098 Aircraft registration; unmanned aircraft.** Exempts an owner of an unmanned aircraft from the requirement to register aircrafts. This bill is identical to HB 1851.

*Patron - Favola*

**[P] SB1144 Aircraft; registration and licensing.** Clarifies that if a civil aircraft is required to be registered with the Department of Aviation, current law allows the owner a credit against the tax paid for such registration for similar taxes paid in another state.

*Patron - Stuart*

**[P] SB1214 Metropolitan Washington Airports Authority; effective date.** Repeals the contingent effective date for the creation of the Metropolitan Washington Airports Authority. Such contingency has been met. The bill is a recommendation of the Code Commission.

*Patron - Edwards*

## Behavioral Health and Developmental Services

### Passed

**[P] HB1808 Commissioner of Behavioral Health and Developmental Services; reports to designated protection and advocacy system.** Requires the Commissioner of Behavioral Health and Developmental Services (the Commissioner) to add written reports of the facts of alleged serious incidents, deaths, abuse, or neglect of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services (the Department) to the list of reports the Commissioner must provide to the Director of the Commonwealth's designated protection and advocacy system. Currently, the Commissioner is required to

provide reports of critical injuries involving, or deaths of individuals receiving, services in facilities and reports of serious injuries to or deaths of individuals receiving services in programs operated or licensed by the Department to the Director of the Commonwealth's designated protection and advocacy system. This bill is identical to SB 1154.

*Patron - Orrock*

**[P] HB1873 Brain injury; definition.** Eliminates the requirement that an injury occur before the age of 65 to constitute a brain injury as that term is used in the context of licensure of private providers of behavioral health services. This bill is identical to SB 1421.

*Patron - Coyner*

**[P] HB2070 Community services boards; contracts with private providers.** Clarifies that community services boards may enter into contracts with private providers for delivery of mental health, developmental, and substance abuse services.

*Patron - Willett*

**[P] HB2092 Department of Behavioral Health and Developmental Services; background checks; persons providing contractual services.** Requires background checks for contract staff providing direct care services for Department of Behavioral Health and Developmental Services' licensed services. The bill also sets out the barrier crimes for any person who provides contractual services directly to an individual receiving services on behalf of a licensed provider.

*Patron - Willett*

**[P] HB2166 Involuntary admission.** Amends provisions governing involuntary inpatient and mandatory outpatient treatment to (i) revise criteria for entry of a mandatory outpatient treatment order to become effective upon expiration of an order for involuntary inpatient treatment; (ii) eliminate the requirement that a person agree to abide by a mandatory outpatient treatment plan to be eligible for mandatory outpatient treatment and instead require that the judge or special justice find that the person is able to adhere to a mandatory outpatient treatment plan; (iii) eliminate the role of a treating physician in determining when a person is eligible to transition from inpatient to mandatory outpatient treatment under an order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (iv) increase from 90 to 180 days the length of an order for mandatory outpatient treatment; (v) revise requirements for monitoring of a person's adherence to a mandatory outpatient treatment plan by a community services board; (vi) expand the category of persons who may file petitions for various reviews of a mandatory outpatient treatment order or plan; and (vii) add a provision for status hearings during the period of mandatory outpatient treatment. The bill has a delayed effective date of July 1, 2022.

*Patron - Hope*

**[P] HB2230 Supported decision-making agreements; report.** Directs the Department of Behavioral Health and Developmental Services (the Department) to develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement, which shall include specific training opportunities, development of model supported decision-making agreements, and development of information about and protocols for preventing, identifying, and



addressing abuse and exploitation of individuals with intellectual and developmental disabilities who enter into supported decision-making agreements. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements in the Commonwealth and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1.

*Patron - Bell*

**[P] SB1154 Commissioner of Behavioral Health and Developmental Services; reports to designated protection and advocacy system.** Requires the Commissioner of Behavioral Health and Developmental Services (the Commissioner) to add written reports of the facts of alleged serious incidents, deaths, abuse, or neglect of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services (the Department) to the list of reports the Commissioner must provide to the Director of the Commonwealth's designated protection and advocacy system. Currently, the Commissioner is required to provide reports of critical injuries involving, or deaths of individuals receiving, services in facilities and reports of serious injuries to or deaths of individuals receiving services in programs operated or licensed by the Department to the Director of the Commonwealth's designated protection and advocacy system. This bill is identical to HB 1808.

*Patron - Favola*

**[P] SB1220 State facilities; admission of certain aliens.** Repeals the requirements that (i) the Commissioner of Behavioral Health and Developmental Services determine the nationality of each person admitted to a state facility and, if the person is an alien, notify the United States immigration officer in charge of the district in which the state facility is located and (ii) upon request of the United States immigration officer in charge of the district in which a state facility to which a person who is an alien is admitted is located or the judge or special justice who certified or ordered the admission of such alien, the clerk of the court furnish a certified copy of records pertaining to the case of the admitted alien.

*Patron - Favola*

**[P] SB1304 Community services boards; discharge planning.** Reduces from within 30 days to within 72 hours of an individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center. The bill also directs the Commissioner of Behavioral Health and Developmental Services to establish a work group with representatives of the Virginia Association of Community Services Boards to (i) review the current process for discharging patients from state mental health hospitals, including the current assigned responsibilities of state hospital staff and community services board staff, as well as the barriers to timely discharge for patients clinically ready to discharge, and (ii) develop potential options to expedite the discharge process for individuals who can be safely discharged back into the community. The bill directs the work group to develop a plan that includes recommendations for expediting the discharge process and identify the necessary funding to ensure that individuals receive essential services upon discharge and that discharges are timely. The bill requires the work group to report its findings and conclusions and its plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by September 1, 2021.

*Patron - McPike*

**[P] SB1421 Brain injury; definition.** Eliminates the requirement that an injury occur before the age of 65 to constitute a brain injury as that term is used in the context of licensure of private providers of behavioral health services. This bill is identical to HB 1873.

*Patron - Edwards*

**Failed**

**[F] HB2329 Involuntary commitment; release of person before expiration of order.** Provides that the director of a state hospital or person in charge of a licensed hospital shall not release a person who has been involuntarily admitted to such state hospital or licensed hospital during the 96-hour period immediately following the entry of the involuntary commitment order, unless in the opinion of (i) the psychiatrist treating the person, based on an evaluation conducted by the psychiatrist, and (ii) a second psychiatrist who has evaluated the person, the person will not meet the criteria for involuntary commitment if released.

*Patron - Cox*

**[F] SB1176 Department of Behavioral Health and Developmental Services; barrier crimes.** Amends the current barrier crimes requirements for the Department of Behavioral Health and Developmental Services (the Department) to provide that the Department, community services boards, children's residential facilities, and licensed providers shall not hire for compensated employment at a state facility, permit to be hired as a private provider, approve as a sponsored residential service provider, approve to be a volunteer, approve to provide contractual services, or permit to enter into a shared living arrangement with a person receiving medical assistance services any person who has been convicted of any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 (i) within the 10 years prior to the application date for employment, and may hire a person who has been convicted of such offenses more than 10 years prior only if he has not been convicted of any other crime within the 10 years prior to the application date, or (ii) if such person continues on probation or parole or has failed to pay required court costs for such offenses set forth in clause (i), (ii), or (iii) of such definition of barrier crime. Under current law, with some exceptions, the Department, community services boards, and licensed providers shall not hire for compensated employment persons who have been convicted of any offense set forth in clause (i), (ii), or (iii) of such definition of barrier crime.

*Patron - Ruff*

**[F] SB1244 Civil commitment of sexually violent predators.** Repeals sections of the Code of Virginia authorizing civil commitment of sexually violent predators.

*Patron - Morrissey*

**[F] SB1427 Department of Behavioral Health and Developmental Services; Early Psychosis Intervention and Coordinated Specialty Care Program Advisory Board established.** Establishes the Early Psychosis Intervention and Coordinated Specialty Care Program Advisory Board for the purpose of assisting the Department of Behavioral Health and Developmental Services in expanding the provision of high-quality, evidence-based early psychosis and mood disorder detection and intervention services.

*Patron - Morrissey*



## Civil Remedies and Procedure

### Passed

**P HB2099** **Limitations on enforcement of judgments; judgment liens; settlement agents.** Reduces from 20 years to 10 years from the date of a judgment the period of time within which an execution may be issued or action may be taken on such judgment. The bill provides that the limitation of the enforcement of a judgment may be extended up to two times by a recordation of a certificate prior to the expiration period in the clerk's office in which a judgment lien is recorded. The bill provides that such recordation shall extend the limitations period for 10 years per recordation from the date of such recordation. Under current law, such limitation period may be extended on motion of the judgment creditor or his assignee. The bill allows a settlement agent or title insurance company to release a judgment lien, in addition to a deed of trust as provided under current law, provided that the obligation secured by such judgment lien has been satisfied by payment made by the settlement agent and whether or not the settlement agent or title insurance company is named as a trustee under such lien or received authority to release such lien. The bill has a delayed effective date of January 1, 2022, for all provisions except those related to the recordation of a certificate for the extension of a judgment, which are effective in due course.

*Patron - Coyner*

**P HB2139** **Accrual of cause of action; diagnosis of latent injury.** Provides that a cause of action for a latent injury resulting from the exposure to a substance or the use of a product shall accrue when the person knew or should have known of the injury and its causal connection to an injury-causing substance or product.

*Patron - Guzman*

**P HB2190** **Wrongful death beneficiaries.** Provides that an award in a wrongful death action, where there is no surviving spouse of the decedent, children of the decedent, or children of a deceased child of the decedent, shall be distributed to the parents, brothers and sisters of the decedent, and any other relative who is primarily dependent on the decedent for support or services and is also a member of the same household as the decedent.

*Patron - Leftwich*

**P SB1241** **Personal injury claim; disclosure of insurance policy limits.** Provides that in a civil action for personal injuries sustained from a motor vehicle accident, regardless of the amount of losses sustained by an injured person, an insurance company shall disclose the policy limits of an alleged tortfeasor who has been charged with an offense of driving under the influence within 30 days of a request for such disclosure. Under current law, such disclosure is required only if the alleged tortfeasor is convicted of such an offense. The bill also adds the offense of refusal to submit to a breath or blood test to the list of driving under the influence offenses for which disclosure of the insurance policy limits is required.

*Patron - Stuart*

### Failed

**F HB1757** **Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.** Provides that if (i) the Commonwealth designates any property owned by it as a firearm-free zone or (ii) any locality

designates such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone.

*Patron - McGuire*

**F HB1897** **Summons for unlawful detainer; notice; adverse employment actions prohibited.** 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.

*Patron - Jenkins*

**F HB2045** **Civil action for deprivation of rights; duties and liabilities of certain employers in employing or contracting for the services of law-enforcement officers.** Creates a civil action for the deprivation of a person's rights by a law-enforcement officer and provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief as well as reasonable attorney fees and costs. The bill provides that sovereign immunity and limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights. Finally, the bill provides that any public or private entity that employs or contracts for the services of a law-enforcement officer owes a duty of reasonable care to third parties in its hiring, supervision, training, retention, and use of such officers under its employment or contract.

*Patron - Bourne*

**F HB2073** **Wrongful death statute of limitations; criminal investigations by law enforcement; emergency.** Provides that in a civil action for the wrongful death of an injured person such action may be brought by a personal representative of a decedent within two years after the death of the person or, if applicable, within two years of the conclusion of a criminal investigation by law enforcement of such death, whichever is longer. Under current law, a wrongful death action must be brought within two years of the death of the decedent. The bill contains an emergency clause.

*Patron - Convors-Fowler*

**F HB2143** **Immunity from civil claims related to the transmission of or exposure to the COVID-19 virus and uses of personal protective equipment; emergency.** Provides immunity to persons, as defined in the bill, from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus, provided such person has complied with applicable federal, state, and local policies, procedures, and guidance regarding COVID-19. The bill further provides immunity to persons who design, manufacture, label, or distribute any personal protective equipment in response to the COVID-19 virus from any civil cause of action arising out of the use of such equipment. The bill contains an emergency clause, and the immunities provided by such bill expire two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

*Patron - Miyares*

**F HB2193** **Settlement agreements; stay of dismissal.** Provides that, in any case in which a plaintiff or counterclaim plaintiff is seeking a civil judgment against a defendant or counterclaim defendant, if the parties enter into a written settlement agreement, upon request of the parties, a dismissal of such case shall be stayed to allow for full compliance with such settlement agreement. The bill requires the plaintiff

or counterclaim plaintiff to file a notice of dismissal with the court once the defendant or counterclaim defendant has complied with the terms of such settlement agreement, which shall be treated as a dismissal with prejudice. The bill allows the plaintiff or counterclaim plaintiff to file a motion to enforce the terms of such settlement agreement if a defendant or counterclaim defendant is in default of any term of such agreement.

*Patron - Leftwich*

**[F] SB1107 Medical malpractice; limitation on recovery.** Eliminates the cap on the recovery in actions against health care providers for medical malpractice where the act or acts of malpractice occurred on or after July 1, 2021.

*Patron - Stanley*

**[F] SB1180 Civil actions filed on behalf of multiple persons.** Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2021, governing such actions. The bill has a delayed effective date of July 1, 2022.

*Patron - Surovell*

**[F] SB1340 Statute of limitations to collect medical debt.** Provides that the statute of limitations for an action on any contract, written or unwritten, to collect medical debt, including actions brought by the Commonwealth, is three years.

*Patron - Hashmi*

**[F] SB1440 Civil action for unlawful acts of force or failure to intervene by a law-enforcement officer or correctional officer.** Creates a civil action for the use of unlawful acts of force, including deadly force, or failure to intervene as required by law, by a law-enforcement officer or correctional officer while performing his duties for a public entity or private police department. The bill also provides that a public entity or private police department employing such officer is liable for any injuries sustained by the injured party as a result of the officer's actions if they occurred in the ordinary course of the employer's business. Sovereign immunity would not apply to such claims.

*Patron - Surovell*

**[F] SB1446 Practice of medicine and other healing arts; provision of litigation assistance.** Requires practitioners of medicine and other healing arts to provide litigation assistance to treated patients and their attorneys. Such litigation assistance includes providing a legal consult fee schedule upon request, scheduling and participating in meetings with a treated patient's attorney upon request, participating in trial or de bene esse depositions as needed, and providing a written estimate of the cost of the patient's medical services related to the litigation.

*Patron - Surovell*

**[F] SB1454 Evidence of mental competence; medical scans of brain.** Provides that in any proceeding where mental competence or mental impairment is at issue, the court shall accept a properly authenticated computed tomography (CT) scan, computerized axial tomography (CAT) scan, or magnetic resonance imaging (MRI) scan that demonstrates that the subject of such scan or image has a normal and uninjured brain as proof of competency and lack of impairment.

*Patron - Ruff*

## Commonwealth Public Safety

### Passed

**[P] HB1866 Court-appointed special advocates; information sharing.** Permits court-appointed special advocates to participate in and verbally share information with family partnership meetings and in meetings of family assessment and planning teams, multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse.

*Patron - Delaney*

**[P] HB2317 Advisory Committee on Sexual and Domestic Violence; membership; duties.** Increases from 15 to 19 the total number of members of the Advisory Committee on Sexual and Domestic Violence (the Advisory Committee) by adding the Executive Director of the Virginia Victim Assistance Network and by increasing from six to nine the number of nonlegislative citizen members. The bill streamlines the responsibilities and duties of the Advisory Committee to (i) promotion of appropriate and effective responses, services, and prevention for sexual assault and domestic violence across the Commonwealth and (ii) promotion of strong communication, coordination, and strategy at state, regional, and local levels.

The bill also reorganizes the Virginia Sexual and Domestic Violence Professional Standards Committee (the Professional Standards Committee) to consist of 12 nonlegislative citizen members appointed by the Governor and three nonvoting members. Under current law, the Professional Standards Committee consists of six directors of local and domestic violence programs appointed by the Advisory Committee, six directors of local sexual and domestic violence programs appointed by the Virginia sexual and domestic violence coalition, one nonvoting member appointed by the Department of Criminal Justice Services, and one nonvoting member appointed by the Virginia sexual and domestic violence coalition. The bill further outlines the duties and responsibilities of the Professional Standards Committee and of the Department of Criminal Justice Services with regard to the Professional Standards Committee.

*Patron - Robinson*

**[P] SB1119 Law-enforcement agencies; body-worn camera systems.** Creates a special nonreverting fund to be known as the Body-Worn Camera System Fund to assist state or local law-enforcement agencies with the costs of purchasing, operating, and maintaining body-worn camera systems. The bill has an expiration date of July 1, 2023.

*Patron - Reeves*

**[P] SB1256 Membership on Criminal Justice Services Board and Committee on Training; law-enforcement training.** Requires the social justice organization represented by a member of the Criminal Justice Services Board and a member of the Committee on Training be engaged in advancing inclusion and human rights. The bill contains a technical amendment to compulsory in-service training for law-enforcement officers.

*Patron - Marsden*

**[P] SB1468 Certifications for victims of qualifying criminal activity.** Establishes a process for a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form

or declaration that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity.

*Patron - Surovell*

## Failed

**[F] HB1753 Virginia Law Enforcement Professional Standards Commission Accreditation Grant Fund and Program.** Establishes the Virginia Law Enforcement Professional Standards Commission Accreditation Grant Fund (the Fund) and the Virginia Law Enforcement Professional Standards Commission Accreditation Grant Program (the Program). The Fund and Program shall be overseen by the Department of Criminal Justice Services. Disbursements from the Fund shall be made to law-enforcement agencies to pursue accreditation from the Virginia Law Enforcement Professional Standards Commission.

*Patron - Webert*

**[F] HB1941 Required release of video or audio recording; discharge of firearm or use of stun weapon or chemical irritant by law-enforcement officer.** Requires that, whenever a law-enforcement officer (i) discharges a firearm or (ii) uses a stun weapon or chemical irritant on a person resulting in death or serious bodily injury, any video or audio recording that relates to such incident produced or obtained by a law-enforcement officer be open to inspection and available for release and posted on a website that is maintained by the law-enforcement agency or on any other website on which the law-enforcement agency generally posts information and that is available to the public or that clearly describes how the public may access such data within 15 days of producing or obtaining such video or audio recording. The bill includes exceptions to such release. The bill also provides that any person denied the rights and privileges conferred may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction pursuant to the Virginia Freedom of Information Act.

*Patron - Rasoul*

**[F] HB2152 Department of Criminal Justice Services; licensure and regulation of charitable bail organizations.** Provides for licensure and regulation by the Department of Criminal Justice Services of "charitable bail organizations," defined in the bill as any entity that solicits monetary donations from the public and agrees to use the money solicited to provide bail or post bond for any person.

*Patron - Adams, L.R.*

**[F] HB2231 Group Violence Intervention Board; Division of Group Violence Intervention; Project Ceasefire Grant Fund; Project Exit Grant Fund; report.** Establishes the Group Violence Intervention Board to coordinate and assist federal, state, and local group violence intervention efforts. The bill also establishes within the Department of Criminal Justice Services (the Department) the Division of Group Violence Intervention (the Division), to be headed by an executive director appointed by the Director of the Department. The bill provides that the Division is responsible for (i) coordinating the efforts of members of state and local law enforcement, community members, and social services providers to combat group violence; (ii) serving as a clearinghouse for research, best practices, and strategies that may be utilized in the implementation, execution, and evaluation of group violence interventions; and (iii) implementing and administering various federal, state, and local grant funds that aid group violence intervention efforts. Finally, the bill creates the Project Ceasefire Grant Fund, which provides money to organizations that are involved in group violence intervention efforts, and creates

the Project Exit Grant Fund, which provides money to organizations that assist former gang members or individuals attempting to leave gangs.

*Patron - Gilbert*

**[F] HB2291 Law-enforcement civilian oversight bodies; deputy sheriffs.** Adds a sheriff's office to those law-enforcement agencies that may be overseen by a law-enforcement civilian oversight body created by a locality and adds a nonprobationary deputy sheriff of a sheriff's office to those law-enforcement officers who are subject to such body if created by a locality. The bill provides that any disciplinary determinations made by the law-enforcement civilian oversight body on any nonprobationary deputy sheriff shall be advisory only and that if the sheriff's office declines to implement such disciplinary determination, the office shall create a public written record of its rationale for declining to implement the recommended disciplinary determination.

*Patron - Williams Graves*

**[F] SB1361 Law-enforcement civilian oversight bodies.** Provides that any person appointed to a law-enforcement civilian oversight body shall be a citizen of the United States, shall reside in the jurisdiction that he is appointed to serve, shall not have a criminal record, and shall be required to complete (i) a Citizen's Law Enforcement or Police Academy with a basic firearms instruction course conducted by an accredited law-enforcement agency and (ii) one daytime and one nighttime ride-along with each agency that serves under the authority of the locality. The bill requires at least two members of a law-enforcement civilian oversight body to have specialized knowledge in law-enforcement activities or operations. The bill provides that a law-enforcement civilian oversight body shall not have the authority to award or order financial restitution and requires the redaction of all personal identifying information for law-enforcement personnel from all public reports made by the law-enforcement civilian oversight body.

*Patron - Reeves*

**[F] SB1367 Line of Duty Act; requiring licensed health practitioners to conduct medical reviews.** Requires that, for any medical review of a claim made pursuant to the provisions of the Line of Duty Act, the Virginia Retirement System shall require that such review be conducted by a doctor, nurse, or psychologist who is licensed in the Commonwealth or a contiguous state. The bill has a delayed effective date of July 1, 2022.

*Patron - DeSteph*

## Conservation

### Passed

**[P] HB1760 Conservation easements; construction.** Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act shall be construed in favor of achieving the conservation purposes for which it was created. This bill is identical to SB 1199.

*Patron - Webert*

**[P] HB1804 State parks; Department of Conservation and Recreation; recommendations for funding.** Directs the Department of Conservation and Recreation to develop recommendations for dedicated sources of funding for state parks that will be relatively stable from year to year. The Department shall submit its recommendations to the Chairmen of the

House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations by November 1, 2021.

*Patron - Orrock*

**[P] HB1819 Rappahannock State Scenic River designation.** Adds a 79-mile portion of the Rappahannock River located in Caroline, King George, Westmoreland, Essex, and Richmond Counties to the Rappahannock State Scenic River, a component of the Virginia Scenic Rivers System.

*Patron - Cole, J.G.*

**[P] HB1833 Department of Conservation and Recreation; leasing of land.** Changes the process by which the Department of Conservation and Recreation may lease certain lands from one that is subject to the consent and approval of the Governor and the General Assembly to one that is subject to the written recommendation of the Department of General Services to the Governor and the written approval of the Governor, and excludes the sale of such land from such process. The bill also authorizes only certain activities for which the Department may lease land and requires that information about leasing activities be included in an annual report to the General Assembly.

*Patron - Subramanyam*

**[P] HB1837 Virginia Soil and Water Conservation Board; membership.** Clarifies that each of the six nonlegislative citizen members of the Virginia Soil and Water Conservation Board (the Board) who is not an at-large member is to be appointed by the Governor from a list of two qualified nominees submitted for each vacancy by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts (the Association) in consultation with other groups. The bill also requires each of the six nonlegislative citizen members to be a resident of a different one of the six geographic areas represented in the Association. The bill contains technical amendments. This bill is identical to SB 1161.

*Patron - Plum*

**[P] HB1902 Expanded polystyrene food service containers; prohibition; civil penalty.** Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints.

*Patron - Carr*

**[P] HB1928 Historic resources; acquisition and lease of land.** Authorizes the Department of Historic Resources and the Board of Historic Resources to undertake additional leasing and property acquisition activities related to battlefield proper-

ties, designated landmarks, and other properties of historic significance.

*Patron - Aird*

**[P] HB1958 Scenic river designation; South River.** Designates a 6.5-mile segment of the South River in the City of Waynesboro as a component of the Virginia Scenic Rivers System.

*Patron - Avoli*

**[P] HB1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.** Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make an initial deposit into its account. Such credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

*Patron - Bagby*

**[P] HB2118 Electric Vehicle Grant Fund and Program; creation; work group report.** Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) awarding grants to projects by public, private, and nonprofit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder work group to develop recommendations for establishing and administering the Fund and Program and shall report the work group findings to the General Assembly.

*Patron - Keam*

**[P] HB2129 Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program.** Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorous waste load allocation reductions that specified facilities are to complete. The bill provides

that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

The bill provides that the ENRC Program shall be deemed to implement through January 1, 2026, the Chesapeake Bay Phase III Watershed Implementation Plan. The bill provides that if, after July 1, 2026, Virginia has not achieved its nitrogen pollution reduction commitments in the Phase III Watershed Implementation Plan, the Secretary of Natural Resources may develop an additional watershed implementation plan. This bill is identical to SB 1354.

*Patron - Lopez*

**[P] HB2148 Small renewable energy projects; energy storage.** Includes in the definition of a "small renewable energy project" certain energy storage facilities and projects that include storage facility components. Such facilities are eligible for special permitting, review, and inspection requirements. The bill directs the Department of Environmental Quality to promulgate initial regulations to implement the provisions of the bill by January 1, 2022.

*Patron - Willett*

**[P] HB2311 Objects of antiquity; removal from battlefield; penalty.** Adds land owned by a battlefield preservation organization and land on which such organization holds an easement to the category of lands on which it is unlawful to intentionally damage, disturb, or remove any object of antiquity. Current law prohibits such acts on any designated state archaeological site or on state-controlled land and provides that a violation of the prohibition is a Class 1 misdemeanor.

*Patron - Runion*

**[P] SB1143 Extension of certain wetlands permits through 2021.** Retroactively extends until January 1, 2022, certain wetlands permits set to expire between March 1, 2020, and July 1, 2021.

*Patron - Cosgrove*

**[P] SB1161 Virginia Soil and Water Conservation Board; membership.** Clarifies that each of the six nonlegislative citizen members of the Virginia Soil and Water Conservation Board (the Board) who is not an at-large member is to be appointed by the Governor from a list of two qualified nominees submitted for each vacancy by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts (the Association) in consultation with other groups. The bill also requires each of the six nonlegislative citizen members to be a resident of a different one of the six geographic areas represented in the Association. The bill contains technical amendments. This bill is identical to HB 1837.

*Patron - Hanger*

**[P] SB1164 Advanced recycling; definition.** Defines, for purposes of the Virginia Waste Management Act, "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling.

*Patron - Hanger*

**[P] SB1199 Conservation easements; construction.** Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act be construed in favor of achieving the conservation purposes for which it was created. This bill is identical to HB 1760.

*Patron - Petersen*

**[P] SB1210 Environmental permit fees; working groups.** Directs the Director of the Department of Environmental Quality to convene working groups for the purpose of developing annual fee schedules for nonhazardous solid waste management facilities and annual maintenance fees for certain water withdrawal permits to replace the current annual fee schedules.

*Patron - Petersen*

**[P] SB1280 Dams; negotiated settlement agreements.** Authorizes the Virginia Soil and Water Conservation Board to enter into a negotiated settlement with the owners of certain impounding structures who have allegedly violated or failed, neglected, or refused to obey any permit condition, provision of the Dam Safety Act, or Board regulation or order. The settlement shall require the dam owner to correct deficiencies at the dam structure and to pay civil charges for past alleged violations instead of any appropriate civil penalty that could be imposed. Such civil charges shall be suspended upon compliance with the settlement agreement.

*Patron - Bell*

**[P] SB1282 Greenhouse gas emissions inventory; regulations.** Directs the Department of Environmental Quality to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations necessary to collect data needed to conduct, update, and maintain the inventory. The bill exempts proprietary information collected by the Department from the mandatory disclosure requirements of the Virginia Freedom of Information Act.

*Patron - Morrissey*

**[P] SB1290 ConserveVirginia program; established.** Establishes in the Department of Conservation and Recreation a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia. Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the model by the public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. The bill requires the Virginia Land Conservation Foundation to report on the success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund.

*Patron - Mason*

**[P] SB1319 Waste Diversion and Recycling Task Force.** Requests the Department of Environmental Quality to continue and expand the scope and membership of the Waste Diversion and Recycling Task Force. The bill directs the Task Force to hold its first meeting of the 2021 interim no later than October 15, 2021, and to publish an executive summary and a report of its findings and recommendations no later than November 1, 2022.

*Patron - Hashmi*

**[P] SB1354 Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program.** Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a

number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

The bill provides that the ENRC Program shall be deemed to implement through January 1, 2026, the Chesapeake Bay Phase III Watershed Implementation Plan. The bill provides that if, after July 1, 2026, Virginia has not achieved its nitrogen pollution reduction commitments in the Phase III Watershed Implementation Plan, the Secretary of Natural Resources may develop an additional watershed implementation plan. This bill is identical to HB 2129.

*Patron - Hanger*

**[P] SB1374 Carbon Sequestration Task Force; report.** Directs the Secretary of Natural Resources, jointly with the Secretary of Agriculture and Consumer Services, to convene a task force for the purpose of studying carbon sequestration in the Commonwealth and submit a report of its findings before the first day of the 2022 Session of the General Assembly. The bill directs the task force to (i) consider possible methods of increasing carbon sequestration within the natural environment through state land and marine resources use policies; agricultural, aquacultural, and silvicultural practices; and other practices to achieve restoration of natural resources and long-term conservation; (ii) recommend short-term and long-term benchmarks for increasing carbon sequestration; (iii) develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time; (iv) identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and (v) identify other potential funding mechanisms to encourage carbon sequestration practices in the Commonwealth.

*Patron - Lewis*

## Failed

**[F] HB1739 State parks; discounted rental and service fees; military and veterans.** Directs the Department of Conservation and Recreation to establish a policy that entitles any veteran or person on active duty military service, and the accompanying spouse and children of such person, to a 50 percent discount on rental and service fees.

*Patron - Wampler*

**[F] HB1766 State parks; Disabled Veteran's Passport.** Expands the Disabled Veteran's Passport program to all U.S. veterans with a service-connected disability. Currently, a veteran must be 100 percent disabled to be eligible for the program, which provides free entry into state parks and a 50 percent discount on camping and swimming fees, picnic shelter

rentals, and other equipment rentals provided by the Department of Conservation and Recreation.

*Patron - Cox*

**[F] HB2067 Solar facilities; permit by rule.** Lowers from 150 to 50 megawatts the maximum generation capacity of an electrical generation facility that generates electricity only from sunlight to qualify for issuance of a permit by rule.

*Patron - Webert*

**[F] HB2074 Environmental justice; interagency working group.** Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.

The bill directs each state agency to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action.

Finally, the bill requires each local government adopting or reviewing a comprehensive plan to consider identifying certain environmental justice communities, objectives, and policies.

*Patron - Simonds*

**[F] HB2126 State parks; lifetime senior parking pass.** Directs the Department of Conservation and Recreation to establish a lifetime senior parking pass card that authorizes any person 60 years of age or older after paying a one-time fee to park at any of Virginia's state parks without being required to pay a parking fee at any such park.

*Patron - Robinson*

**[F] HB2173 Advanced recycling; definition.** Defines, for the purpose of the Virginia Waste Management Act, "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling.

*Patron - Plum*

**[F] HB2221 Environmental permits; community and environmental justice outreach.** Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual Virginia Pollutant Discharge Elimination System permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60 days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of the Department of Environmental Quality.

The bill removes an exemption for applicants for a permit to operate a new captive industrial landfill or a new construction-demolition-debris landfill from certain provisions relating to new landfills or transfer stations. The bill also removes an exemption from certain public notice requirements granted to local government or public authority applicants for a permit to operate a landfill or transfer station.

*Patron - Hayes*

**[F] SB1200 Waste disposal; local approval.** Requires any application (i) to store, provide treatment for, or dispose of hazardous waste or (ii) for a new solid waste management facility permit, except for a noncaptive industrial landfill, to include certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located, granting approval of the facility or activity.

*Patron - Hashmi*

**[F] SB1318 Environmental justice; interagency working group; report.** Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill provides that the Working Group shall expire on July 1, 2031.

*Patron - Hashmi*

**[F] SB1352 Flood control; Department of Flood Control and Commonwealth Flood Control Board established; report.** Creates the 14-member Commonwealth Flood Control Board (the Board) as a policy board in the executive branch of state government with various duties coordinating and implementing existing and new flood control programs and measures in Virginia, including flood control components of other state agency programs. The 10 nonlegislative citizen members of the Board shall be appointed by the Governor to five-year terms, initially staggered as provided in the bill. The bill creates the Department of Flood Control (the Department) to assist in the administration of the Board's duties and to provide other technical expertise. The bill requires the Department to provide an annual report. Funding for the Department is provided in part by funds collected from the sale of credits pursuant to the RGGI program.

*Patron - Lewis*

**[F] SB1373 Environmental permits; community and environmental justice outreach.** Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual Virginia Pollutant Discharge Elimination System permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60 days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of the Department of Environmental Quality.

The bill removes an exemption for applicants for a permit to operate a new captive industrial landfill or a new construction-demolition-debris landfill from certain provisions relating to new landfills or transfer stations. The bill also removes an

exemption from certain public notice requirements granted to local government or public authority applicants for a permit to operate a landfill or transfer station.

*Patron - McClellan*

## Contracts

### Passed

**[P] SB1209 Liability of general contractor for wages of subcontractor's employees.** Provides that in an action against a general contractor for nonpayment of wages to a subcontractor's employees, the general contract may offer as evidence a written certification that (i) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (ii) to the subcontractor's knowledge all sub-subcontractors have also paid their employees. The bill also provides that the terms "general contractor" and "subcontractor" shall not include persons solely furnishing materials for the purposes of the liability of a contractor for wages due to a subcontractor's employees.

*Patron - Petersen*

## Corporations

### Passed

**[P] HB2121 State Corporation Commission; business entities filings; Virginia Stock Corporation Act.** Aligns provisions governing the filings by nonstock corporations, limited liability companies, business trusts, and partnerships related to cancellations, abandonments, name restrictions and registered agent resignations, and entity conversions to the provisions governing such filings for stock corporations. The Virginia Stock Corporation Act was comprehensively updated during the 2019 Session of the General Assembly. The bill includes adjustments to the assessment of annual fees after certain entity conversions or domestications. The bill also provides that certain legacy terms will be construed to mean their updated counterparts during a two-year transition.

The bill amends various provisions of the Virginia Stock Corporation Act (the Act). The bill provides that for any notice to shareholders required by the Act, such notice is not required for a shareholder for whom notice of two consecutive annual meetings and all notices of meetings in between, or all distributions in a 12-month period or two consecutive distributions in a period of more than 12 months, have been sent and have been returned undeliverable or could not be delivered. The bill authorizes a board of directors to adopt certain emergency bylaws and exercise its emergency powers when there is a catastrophic event, including an attack on the United States or in any locality in which the corporation conducts its business or customarily holds meetings of the board of directors or shareholders, an epidemic or pandemic, or a declaration of a national emergency by the United States government or an emergency by the government of the locality in which the corporation's principal office is located, that affects the corporation and regardless of whether a quorum of the board of directors or a committee can be readily convened for action. The bill provides that during such an emergency, a board of directors is authorized to take any action it deems practicable and necessary to address the circumstances of the emergency, including (i) postponing any meeting; (ii) for certain corpora-



tions, notifying shareholders of any such postponement by filing with the U.S. Securities and Exchange Commission; and (iii) for a distribution that has been declared by the record date that has not occurred, canceling distribution or changing the amount of distributions, or changing the record date or the payment date of such distributions. The bill provides that if the articles of incorporation provide that a board of directors may by adoption of an amendment to the articles of incorporation classify or reclassify unissued shares, the articles of incorporation are deemed to authorize the board of directors to amend the articles unless the articles expressly state that shareholder action is required. The bill provides that the shareholder's list required for inspection by any shareholder may be made available on a reasonably accessible electronic network, provided that the information to gain access to such list is provided with the notice of the shareholders' meeting. The bill also amends provisions regarding when shareholder approval is not required for a plan of merger or share exchange.

*Patron - Keam*

## Counties, Cities and Towns

### Passed

**P HB1743 Industrial development authorities; size of board in certain towns; quorum.** Reduces from seven to five the number of members that may be appointed to industrial development authority boards by the Towns of Kenbridge and Victoria and reduces the quorum requirement to three members. This bill passed during the regular session.

*Patron - Wright*

**P HB1778 Removal of clutter from property; civil penalty.** Provides that a locality may by ordinance require the removal of clutter from property, except on land zoned for or in active farming operation, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.

*Patron - Ward*

**P HB1825 Virginia Beach Sports or Entertainment Project; bond issuance.** Amends provisions related to bond issuance for purposes of the Virginia Beach Sports or Entertainment Project. The bill (i) enables bonds to be issued with maturities no later than the expiration of the City of Virginia Beach's entitlement to certain sales and use tax and (ii) clarifies the authority of the City of Virginia Beach to issue refunding bonds. This bill passed during the regular session.

*Patron - Askew*

**P HB1859 Local financing of clean energy and other programs; when owner costs are incurred.** Changes the parameters for local ordinances authorizing loan contracts for the installation by property owners of clean energy, resiliency, or stormwater management improvements. The bill provides that if the property owner incurred the costs of improvements to be refinanced or reimbursed within two years

of the locality's issuance of a certificate of occupancy or other evidence that the clean energy, resiliency, or stormwater management improvements comply substantially with the plans and specifications previously approved by the locality, the loan amount may include the total costs of such improvements. The bill removes the requirement that the applicable local ordinance include the proposed interest rate for the loan program and the maximum aggregate dollar amount that may be financed with respect to a property, and it provides that no loan offered under the program shall be used to improve a residential dwelling with fewer than five dwelling units or a residential condominium. The bill alters the fee options available to the locality and provides that the placement of a voluntary special assessment lien does not require a new assessment on the value of the real property. The bill contains technical amendments. This bill passed during the regular session.

*Patron - Guy*

**P HB1898 Board of zoning appeals; appointments.** Provides an exception to the general rule that an elected official cannot be appointed to a board of zoning appeals by allowing an elected official from a town to serve on the board of zoning appeals of the county in which the member also resides.

*Patron - Roem*

**P HB1919 Local green banks.** Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank.

*Patron - Kory*

**P HB1949 County executive form of government; local budgets.** Provides that a county that has adopted the county executive form of government (Albemarle and Prince William Counties) may carry over unspent funds from year to year for multiyear capital projects and outstanding grants without having to reappropriate the funds. This bill is identical to SB 1120. This bill passed during the regular session.

*Patron - Runion*

**P HB2031 Facial recognition technology; authorization of use by local law-enforcement agencies and campus police departments at public institutions of higher education.** Provides that no local law-enforcement agency or campus police department shall purchase or deploy facial recognition technology, defined in the bill, unless such purchase or deployment is expressly authorized by statute. The bill prohibits a local law-enforcement agency or campus police department at a public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021. This bill received Governor's recommendations.

*Patron - Aird*

**P HB2042 Replacement and conservation of trees during development; work group.** Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to con-



vene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course. This bill is identical to SB 1393.

*Patron - Guy*

**P HB2054 Comprehensive plan; transit-oriented development.** Adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others."

*Patron - Samirah*

**P HB2186 Industrial Development and Revenue Bond Act; directors; Mathews County.** Provides that the Mathews County board of supervisors may appoint one employee of the locality onto the board of directors for the Economic Development Authority of the County of Mathews. Under current law, no locality's economic development authority director may be an officer or employee of the relevant locality with certain exceptions for towns with a population of less than 3,500 and Buchanan and Frederick Counties.

*Patron - Hodges*

**P HB2201 Solar and energy storage projects; siting agreements and special exceptions throughout the Commonwealth.** Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share. This bill is identical to SB 1207.

*Patron - Jones*

**P HB2217 Liability of public access authorities.** Grants public access authorities, including the land holdings and facilities of such authorities, certain liability protections that are currently given to localities in relation to parks, recreational facilities, and playgrounds.

*Patron - Hodges*

**P HB2287 Economic development authorities; size of board in Powhatan County; quorum.** Reduces from seven to five the number of members that may be appointed to the economic development authority board by Powhatan County and reduces the quorum requirement to three members.

*Patron - Ware*

**P HB2323 Library aid; former regional library system.** Provides that former regional library systems that receive state aid, notwithstanding a loss of regional library status due to a city reversion, shall receive such aid regardless of when a former city reverted to town status.

*Patron - Edmunds*

**P SB1120 County executive form of government; local budgets.** Provides that a county that has adopted the county executive form of government (Albemarle and Prince William Counties) may carry over unspent funds from year to year for multiyear capital projects and outstanding grants without having to reappropriate the funds. This bill is identical to House Bill 1949 (2021 Regular Session).

*Patron - Reeves*

**P SB1141 Hampton Roads area refuse collection authority; financial planning.** Changes various requirements of the Southeastern Public Service Authority (the Authority) when budgeting or incurring debt, including (i) changing the required five-year overall strategic plan to a financial plan, (ii) specifying that detailed financial plans be made only when incurring long-term debt or issuing new debt, (iii) authorizing other qualified financial consultants instead of a certified public accountant to assist in the creation of the detailed financial plan, (iv) changing from the Authority's Board of Directors to the Authority the body that performs a due diligence investigation of the appropriateness of issuing new debt, and (v) raising the permissible threshold for the executive director of the authority to execute or commit the authority to a contract, memorandum of agreement, or memorandum of understanding without acquiring Board approval.

*Patron - Cosgrove*

**P SB1157 Shifting municipal elections to November.** Shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022.

*Patron - Spruill*

**P SB1207 Solar and energy storage projects; siting agreements and special exceptions throughout the Commonwealth.** Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share. This bill is identical to HB 2201.

*Patron - Barker*

**P SB1208 Continuity of government.** Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

*Patron - Barker*

**P SB1225 Broadband services; education.** Authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any

other program recognized or adopted by the local school board as a measuring standard to identify at-risk students.

*Patron - Boysko*

**[P] SB1298 Tourism improvement districts.** Authorizes any locality to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements.

*Patron - Bell*

**[P] SB1309 Local stormwater assistance; flood mitigation and protection.** Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control.

*Patron - Ebbin*

**[P] SB1385 Underground utility facilities; Fairfax County.** Removes the sunset on a pilot program allowing a locality that has adopted the urban county executive form of government (Fairfax County) to request an electric utility to place underground electric distribution lines as part of a transportation infrastructure improvement project and changes a number of provisions in the program including (i) expanding the scope to include electric cooperatives, telecommunications providers, cable providers, and other utilities; (ii) expanding the scope to include all underground facilities; (iii) placing additional limits on the levy to fund the project and the types of projects for which it may be imposed; and (iv) authorizing the locality to secure necessary permits on behalf of the utility or provider.

*Patron - Surovell*

**[P] SB1393 Replacement and conservation of trees during development; work group.** Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course. This bill is identical to HB 2042.

*Patron - Marsden*

**[P] SB1399 Tourism Development Authority; name change.** Renames the Tourism Development Authority, also known as the Virginia Coalfield Regional Tourism Development Authority, as the Heart of Appalachia Tourism Authority. The bill contains technical amendments.

*Patron - Pillion*

**[P] SB1447 Fees for management and disposal of solid waste; Buckingham County.** Adds Buckingham County to the list of counties authorized, by ordinance and after a public hearing, to levy a fee for the management of solid waste not

to exceed the actual cost incurred by the county in removing and disposing of solid waste and to the list of counties authorized, by ordinance and after a public hearing, to levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future.

*Patron - Peake*

**[P] SB1457 Preservation of historic sites.** Provides that any locality utilizing the urban county executive form of government (Fairfax County) may include a provision in its historic preservation ordinance that would allow public access to an historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973. This bill received Governor's recommendations.

*Patron - Surovell*

## Failed

**[F] HB1793 Local control of firearms; concealed handgun permit.** Provides that any local ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on specified public property shall not apply to a person who has a valid concealed handgun permit.

*Patron - Davis*

**[F] HB1802 Local government attorneys; prohibiting the handling of matters related to certain wills.** Prohibits local government attorneys from handling matters related to a will on behalf of the local government if the attorney was privately retained by an individual to prepare, alter, or otherwise represent such individual with respect to such will.

*Patron - Freitas*

**[F] HB1844 Zoning; special exceptions.** Grants governing bodies the same authority as boards of zoning appeals with regard to imposition of certain conditions upon permits for special exceptions, including limiting the duration of a permit.

*Patron - Mullin*

**[F] HB1875 Law-enforcement officers; minimum qualifications.** Modifies the existing minimum qualification for law-enforcement officers that prohibits any such officer from entering upon the duties of such office if he has been convicted of or pled guilty or no contest to any misdemeanor involving moral turpitude, including petit larceny, by providing that the prohibition applies only if such conviction or plea has occurred within the last three years.

*Patron - Coyner*

**[F] HB1917 Publication of certain notices on locality's website.** Provides that in any instance in which a locality is required to publish certain notices related to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality's website.

*Patron - Mugler*

**[F] HB1948 Law-enforcement officer; duty to render aid; duty to report wrongdoing by another law-enforcement officer.** Requires any law-enforcement officer on duty who witnesses another person suffering from a serious bodily injury or a life-threatening condition to render aid and makes it a duty to report acts of wrongdoing, defined in the bill and including bias-based profiling, committed by another law-enforcement officer on duty. Any law-enforcement officer who fails to render such aid or report such wrongdoing committed by another law-enforcement officer shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer. The bill also expands the definition of "bias-based profiling," a practice banned for sheriffs, deputy sheriffs, other local law-enforcement officers, and State Police officers in the performance of their official duties, to include sexual orientation and gender identity.

*Patron - Levine*

**[F] HB2023 Solar and wind farms; reporting of acreage by locality.** Requires each locality to provide to the Department of Mines, Minerals and Energy information about the amount of land formerly in production agriculture or silviculture that has been approved for development into or has been developed into solar or wind farms. The bill requires the Division of Energy to establish a database to collect and maintain figures on the amount of land formerly in production agriculture or silviculture that has been approved for development into or has been developed into solar or wind farms. The bill also requires localities, in adopting ordinances for and approving the development of solar and wind farm projects, to consider certain effects of such projects.

*Patron - Poindexter*

**[F] HB2052 Land banks; right of first refusal for tax delinquent parcels.** Requires localities that have established a land bank to establish a procedure whereby the land bank shall have a right of first refusal for tax delinquent parcels prior to such property being sold at auction. The price for any such purchase by the land bank shall be \$1 and any court and transaction expenses. If a land bank exercises its right of first refusal to purchase a property from the locality and, in the judgment of the locality, fails to begin rehabilitation of the property or fails to take other action to cause reuse of the property within one year, such as transferring the property to a nonprofit entity, ownership of the property shall revert back to the locality. These provisions may be utilized for any parcel with a value that does not exceed 80 percent of the median value of parcels in the locality.

*Patron - Samirah*

**[F] HB2100 Tourism Development Authority; name change.** Renames the Tourism Development Authority, also known as the Virginia Coalfield Regional Tourism Development Authority, as the Heart of Appalachia Tourism Authority. The bill contains technical amendments.

*Patron - Wampler*

**[F] HB2114 Hearing notice by localities.** Expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning District 23

will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022.

*Patron - Ransone*

**[F] HB2189 Virginia Adventure Corridor and Trail Authority.** Establishes the Virginia Adventure Corridor and Trail Authority as a political subdivision of the Commonwealth. The Authority is charged with recreational trail development in the Southwest Region of the Commonwealth and is governed by a Board composed of members appointed from 13 counties and cities in the region.

*Patron - Morefield*

**[F] HB2315 Local referendum on the legalization of marijuana.** Provides that the qualified voters of a locality or supervisor's election district of a county may file a petition with the circuit court of the county or city asking that a referendum be held on the question of whether the legalization of marijuana should be prohibited within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the locality or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater. The question on the ballot shall be:

"Shall the legalization of marijuana be prohibited in \_\_\_\_\_ (name of locality or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified, and thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the governing body of the locality. Notwithstanding any other provision of law, the legalization of marijuana shall be prohibited within the locality or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes." The bill shall become effective on July 1, 2023.

The bill also directs the Department of Housing and Community Development (DHCD) to evaluate the potential retail sale of marijuana products in localities that have not prohibited the legalization of marijuana. DHCD specifically shall study the details of who should be allowed to establish such retail operations, the procedure to be followed by localities, and where the retail establishments shall be permitted. The study shall be conducted between July 1, 2022, and November 30, 2022, with the goal of making recommendations and proposing legislation to the 2023 Session of the General Assembly.

*Patron - Marshall*

**[F] SB1186 Landfill siting; historic preservation.** Prohibits the construction of any new municipal solid waste landfill within three miles of any designated historic district, building, structure, object, or site.

*Patron - Hashmi*

**[F] SB1226 Compensation Board; determining staffing and salaries for an attorney for the Commonwealth.** Provides that the Compensation Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels for an attorney for the Commonwealth and the office. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Boysko*

**[F] SB1249 Local planning commissions; review deadlines.** Adds rezoning or generalized development plans, special use permits, and special exception applications to various review deadlines and requirements for local planning commissions.

*Patron - Stuart*

**[F] SB1285 Vacant buildings; registration.** Removes the requirement that a building meet the definition of "derelict building" and instead requires that such building potentially endanger the public health, safety, or welfare in order for the Town of Clifton Forge, the Town of Pulaski, in a conservation and rehabilitation district of the town, the Town of Timberville, and any city to require, by ordinance, the owner or owners of buildings that have been vacant for a continuous period of 12 months or more to register such buildings on an annual basis and pay an annual registration fee not to exceed \$100 to defray the cost of processing such registration.

*Patron - Locke*

**[F] SB1355 Rapidan Service Authority; withdrawal of a member.** Authorizes a member of the Rapidan Service Authority to withdraw at any time after fulfilling certain public notice requirements, provided that all obligations to the Authority incurred by the locality remain in full force and effect following the withdrawal and that the locality assumes all assets and debts of the Authority within the locality.

*Patron - Hanger*

**[F] SB1466 Local control of firearms; concealed handgun permit.** Provides that any local ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on specified public property shall not apply to a person who has a valid concealed handgun permit issued by the Commonwealth or to any person who has a valid concealed handgun or concealed weapon permit or license issued by another state that is recognized by the Commonwealth as authorizing such person to carry a concealed handgun in the Commonwealth.

*Patron - Obenshain*

## Courts Not of Record

### Passed

**[P] HB1878 Juvenile intake and petition; appeal to a magistrate on a finding of no probable cause.** Limits the ability to appeal a decision by an intake officer not to authorize a petition relating to an offense that, if committed by an adult, would be punishable as a Class 1 misdemeanor or felony, when the decision is based solely upon a finding of no probable cause. The bill requires the application for a warrant to the magistrate to be filed within 10 days of the issuance of the written notification from the intake officer to the complainant of the refusal to authorize a petition. The bill also provides that such written notification shall indicate that the intake officer made a finding that no probable cause exists and provide notice that the complainant has 10 days to apply for a warrant to the magistrate. The bill requires the complainant to provide the magistrate with a copy of the written notification upon application to the magistrate. The bill also specifies that if an intake officer finds (i) probable cause and (ii) that the matter is appropriate for diversion, this decision is final, and the complainant shall not have the right to appeal the decision to a magistrate.

*Patron - Jenkins*

**[P] HB1912 Child support payments; juvenile in custody of or committed to the Department of Juvenile Justice.** Provides that the Department of Juvenile Justice is no longer required to apply for child support from, and the parent of a juvenile is no longer responsible to pay child support to, the Department of Social Services for a juvenile who is in the tem-

porary custody of or committed to the Department of Juvenile Justice.

*Patron - Hope*

**[P] HB1991 Juveniles; release and review hearing for serious offender; plea agreement.** Clarifies that the Department of Juvenile Justice (the Department) may petition the court that committed a juvenile for a hearing for an earlier release of a juvenile when good cause exists for an earlier release as permitted under current law and shall petition the committing court for a determination as to the continued commitment of each juvenile committed as a serious offender at least 60 days prior to the second anniversary of the juvenile's date of commitment and at least 60 days prior to each annual anniversary thereafter as required under current law, notwithstanding the terms of any plea agreement or commitment order. Similarly, at the conclusion of such hearing, the bill provides that notwithstanding the terms of any plea agreement, the court shall order any of the dispositions permitted under current law such as continued commitment to the Department or release of the juvenile under terms and conditions after considering the statutory factors.

*Patron - Jones*

**[P] HB2002 Child support; health care coverage.** Provides that in any case in which a petitioner is seeking to establish child support, the intake officer shall provide the petitioner information on the possible availability of medical assistance through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored coverage through the Department of Medical Assistance Services. The bill also requires the Department of Social Services to refer children for whom it has issued an order directing the payment of child support to the FAMIS plan if it appears that the gross income of the custodial parent is equal to or less than 200 percent of the federal poverty level.

*Patron - Samirah*

**[P] HB2012 Violations of protective orders; preliminary child protective order.** Changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill is identical to SB 1415.

*Patron - Campbell, J.L.*

**[P] HB2017 Juvenile offenders; youth justice diversion programs.** Authorizes any jurisdiction to establish a youth justice diversion program, defined in the bill as a diversionary program that (i) is monitored by a local youth justice diversion program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction, of juveniles who are referred to the program by an intake officer; and (v) imposes various sentences emphasizing restitution,

rehabilitation, accountability, competency building, and education, but not incarceration. The bill provides that a jurisdiction may establish a youth justice diversion program upon establishment of a local youth justice diversion program advisory committee and approval of the program by the chief judge of the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth justice diversion program advisory committee to establish criteria for the eligibility and participation of juveniles alleged to have committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, with the consent of the juvenile's parent or legal guardian, and to establish policies and procedures for the operation of such program. The bill provides that whenever an intake officer takes informal action on a complaint alleging that a child committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, the intake officer may refer the juvenile to a youth justice diversion program.

*Patron - Mullin*

**[P] SB1108 General district courts; jurisdictional limits.** Increases from \$25,000 to \$50,000 the maximum civil jurisdictional limit of general district courts for civil actions for personal injury and wrongful death.

*Patron - Stanley*

**[P] SB1168 Definition of "abused or neglected child."** Conforms the definition of "abused or neglected child" in Title 16.1 (Courts Not of Record) with the definition of the same term in Title 63.2 (Welfare (Social Services)).

*Patron - Lucas*

**[P] SB1181 Special immigrant juvenile status; jurisdiction.** Permits the juvenile and domestic relations district court to retain jurisdiction in cases where a child has petitioned the court to make findings of fact that would allow the child to apply for or receive a state or federal benefit until such child reaches 21 years of age for the purpose of entering findings of fact or amending past orders, to include findings of fact necessary for the person to petition the federal government for status as a special immigrant juvenile.

*Patron - Surovell*

**[P] SB1184 Standby guardianship; triggering event.** Allows a parent who has reason to anticipate his possible detention, incarceration, or deportation connected to an immigration action to petition the court for approval of a standby guardian for the parent's minor child.

*Patron - Deeds*

**[P] SB1206 Confidentiality of juvenile court records; exceptions.** Provides that juvenile court service unit records and Department of Juvenile Justice records may be open for inspection to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for family assessment or investigation and the provision of services regarding, a juvenile and these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such juveniles.

*Patron - Barker*

**[P] SB1248 Juveniles; competency evaluation; receipt of court order.** Requires the appointed evaluator or the director of the community services board, behavioral health authority, or hospital to acknowledge receipt of the court order requiring a competency evaluation to be performed to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business

day following receipt of the court order. The bill also provides that if the appointed evaluator or the director of the community services board, behavioral health authority, hospital, or private evaluator is unable to conduct the evaluation, he shall inform the court on the acknowledgment form.

*Patron - Deeds*

**[P] SB1415 Violations of protective orders; preliminary child protective order.** Changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill is identical to HB 2012. This bill received Governor's recommendations.

*Patron - Stanley*

**[P] SB1456 Juveniles; eligibility for commitment to the Department of Juvenile Justice; eligibility for predispositional confinement in a secure facility.** Provides that a juvenile may be committed to the Department of Juvenile Justice (the Department) only if he (i) is adjudicated delinquent of a violent juvenile felony and is 11 years of age or older or (ii) is 14 years of age or older. The bill provides that no juvenile younger than 11 years of age may be detained in a secure facility prior to an order of final disposition unless he is alleged to have committed a violent juvenile felony; in such case, the juvenile may only be detained in an approved foster home, a facility operated by a licensed child welfare agency, or another suitable place designated by the court and approved by the Department, but under no circumstances shall such juvenile be detained in a secure detention facility.

*Patron - Marsden*

## Failed

**[F] HB1777 Serious or Habitual Offender Comprehensive Action Program; definition of serious or habitual juvenile offender.** Changes the definition of a serious or habitual juvenile offender for the purposes of the Serious or Habitual Offender Comprehensive Action Program to a minor who has been adjudicated delinquent or convicted of any offense that would be a felony if committed by an adult or two offenses that would be Class 1 misdemeanors if committed by an adult. Under current law, a serious or habitual juvenile offender is defined as a minor who has been (i) adjudicated delinquent or convicted of murder or attempted murder, armed robbery, any felony sexual assault or malicious wounding, or a felony violation of a gang-related crime or (ii) convicted at least three times of offenses that would be felonies or Class 1 misdemeanors if committed by an adult.

*Patron - Ward*

**[F] HB2056 Status offenders; willful and material violation of court order or terms of probation; notice; orders of disposition for violation.** Removes the option for a

court to order that a status offender be detained in a secure facility for a willful and material violation of a court order or term of probation.

*Patron - Scott*

**[F] SB1230 Criminal cases; transfer to general district court.** Provides that any criminal proceeding pending in a juvenile and domestic relations district court may be transferred to the general district court in the same territorial jurisdiction for disposition, provided that the offender and the victim are both age 18 or older at the time of the offense, upon the petition of a victim and with consent of a juvenile and domestic relations district court judge.

*Patron - Chase*

**[F] SB1231 Filing an order of disposition from a criminal case in general district courts.** Provides that any adult criminal disposition for a misdemeanor or felony in a juvenile and domestic relations district court may be submitted to the general district court of the same territorial jurisdiction to be filed as a general district court record upon a petition filed by the victim of the offense and with the consent of the juvenile and domestic relations district court.

*Patron - Chase*

## Courts of Record

### Passed

**[P] HB1775 State Corporation Commission; access to local land records.** Adds the State Corporation Commission to the list of agencies that are exempt from paying fees for remote access to local land records.

*Patron - Kilgore*

**[P] HB2150 Jurisdiction over criminal cases; certification or appeal of charges.** Provides that upon (i) certification by the general district court of any felony charge and ancillary misdemeanor charge or when an appeal of a conviction of an offense in general district court is noted or (ii) certification by the juvenile and domestic relations district court of any felony charge and ancillary misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication of an offense is noted, jurisdiction as to such charges shall vest in the circuit court, unless such case is reopened, modified, vacated, or suspended or the appeal has been withdrawn in the district court within 10 days. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

*Patron - Adams, L.R.*

**[P] SB1261 Court of Appeals; jurisdiction; number of judges.** Expands the jurisdiction of the Court of Appeals of Virginia by providing for an appeal of right in every civil case and provides that the granting of further appeal to the Supreme Court of Virginia shall be within the discretion of the Supreme Court. The bill provides for an appeal of right in criminal cases by a defendant, but leaves unchanged the current requirement that in criminal cases the Commonwealth must petition the Court of Appeals for granting of an appeal. The bill increases from 11 to 17 the number of judges on the Court of Appeals. The bill also (i) provides jurisdiction to the Court of Appeals over interlocutory appeals and petitions for review of injunctions; (ii) allows for oral arguments to be dispensed with if the panel of judges makes a unanimous decision that the appeal is wholly without merit or that the dispositive issues on appeal have already been authoritatively decided and the appellant has

not argued that the case law should be overturned, extended, or reversed; (iii) provides that the Attorney General shall represent the Commonwealth in criminal appeals unless, and with the consent of the Attorney General, the attorney for the Commonwealth who prosecuted the case files a notice of appearance; (iv) eliminates the requirement for an appeal bond in criminal appeals; (v) requires all criminal cases in a court of record to be recorded and requires the clerk of the circuit court to prepare a transcript of any trial for which an appeal is noticed to him; and (vi) requires an expedited review of appeals of permanent protective orders and of bond validation proceedings. The bill has a delayed effective date of January 1, 2022, which is applicable to all provisions of the bill except for those increasing the number of judges on the Court of Appeals.

*Patron - Edwards*

### Failed

**[F] HB2112 Court of Appeals; jurisdiction; number of judges.** Expands the jurisdiction of the Court of Appeals of Virginia by providing for an appeal of right in every civil case and provides that the granting of further appeal to the Supreme Court of Virginia shall be within the discretion of the Supreme Court. The bill provides for an appeal of right in criminal cases by a defendant, but leaves unchanged the current requirement that in criminal cases the Commonwealth must petition the Court of Appeals for granting of an appeal. The bill increases from 11 to 15 the number of judges on the Court of Appeals. The bill also (i) provides jurisdiction to the Court of Appeals over interlocutory appeals and petitions for review of injunctions; (ii) allows for oral arguments to be dispensed with if the panel of judges makes a unanimous decision that the appeal is frivolous or that the dispositive issues on appeal have already been authoritatively decided; (iii) creates a process by which the Attorney General will be notified of any criminal appeal and has the opportunity to intervene as counsel of record by filing a notice of appearance, and allows the Commonwealth's attorney to be counsel of record provided the Attorney General has not filed such notice of appearance; (iv) eliminates the requirement for an appeal bond in criminal appeals; (v) requires the clerk of the circuit court to prepare a transcript of any trial for which an appeal is noticed to him; and (vi) requires an expedited review of appeals of permanent protective orders and of bond validation proceedings.

*Patron - Herring*

## Crimes and Offenses Generally

### Passed

**[P] HB1801 Disposing of litter; penalty.** Increases the minimum fine for dumping or disposing of litter, trash, or other unsightly matter on public or private property from \$250 to \$500.

*Patron - Edmunds*

**[P] HB1821 Arrest and prosecution when experiencing or reporting overdoses.** Prohibits the arrest or prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia if (i) such individual, in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or

obtains emergency medical attention; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of the individual's rendering emergency care or assistance.

Current law prohibits arrest or prosecution for such offenses only to an individual who seeks or obtains emergency medical attention for himself or another individual or who is experiencing an overdose when another individual seeks or obtains emergency medical attention for him.

*Patron - Bulova*

**P HB1843 Charitable gaming; increase in certain maximum allowable prize amounts.** Increases the maximum allowable amount for a single bingo door prize from \$50 to \$250 and the maximum allowable cumulative door prizes in any one bingo session from \$250 to \$500. The bill allows up to 10 games per bingo session to feature a regular bingo or special bingo game prize of up to \$200. The bill increases the prize for a single instant bingo, pull tab, or seal card from \$1,000 to \$2,000. Finally, the bill increases from \$100 to \$200 the allowable amount of increase of a progressive prize per session in certain progressive bingo games. The bill requires the Department of Agriculture and Consumer Services, beginning July 1, 2024, and at least once every five years thereafter, to convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

*Patron - Keam*

**P HB1936 Robbery; penalties.** Creates degrees of punishment corresponding to the severity of a robbery offense. Any person who commits a robbery and causes serious bodily injury to or the death of another person is guilty of a Class 2 felony. Any person who commits robbery by using or displaying a firearm in a threatening manner is guilty of a Class 3 felony. Any person who commits robbery by using physical force not resulting in serious bodily injury, or by using or displaying a deadly weapon other than a firearm in a threatening manner, is guilty of a Class 5 felony. Any person who commits robbery by using threat or intimidation or by any other means not involving a deadly weapon is guilty of a Class 6 felony. Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years. This bill received Governor's recommendations.

*Patron - Watts*

**P HB1943 Charitable Gaming Board; regulations; electronic pull tabs.** Prohibits the Charitable Gaming Board from promulgating regulations that prohibit the use of multiple video monitors or touchscreens on an electronic pull tab device and provides that the use of electronic pull tab devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time. This bill is identical to SB 1287.

*Patron - Willett*

**P HB1992 Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties.** Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. The prohibition expires three years after the date of conviction, at which point the person's firearms rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions

of the bill is guilty of a Class 1 misdemeanor. This bill received Governor's recommendations.

*Patron - Murphy*

**P HB2128 Sale or transfer of firearms; criminal history record information check delay.** Increases from three business days to five business days the time provided for the Department of State Police to complete a background check before a firearm may be transferred. If a dealer who has otherwise fulfilled all requirements is told by the State Police that a response will not be available by the end of the dealer's fifth business day, the dealer may complete the sale or transfer without being deemed in violation.

*Patron - Lopez*

**P HB2132 Homicides and assaults and bodily woundings; certain matters not to constitute defenses.** Provides that another person's actual or perceived sex, gender, gender identity, or sexual orientation is not in and of itself, or together with an oral solicitation, a defense to any charge of capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, or assault and bodily wounding-related crimes and is not provocation negating or excluding malice as an element of murder.

*Patron - Roem*

**P HB2168 Illegal gambling; skill games; civil penalty; enforcement by localities and Attorney General.** Provides that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any monies within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality. The bill also provides that any organization or person that conducted bingo, network bingo, instant bingo, pull tabs, seal cards, raffles, duck races, Texas Hold'em poker tournaments, or regulated gaming outside of the county, city, or town in which the organization's or person's principal office or registered agent, as registered with the State Corporation Commission, is located or outside of an adjoining county, city, or town on or before February 1, 2021, may continue such activities only at those locations until June 30, 2022. This bill received Governor's recommendations.

*Patron - Scott*

**P HB2169 Solicitation of prostitution; reorganization.** Reorganizes the statute penalizing prostitution into two distinct sections. The penalties for all offenses remain unchanged. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Mundon King*

**P HB2194 Communicating threats of death or bodily injury to a person with intent to intimidate; penalties.** Provides that any person 18 years of age or older who communicates a threat in writing, including an electronically transmitted communication producing a visual or electronic message, to another to kill or to do serious bodily injury to any other person and makes such threat with the intent to (i) intimidate a civilian population at large; (ii) influence the conduct or activities of a government, including the government of the United States, a state, or a locality, through intimidation; or (iii)



compel the emergency evacuation, or avoidance, of any place of assembly, any building or other structure, or any means of mass transportation is guilty of a Class 5 felony. The bill provides that any person younger than 18 years of age who commits such offense is guilty of a Class 1 misdemeanor. This bill is identical to SB 1113.

*Patron - Leftwich*

**[P] HB2234 Victims of sex trafficking; affirmative defense to prosecution for certain offenses.** Provides an affirmative defense to prosecution for prostitution and keeping, residing in, or frequenting a bawdy place if, at the time of the offense leading to such charge, such person was a victim of sex trafficking, as defined in the bill, and (i) was coerced to engage in the offense through the use of force or intimidation or (ii) such offense was committed at the direction of another person other than the individual with whom the person engaged in the acts of prostitution or unlawful sexual intercourse for such money or its equivalent.

*Patron - Brewer*

**[P] HB2236 Behavioral health docket; transfer of supervision.** Provides that if an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to move to a locality other than that in which the behavioral health docket is located, and the court determines it is practicable and appropriate, the supervision of such offender may be transferred to a supervising agency in the new locality. The bill states that if the receiving agency accepts the transfer, it shall confirm in writing that it can and will comply with all of the conditions of supervision of the behavioral health docket, including the frequency of in-person and other contact with the offender and updates from the offender's treatment providers and that if the receiving agency cannot comply with the conditions of supervision, the agency shall deny the transfer in writing and the sending agency shall notify the court. The bill also provides that where supervision is transferred, the sending agency shall be responsible for providing to the court reports on an offender's conduct, treatment, and compliance with the conditions of supervision. Additionally, the bill provides that the standards prescribed by the Department of Criminal Justice Services for the development, implementation, operation, and evaluation of local community-based probation services and facilities shall include standards for the transfer of supervision between local community-based probation agencies.

*Patron - Bell*

**[P] HB2263 Abolition of the death penalty.** Abolishes the death penalty, including for those persons currently under a death sentence. The bill provides that no person may be sentenced to death or put to death on or after its effective date for any violation of law. The bill incorporates HB 1779 and is identical to SB 1165.

*Patron - Mullin*

**[P] HB2290 Punishment for conviction of second or subsequent misdemeanor larceny; repeal.** Repeals the enhanced penalties for a second or subsequent misdemeanor larceny conviction. Under current law, when a person is convicted of a second larceny offense, he shall be confined in jail not less than 30 days nor more than 12 months, and for a third, or any subsequent offense, he shall be guilty of a Class 6 felony.

*Patron - Plum*

**[P] HB2295 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; pen-**

**alty.** Makes it a Class 1 misdemeanor for a person to carry any firearm or explosive material within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area; (iii) any building owned or leased by the Commonwealth or any agency thereof; or (iv) any office where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The bill provides exceptions for the following individuals while acting in the conduct of such person's official duties: any law-enforcement officer, any authorized security personnel, any active military personnel, any fire marshal when such fire marshal has been granted police powers, or any member of a cadet corps while such member is participating in an official ceremonial event for the Commonwealth. The prohibitions of the bill that apply to any building owned or leased by the Commonwealth or any office where state employees are performing official duties do not apply to retired law-enforcement officials visiting a gun range owned or leased by the Commonwealth or any of the following while acting in the conduct of official duties: a bail bondsman, an employee of the Department of Corrections or a state juvenile correctional facility, an employee of the Department of Conservation and Recreation, or an employee of the Department of Wildlife Resources. Such prohibitions also do not apply to an individual carrying a weapon into a courthouse who is statutorily exempt, any property owned or operated by a public institution of higher education, or any state park. The bill requires that notice of the provisions prohibiting the carrying of such firearms or explosive material be posted at each of the public entrances to Capitol Square and the other locations where such firearms and explosive material are prohibited in the bill. The bill provides that any firearm or explosive material carried in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth. This bill is identical to SB 1381. This bill received Governor's recommendations.

*Patron - Levine*

**[P] HB2310 Concealed handgun permits; demonstration of competence; emergency.** Provides that any applicant for a concealed handgun permit who completed an online course to demonstrate competence with a handgun and contacted the circuit court clerk's office prior to January 1, 2021, but was prohibited from appearing in person at a circuit court clerk's office because of COVID-19 restrictions is eligible to apply for such permit through April 30, 2021. The bill contains an emergency clause.

*Patron - Runion*

**[P] SB1113 Communicating threats of death or bodily injury to a person with intent to intimidate; penalties.** Provides that any person 18 years of age or older who communicates a threat in writing, including an electronically transmitted communication producing a visual or electronic message, to another to kill or to do serious bodily injury to any other person and makes such threat with the intent to (i) intimidate a civilian population at large; (ii) influence the conduct or activities of a government, including the government of the United States, a state, or a locality, through intimidation; or (iii) compel the emergency evacuation, or avoidance, of any place of assembly, any building or other structure, or any means of mass transportation is guilty of a Class 5 felony. The bill provides that any person younger than 18 years of age who commits such offense is guilty of a Class 1 misdemeanor. This bill is identical to HB 2194.

*Patron - Spruill*

**[P] SB1127 Charitable gaming; permit requirement; permissible locations; suspensions and revocations.** Modifies the list of organizations that may conduct charitable gaming and requires such organizations, other than organiza-



tions conducting raffles that reasonably expect to realize gross receipts from such raffles of \$40,000 or less in any 12-month period, to obtain a permit from the Department of Agriculture and Consumer Services; however, the bill exempts certain organizations from the permit application and audit fees. The bill specifies the locations at which an organization may conduct bingo, network bingo, instant bingo, pull tabs, or seal cards. The bill prohibits the holding of a permit by a supplier or manufacturer that commits certain violations or offenses after July 1, 2021. The bill prohibits the Charitable Gaming Board from adjusting the percentage of gross receipts that an organization must use for religious, charitable, community, or educational purposes or for certain real property expenses until a study is completed by a joint subcommittee created in the bill. The bill provides that, notwithstanding the provisions of the bill, any organization that conducted bingo, network bingo, instant bingo, pull tabs, or seal cards at a location outside of the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or an adjoining county, city, or town on or before February 1, 2021, may continue to conduct bingo, network bingo, instant bingo, pull tabs, or seal cards at such locations until June 30, 2022. This bill received Governor's recommendations.

*Patron - Reeves*

**P SB1138 Sexually transmitted infections; infected sexual battery; penalties.** Provides that any person who is diagnosed with a sexually transmitted infection and engages in sexual behavior that poses a substantial risk of transmission to another person with the intent to transmit the infection to that person and transmits such infection to that person is guilty of infected sexual battery, punishable as a Class 6 felony. The bill also repeals the crime of donating or selling blood, body fluids, organs, and tissues by persons infected with human immunodeficiency virus and the provisions regarding the testing of certain persons for human immunodeficiency virus or hepatitis B or C viruses. The bill contains technical amendments.

*Patron - Locke*

**P SB1165 Abolition of the death penalty.** Abolishes the death penalty, including for those persons currently under a death sentence. The bill provides that no person may be sentenced to death or put to death on or after its effective date for any violation of law. This bill is identical to HB 2263.

*Patron - Surovell*

**P SB1213 Driver's license suspensions; restricted licenses; drug offenses.** Authorizes the Department of Motor Vehicles to issue restricted driving credentials to individuals with driver's license suspensions resulting from drug-related offenses.

*Patron - Edwards*

**P SB1262 Restricted permit; prepayment of fines and costs.** Provides that any person who is otherwise eligible to receive a restricted permit to operate a motor vehicle shall not be required to pay in full his fines and costs before being issued such restricted permit.

*Patron - Morrissey*

**P SB1287 Charitable Gaming Board; regulations; electronic pull tabs.** Prohibits the Charitable Gaming Board from promulgating regulations that prohibit the use of multiple video monitors or touchscreens on an electronic pull tab device and provides that the use of electronic pull tab devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time. This bill is identical to HB 1943.

*Patron - McPike*

**P SB1336 Restricted permits to operate a motor vehicle; ignition interlock systems.** Provides that in any criminal case for reckless or improper driving where a defendant's license to operate a motor vehicle, engine, or train is subject to revocation or suspension and the court orders a defendant, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program, the court may issue the defendant a restricted license to operate a motor vehicle where the only restriction is to prohibit the defendant from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of not less than six consecutive months without alcohol-related violations of the interlock requirements.

*Patron - Stuart*

**P SB1381 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty.** Makes it a Class 1 misdemeanor for a person to carry any firearm or explosive material within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area; (iii) any building owned or leased by the Commonwealth or any agency thereof; or (iv) any office where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The bill provides exceptions for the following individuals while acting in the conduct of such person's official duties: any law-enforcement officer, any authorized security personnel, any active military personnel, any fire marshal when such fire marshal has been granted police powers, or any member of a cadet corps while such member is participating in an official ceremonial event for the Commonwealth. The prohibitions of the bill that apply to any building owned or leased by the Commonwealth or any office where state employees are performing official duties do not apply to retired law-enforcement officials visiting a gun range owned or leased by the Commonwealth or any of the following while acting in the conduct of official duties: a bail bondsman, an employee of the Department of Corrections or a state juvenile correctional facility, an employee of the Department of Conservation and Recreation, or an employee of the Department of Wildlife Resources. Such prohibitions also do not apply to an individual carrying a weapon into a courthouse who is statutorily exempt, any property owned or operated by a public institution of higher education, or any state park. The bill requires that notice of the provisions prohibiting the carrying of such firearms or explosive material be posted at each of the public entrances to Capitol Square and the other locations where such firearms and explosive material are prohibited in the bill. The bill provides that any firearm or explosive material carried in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth. This bill is identical to HB 2295. This bill received Governor's recommendations.

*Patron - Ebbin*

**P SB1461 Bribery in correctional facilities; penalty.** Provides that any person who receives any pecuniary benefit or other consideration to act in the unlawful delivery of items or contraband to prisoners is guilty of bribery, punishable as a Class 4 felony. The bill also provides that any law-enforcement officer, jail officer, or correctional officer who violates the provisions of the bill shall be decertified and shall be forever ineligible for reemployment as a law-enforcement officer, jail officer, or correctional officer in the Commonwealth.

*Patron - Lewis*

**P SB1465 Illegal gambling; skill games; civil penalty; enforcement by localities and Attorney General.** Provides that any person who conducts, finances, manages,

supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of the provisions of the bill and may request attachment against all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality.

*Patron - Reeves*

## Failed

**[F] HB1773 Carrying a concealed handgun; permit not required.** Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.

*Patron - Freitas*

**[F] HB1781 Intentional injury to property or a monument or memorial; penalty.** Reduces from a Class 6 felony to a Class 1 misdemeanor the penalty for damages of \$1,000 or more for the crime of intentional injury or destruction of (i) any property, real or personal, not his own or (ii) a monument or memorial for war veterans, a monument erected to mark the site of an engagement fought during the Civil War, or a memorial to designate the boundary of a city, town, or tract of land.

*Patron - Carter*

**[F] HB1782 Wearing masks during commission of a crime or acts of intimidation or harassment; penalty.** Changes the prohibition on wearing a mask in certain places to make it a Class 1 misdemeanor for any person to, with the intent to conceal his identity, wear any mask, hood, or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer while committing or attempting to commit (i) a crime or (ii) an act of intimidation or harassment against another person where such act is motivated by racial, religious, gender, disability, gender identity, sexual orientation, or ethnic animosity. Current law makes it a Class 6 felony for any person over 16 years of age to wear such mask or other device and be or appear in any public place or upon any private property in the Commonwealth without first obtaining written consent from the owner or tenant, with some exceptions.

*Patron - Carter*

**[F] HB1791 Assault and battery or threats of bodily injury; sports official; penalty.** Provides that if any person commits a simple assault or assault and battery against another knowing or having reason to know that such other person is a sports official who is (i) engaged in the performance of his duties as such during a sports event or (ii) on the premises where a sports event is held immediately preceding or following a sports event, such person is guilty of a Class 1 misdemeanor. The bill also provides that the sentence of such person, upon conviction, shall include a mandatory minimum fine of \$500 and such person shall be prohibited from coming within 50 feet of the premises where any sports event is held in the Commonwealth an hour prior to the beginning of the sports event, during the sports event, and an hour following the conclusion of the sports event for one year. The bill also makes it a Class 1 misdemeanor to orally make a threat to kill or do bodily injury to any sports official who is engaged in the per-

formance of his duties as such during a sports event or on the premises where a sports event is held immediately preceding or following the sports event. The bill defines "sports event" and "sports official."

*Patron - McNamara*

**[F] HB1860 Obtaining, attempting to obtain, procuring, or attempting to procure controlled substances by means of the Internet or by mail; exceptions; penalty.** Makes it a Class 6 felony for any person to obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance or marijuana by means of the Internet, United States Postal Service, or other commercial delivery provider without a valid prescription or order of a practitioner while acting in the course of his professional practice, with some exceptions provided for in the bill.

*Patron - Guy*

**[F] HB1880 Illegal gambling; skill games; temporary exemption for truck stops and alcoholic beverage control retail licensees.** Delays by one additional year, from July 1, 2021, to July 1, 2022, the prohibition on the play or offering for play of skill games that was instituted in the 2020 Regular Session. The bill extends the one-year phase-out of existing skill games by one additional year to July 1, 2022, but decreases to 90 percent the total number of machines that a distributor may provide for play to truck stops and Virginia Alcoholic Beverage Control Authority retail licensees (ABC retail licensees) relative to the number of machines such distributor previously reported to the Virginia Alcoholic Beverage Control Authority (the Authority) on July 1, 2020. The bill caps the total number of skill games that persons operating truck stops and ABC retail licensees may make available for play to no more than 20 and six, respectively. The bill extends the prohibition on distributors offering new skill games for play. The bill keeps oversight authority over skill games with the Authority. The bill extends the requirement that each distributor pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues will accrue one percent to the Problem Gambling Treatment and Support Fund, three percent to the Authority for the purposes of implementing the bill, 33 percent to the localities in which the skill games are located, one percent to the Family and Children's Trust Fund, two percent to the Virginia Breeders Fund, and 60 percent to the Commonwealth Transportation Fund. The bill extends the requirement that distributors report monthly to the Authority the number of skill games provided for play. Finally, the bill prohibits persons younger than 21 years of age from playing skill games or redeeming the evidence of winnings for them.

*Patron - Krizek*

**[F] HB1938 Destroying or tampering with firefighting or emergency medical services equipment or law-enforcement equipment and vehicles; penalty.** Increases from a Class 1 misdemeanor to a Class 6 felony the penalty for injuring, destroying, removing, or tampering with any firefighting equipment or apparatus, emergency medical services vehicle, or law-enforcement vehicle or equipment. The bill also adds to this prohibition such interference with any other equipment or apparatus used by emergency medical services personnel or law-enforcement officers.

*Patron - Wyatt*

**[F] HB1946 Charitable gaming; operators; licensing requirement; definition of "instant bingo," "pull tabs," or "seal cards."** Permits an operator, defined in the bill, to manage, operate, or conduct charitable gaming on behalf of a qualified organization or otherwise assist a qualified organization with the management, operation, or conduct of charitable gam-

ing, provided that such operator obtains a license from the Department of Agriculture and Consumer Services and complies with all charitable gaming laws and regulations that would otherwise be applicable to such qualified organization related to the management, conduct, or operation of charitable gaming. The bill also amends the definition of "instant bingo," "pull tabs," or "seal cards" to provide that the preprinted or predetermined appearance of concealed letters, numbers, or symbols contained on the individually prepackaged cards must simply be exposed after purchase to determine wins and losses. Current law specifies that the preprinted or predetermined appearance of concealed letters, numbers, or symbols contained on the individually prepackaged cards must be exposed by the player to determine wins and losses.

*Patron - Jenkins*

**[F] HB1951 Common-law crime of suicide.** Abolishes the common-law crime of suicide. Suicide is currently a common-law crime in Virginia, although there is no statutorily prescribed punishment.

*Patron - Simon*

**[F] HB2144 Felony homicide; certain drug offenses; penalty.** Provides that a person is guilty of felony homicide, punishable by confinement for not less than five nor more than 40 years, if the underlying felonious act that resulted in the accidental killing of another person involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of the person's death. The bill provides that the venue for prosecution is the locality where the felony violation occurred, where the use of the controlled substance occurred, or where the death occurred. The bill serves to overrule the decision of the Court of Appeals of Virginia in *Woodard v. Commonwealth* 61 Va. App., 567, 739 S.E.2d 220 (2013), *aff'd* 287 Va. 276, 754 S.E.2d 309 (2014).

*Patron - Miyares*

**[F] HB2254 Unlawful dissemination of unsolicited, obscene image of self to another; penalty.** Provides that any person who, with the intent to coerce, harass, or intimidate, disseminates to any person 18 years of age or older any unsolicited, obscene videographic or still image created by any means whatsoever that depicts himself totally nude, or in a state of undress so as to expose his own genitals, pubic area, buttocks, or female breast, is guilty of a Class 1 misdemeanor.

*Patron - Conviros-Fowler*

**[F] HB2276 Manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames or receivers and unserialized firearms; penalties.** Creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms.

The bill also creates several Class 1 misdemeanors, which are punishable as a Class 4 felony for a second or subsequent offense, making it unlawful (i) for any person to possess, sell, offer to sell, transfer, purchase, transport, or receive an unfinished frame or receiver or firearm, unless the party possessing or receiving the unfinished frame or receiver or firearm is a federal firearms importer or manufacturer or the unfinished frame or receiver or firearm is imprinted with a serial number issued by a federal firearms importer or manufacturer and (ii) for any person to manufacture, cause to be manufactured,

assemble, or cause to be assembled a firearm that is not imprinted with a serial number issued by a federal firearms importer or manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms. The bill creates exceptions for (a) any firearm that has been rendered permanently inoperable, (b) an antique firearm, or (c) any firearm or unfinished frame or receiver manufactured before October 22, 1968.

*Patron - Simon*

**[F] HB2285 Transfer of certain firearms; exceptions.** Adds to the list of those exempted from purchasing one firearm per month (i) any person with a valid permit to carry a concealed handgun recognized in the Commonwealth and (ii) retired law-enforcement officers.

*Patron - Fowler*

**[F] HB2303 Possession of controlled substances; penalties.** Reduces the penalty for possession of a Schedule I or II controlled substance from a Class 5 felony to a Class 1 misdemeanor and the penalty for possession of a Schedule IV or V controlled substance from a Class 2 misdemeanor and a Class 3 misdemeanor, respectively, to a Class 4 misdemeanor. Consequently, the bill removes felony violations of possession of a controlled substance from the definition of barrier crime related to criminal history checks for eligibility for various types of employment, to volunteer or provide certain services, or to establish or operate certain types of regulated businesses.

The bill also limits the previous convictions that make a person ineligible for disposition under the first offender statute to a previous conviction for possession of a controlled substance or manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance. Under current law, a previous conviction for any drug-related criminal offense or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs makes a person ineligible for such disposition. The bill also amends the required conditions of probation under the first offender statute.

The bill changes the penalty for an attempt to commit a felony drug offense from imprisonment for not less than one nor more than 10 years to a Class 6 felony and removes the felony offenses for a prisoner to secrete or have in his possession any chemical compound that he has not lawfully received, any Schedule III controlled substance, or marijuana. The bill makes secreting or possessing a controlled substance or marijuana by a prisoner punishable the same as possession of such controlled substances or marijuana by a person who is not in prison. Lastly, the bill provides that the definition of "controlled substance" for purposes of the Drug Control Act shall not include mere residue of any drug, substance, or immediate precursor in Schedules I through VI that is not a weighable quantity or a countable dosage unit. The bill contains technical amendments.

*Patron - Hudson*

**[F] HB2319 Access to firearms; cohabitants; civil penalty.** Makes it unlawful for an individual residing or cohabiting with any person who such individual knows or has reason to believe is prohibited from possessing or transporting a firearm to allow such person access to any firearm. The bill requires such individual to store such firearm in a manner that is inaccessible to such co-resident. If an individual violates any provision of the bill and the co-resident uses such firearm during the commission of a crime, such individual will be subject to a civil penalty of not more than \$500, except for any crime committed against such individual. The bill further provides that an individual who lawfully possesses a firearm is not

in violation of the provisions of the bill if he carries the firearm on or about his person or exercises control of the firearm.

*Patron - Guzman*

**[F] HB2334 Damage to motor vehicles; penalties.** Makes it a Class 6 felony for a person to commit larceny of a catalytic converter from a motor vehicle, regardless of the converter's value. The bill also makes it a Class 6 felony for a person to willfully break, injure, tamper with, or remove any part or parts of any vehicle, aircraft, boat, or vessel for the purpose of injuring, defacing, or destroying said vehicle, aircraft, boat, or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner, or to in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat, or vessel, when such violation causes damage to such vehicle, aircraft, boat, or vessel of \$1,000 or more. Current law makes such violation a Class 1 misdemeanor with no limit on the amount of damage. Under the bill, the penalty for damage of less than \$1,000 remains a Class 1 misdemeanor.

*Patron - Fariss*

**[F] SB1129 Veterans service organizations; paramilitary activities.** Exempts a member of a lawfully recognized military color guard, honor guard, or similar organization, or a member of a veterans service organization that is Congressionally chartered or officially recognized by the U.S. Department of Veterans Affairs, when such member is participating in a public ceremony on behalf of such color guard, honor guard, or similar organization or such veterans service organization from the crimes of brandishing a firearm and unlawful paramilitary activity.

*Patron - Reeves*

**[F] SB1203 Hate crimes; associational relationships; penalty.** Redefines the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense to include a person's actual or perceived race, color, ethnicity, religious conviction, national origin, gender, sex, disability, gender identity, gender expression, or sexual orientation or a person's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religious conviction, national origin, gender, sex, disability, gender identity, gender expression, or sexual orientation. The bill adds these categories of victims whose intentional selection for a hate crime involves malicious wounding and makes such crime punishable by a term of imprisonment of not less than five years, nor more than 40 years. The bill also redefines these categories for the purposes of reporting hate crimes to the central repository of information maintained by the Virginia State Police, for civil actions to recover damages for vandalism, and for interactive computer service liability.

*Patron - Hashmi*

**[F] SB1240 Criminal sexual assault committed by parents, stepparents, grandparents, and step-grandparents; penalty.** Provides that a parent, stepparent, grandparent, or step-grandparent is guilty of the crime of forcible sodomy or object sexual penetration if such offenses are committed by such persons and the complaining witness is at least 13 years of age but younger than 18 years of age. The bill also increases from a Class 3 felony to a Class 2 felony the penalty for the crime of incest.

*Patron - Stuart*

**[F] SB1250 Criminal history record information check required for firearm rentals; penalty.** Provides that

for the purposes of conducting a criminal history record information check for a firearm transfer, the term "rent" includes a temporary change in dominion or control of a firearm for use at or on the premises of a dealer's business location in exchange for money or other consideration. Under current federal law, the rental of a firearm for use on a dealer's business premises is not considered to be a sale, disposition, or delivery of the firearm; therefore, such rental would not allow for a National Instant Criminal Background Check System check to be performed. The bill would allow the Virginia State Police to conduct a Virginia state criminal history record information check instead.

*Patron - Deeds*

**[F] SB1278 Charitable gaming; regulations; Texas Hold'em poker games.** Clarifies that the Department of Agriculture and Consumer Service has specific authority to approve and regulate operators of both Texas Hold'em poker games and Texas Hold'em poker tournaments. The bill provides that a qualified organization may conduct both Texas Hold'em poker games and tournaments, but at no time shall a qualified organization be permitted to conduct more than three such games or tournaments simultaneously. Current law is unclear as to whether such organization may conduct Texas Hold'em poker games in addition to Texas Hold'em poker tournaments.

*Patron - Bell*

**[F] SB1306 Assault and battery; penalty.** Eliminates the mandatory minimum term of confinement of six months for an assault and battery committed against a judge, magistrate, law-enforcement officer, correctional officer, person directly involved in the care, treatment, or supervision of inmates, firefighter or volunteer firefighter, or emergency medical services personnel. The bill removes simple assault from enhanced punishment and provides that the enhanced punishment applies for assault and battery only when it results in bodily injury. The bill also provides that a jury or the court may find any person charged with such offense (i) whose physical or mental capacity is diminished to the extent that he needs counseling or supervisory assistance or assistance with activities of daily living or instrumental activities of daily living or (ii) who has been diagnosed with an autism spectrum disorder, a developmental disability, or an intellectual disability, not guilty of such offense but guilty of a simple assault or assault and battery, punishable as a Class 1 misdemeanor. The bill also provides that before any arrest, indictment, or service of a petition in the case of a juvenile is made for an alleged assault and battery against a law-enforcement officer, (a) such alleged assault and battery shall be investigated by another law-enforcement officer who was not the subject of such alleged assault and battery and (b) the arrest, indictment, or service of a petition shall be approved by the attorney for the Commonwealth.

*Patron - Morrissey*

**[F] SB1344 Arrest and prosecution when experiencing or reporting overdoses.** Provides that an individual who is subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia may be offered a first offender deferred disposition program or drug treatment court docket program if such person is reporting an overdose and seeking emergency medical attention. Under current law, such person would be immune from arrest and prosecution.

*Patron - Vogel*

**[F] SB1368 Abuse and neglect of children; contact with other parent; penalty.** Provides that any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission interferes with such

child's contact and relationship with the other parent, guardian, or other person responsible for the care of such child, including unreasonably denying the other parent, guardian, or other person responsible for the care of such child access to or visitation with such child, is guilty of a Class 6 felony.

*Patron - DeSteph*

**[F] SB1371 Safe haven protections; newborn safety device.** Provides an affirmative defense in certain criminal prosecutions and civil proceedings regarding child abuse or neglect to a parent who safely delivers his child within the first 14 days of the child's life to a newborn safety device located at a hospital that provides 24-hour emergency services or at an attended emergency medical services agency that employs emergency medical services personnel. The bill also provides civil and criminal immunity to such hospitals and emergency medical services agencies for injuries to children received through such newborn safety devices, provided that (i) the injuries are not the result of gross negligence or willful misconduct and (ii) the hospital or emergency medical services agency meets certain requirements regarding the establishment, functioning, and testing of the device.

*Patron - Ruff*

**[F] SB1382 Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties.** Prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 3 misdemeanor.

*Patron - Favola*

**[F] SB1430 Exception to criminal history record information check required to sell firearm; National Firearms Act.** Provides that a person may sell a firearm to another person without obtaining a criminal history record information check at the point of sale if the sale of the firearm is governed by the provisions of the National Firearms Act (NFA) and the purchaser has been previously approved pursuant to a background check conducted by the Federal Bureau of Investigation in accordance with the NFA provisions and regulations governing the sale and transfer of such firearm.

*Patron - DeSteph*

**[F] SB1443 Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses.** Eliminates all mandatory minimum sentences of confinement from the Code of Virginia. The bill directs the Secretary of Public Safety and Homeland Security to establish a work group to evaluate the feasibility of resentencing persons previously convicted of a felony offense that was punishable by a mandatory minimum term of confinement. The work group would report on its findings by November 1, 2021. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

*Patron - Edwards*

## Criminal Procedure

### Passed

**[P] HB1806 Suspension or modification of sentence; transfer to the Department of Corrections.** Provides that if a person has been sentenced for a felony to the Department of Corrections (the Department), the court that heard the case, if it appears compatible with the public interest and there are cir-

cumstances in mitigation of the offense, may, at any time before the person is transferred to the Department, or within 60 days of such transfer, suspend or otherwise modify the unserved portion of such a sentence. Under current law, the court may only suspend or otherwise modify the unserved portion of such a sentence prior to the transfer of such person to the Department.

*Patron - Kilgore*

**[P] HB1867 Compensating victims of crime; reporting requirement; sexual abuse.** Provides that the requirement that the Virginia Workers' Compensation Commission find that police records show the crime was promptly reported no more than 120 hours after it occurred in order to award a claimant funds from the Criminal Injuries Compensation Fund does not apply to claims of sexual abuse. Under current law, the exception to such requirement applies only to claims of sexual abuse that occurred while the victim was a minor.

*Patron - Delaney*

**[P] HB1895 Fines and costs; accrual of interest; deferral or installment payment agreements.** Provides that no interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction (i) for a period of 180 days following the date of the final judgment imposing such fine or costs, (ii) during any period the defendant is incarcerated, and (iii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration. Current law prohibits interest from accruing on such fines or costs for a period of 40 days from the date of the final judgment imposing such fine or costs or during any period the defendant is incarcerated. The bill also removes the requirement that a defendant be unable to make payment of a fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing in order to be eligible to enter into a deferred or installment payment agreement and allows any defendant to enter such payment agreements. The bill removes the requirement that a defendant make a down payment upon entering a deferred, modified deferred, or installment payment agreement.

*Patron - Hudson*

**[P] HB2038 Probation, revocation, and suspension of sentence; limitations.** Limits the amount of active incarceration a court can impose as a result of a revocation hearing for a probation violation. The bill provides that if the court finds the basis of a violation of the terms and conditions of a suspended sentence or probation is that the defendant was convicted of a criminal offense or violated another condition other than a technical violation, the court may pronounce whatever sentence might have been originally imposed. The bill defines "technical violation" and provides specific limitations on the sentence a court may impose depending on whether the violation is a first, second, or third or subsequent technical violation. The bill also provides that a court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration. The bill also provides that a court must measure any period of suspension of sentence from the date of entry of the original sentencing order. This bill received Governor's recommendations.

*Patron - Scott*

**[P] HB2047 Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities.** Permits the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is

relevant and is not evidence concerning an ultimate issue of fact and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill provides that to establish a mental condition for such purposes, the defendant must show that his condition existed at the time of the offense and that such condition satisfies the diagnostic criteria for (a) a mental illness, as defined in the bill; (b) an intellectual or developmental disability, as defined in the bill; or (c) an autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. If a defendant intends to present such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth within specified time periods. The bill also clarifies that a court, in addition to a magistrate, may enter a temporary detention order in such cases if the criteria required under current law for temporary detention orders are met.

The bill clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnosis of an intellectual or developmental disability. The bill also adds to the requirements to be met for qualification as a court-appointed attorney two hours of continuing legal education, which shall cover the representation of individuals with behavioral or mental health disorders and individuals with intellectual or developmental disabilities.

Finally, the bill requires the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use the evidence made permissible in the bill and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century to study and make recommendations about the standard of danger to self or others that may be appropriately applied for such persons found not guilty under the provisions of the bill in the issuance of emergency custody orders, involuntary temporary detention orders, or the ordering of other mandatory mental health treatments. This bill is identical to SB 1315. This bill received Governor's recommendations.

*Patron - Bourne*

**P HB2110 Pretrial data collection.** Requires the Virginia Criminal Sentencing Commission to collect and disseminate, on an annual basis, statewide and locality-level data related to adults charged with criminal offenses punishable by confinement in jail or a term of imprisonment. The bill provides that any personal or case identifying information within the data shall not be subject to the Virginia Freedom of Information Act and shall not be made publicly available. The bill does not require that the Virginia Criminal Sentencing Commission submit such annual report prior to December 1, 2022. Additionally, the bill requires the Virginia State Crime Commission to provide the Virginia Criminal Sentencing Commission with the final dataset of all adults charged with a criminal offense punishable by confinement in jail or a term of imprisonment in October 2017 and that the Virginia Criminal Sentencing Commission make such statewide and locality-level data publicly available on a website established and maintained by the Virginia Criminal Sentencing Commission as an electronic dataset, excluding any personal and case identifying information, by October 1, 2021, and on an electronic interactive data dashboard tool that displays aggregated data based on characteristics or indicators selected by the user by December 1, 2022. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill incorporates HB 1945 and is identical to SB 1391.

*Patron - Herring*

**P HB2113 Sealing of criminal records; penalties.** Establishes a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. As introduced, this bill was a recommendation of the Virginia State Crime Commission and is identical to SB 1339. This bill received Governor's recommendations.

*Patron - Herring*

**P HB2133 Issuance of writ of vacatur for victims of commercial sex trafficking.** Establishes a procedure for victims of sex trafficking to file a petition of vacatur in circuit court to have certain convictions vacated and the police and court records expunged for such convictions. The bill requires the court to grant the writ and vacate a qualifying offense if it finds the petitioner (i) was convicted or adjudicated delinquent of a qualifying offense and (ii) committed the qualifying offense as a direct result of being a victim of sex trafficking, as defined in the bill. As introduced, the bill is a recommendation of the Virginia State Crime Commission. This bill received Governor's recommendations.

*Patron - Delaney*

**P HB2233 Orders of restitution; enforcement.** Provides that an order of restitution shall be docketed in the name of the Commonwealth, or a locality if applicable, on behalf of a victim, unless the victim named in the order of restitution requests in writing that the order be docketed in the name of the victim. The bill provides that an order of restitution docketed in the name of the victim shall be enforced by the victim as a civil judgment. The bill also states that the clerk of such court shall record and disburse restitution payments in accordance with orders of restitution or judgments for restitution docketed in the name of the Commonwealth or a locality. The bill provides that at any time before a judgment for restitution docketed in the name of the Commonwealth or a locality is satisfied, the court shall, at the written request of the victim, order the circuit court clerk to execute and docket an assignment of the judgment to the victim and remove from its automated financial system the amount of unpaid restitution. Similarly, the bill provides that if a judge of the district court orders the circuit court clerk to execute and docket an assignment of the judgment to the victim, the district court clerk shall remove from its automated financial system the amount of unpaid restitution. Additionally, the bill states that if the victim requests that the order of restitution be docketed in the name of the victim or that a judgment for restitution previously docketed in the name of the Commonwealth or a locality be assigned to the victim, the victim shall provide to the court an address where the defendant can mail payment for the amount due and such address shall not be confidential. This bill is identical to SB 1426.

*Patron - Bell*

**P HB2258 Substantial Risk Order Registry; maintenance and access.** Authorizes the Department of State Police to release Substantial Risk Order Registry information upon request to institutions of higher education and other research organizations or institutions for the purpose of monitoring and evaluating the impact of substantial risk orders on public safety. The bill requires the Department of State Police to remove the names and other personal identifying information from the data before it releases such information.

*Patron - Simonds*

**P SB1242 Personal appearance by two-way electronic video and audio communication; entry of plea, nolle prosequi, or dismissal; revocation proceedings.** Provides that with the consent of the court and all parties, an appearance in a court may be made by two-way electronic video and audio communication for the purpose of (i) entry of a plea of guilty or nolo contendere and the related sentencing of the defendant charged with a misdemeanor or felony, (ii) entry of a nolle prosequi or dismissal, or (iii) a revocation proceeding. As introduced, this bill was a recommendation of the Judicial Council of Virginia and the Committee on District Courts.

*Patron - Edwards*

**P SB1266 Admission to bail; rebuttable presumptions against bail.** Eliminates provisions regarding the rebuttable presumptions against being admitted to bail. The bill also provides that in making a bail determination, a judicial officer shall consider all relevant information, including a number of factors specified in the bill.

*Patron - Deeds*

**P SB1272 Disposition of the unrestorably incompetent defendant; capital murder charge; inpatient custody of the Commissioner of the Department of Behavioral Health and Developmental Services.** Provides that a court may commit a capital murder defendant to the inpatient custody of the Commissioner of the Department of Behavioral Health and Developmental Services, provided that such defendant has remained unrestorably incompetent for a period of five years. The bill provides that after such defendant has been committed to the inpatient custody of the Commissioner, he may make interfacility transfers and treatment and management decisions regarding such defendant after obtaining prior approval of or review by the committing court. This bill is a recommendation of the Virginia Criminal Justice Conference.

*Patron - Mason*

**P SB1315 Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities.** Permits the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant and is not evidence concerning an ultimate issue of fact and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill provides that to establish a mental condition for such purposes, the defendant must show that his condition existed at the time of the offense and that such condition satisfies the diagnostic criteria for (a) a mental illness, as defined in the bill; (b) an intellectual or developmental disability, as defined in the bill; or (c) an autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. If a defendant intends to present such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth within specified time periods. The bill also clarifies that a court, in addition to a magistrate, may enter a temporary detention order in such cases if the criteria required under current law for temporary detention orders are met.

The bill clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnosis of an intellectual or developmental disability. The bill also adds to the requirements to be met for qualification as a court-appointed attorney two hours of continuing legal education, which shall cover the representa-

tion of individuals with behavioral or mental health disorders and individuals with intellectual or developmental disabilities.

Finally, the bill requires the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use the evidence made permissible in the bill and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century to study and make recommendations about the standard of danger to self or others that may be appropriately applied for such persons found not guilty under the provisions of the bill in the issuance of emergency custody orders, involuntary temporary detention orders, or the ordering of other mandatory mental health treatments. This bill incorporates SB 1383 and is identical to HB 2047. This bill received Governor's recommendations.

*Patron - McClellan*

**P SB1329 Promises to appear after the issuance of a summons.** Provides that if any person refuses to give a written promise to appear, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody. Under current law, any person refusing to give such written promise to appear is required to be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction.

*Patron - Mason*

**P SB1339 Sealing of criminal records; penalties.** Establishes a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. This bill incorporates SB 1283 and SB 1372 and is identical to HB 2113. This bill received Governor's recommendations.

*Patron - Surovell*

**P SB1391 Pretrial data collection.** Requires the Virginia Criminal Sentencing Commission to collect and disseminate, on an annual basis, statewide and locality-level data related to adults charged with criminal offenses punishable by confinement in jail or a term of imprisonment. The bill provides that any personal or case identifying information within the data shall not be subject to the Virginia Freedom of Information Act and shall not be made publicly available. The bill does not require that the Virginia Criminal Sentencing Commission submit such annual report prior to December 1, 2022. Additionally, the bill requires the Virginia State Crime Commission to provide the Virginia Criminal Sentencing Commission with the final dataset of all adults charged with a criminal offense punishable by confinement in jail or a term of imprisonment in October 2017 and that the Virginia Criminal Sentencing Commission make such statewide and locality-level data publicly available on a website established and maintained by the Virginia Criminal Sentencing Commission as an electronic dataset, excluding any personal and case identifying information, by October 1, 2021, and on an electronic interactive data dashboard tool that displays aggregated data based on characteristics or indicators selected by the user by December 1, 2022. As introduced, this bill was a recommendation of the Virginia State Crime Commission and is identical to HB 2110.

*Patron - Lucas*

**P SB1426 Orders of restitution; enforcement.** Provides that an order of restitution shall be docketed in the name of the Commonwealth, or a locality if applicable, on behalf of a



victim, unless the victim named in the order of restitution requests in writing that the order be docketed in the name of the victim. The bill provides that an order of restitution docketed in the name of the victim shall be enforced by the victim as a civil judgment. The bill also states that the clerk of such court shall record and disburse restitution payments in accordance with orders of restitution or judgments for restitution docketed in the name of the Commonwealth or a locality. The bill provides that at any time before a judgment for restitution docketed in the name of the Commonwealth or a locality is satisfied, the court shall, at the written request of the victim, order the circuit court clerk to execute and docket an assignment of the judgment to the victim and remove from its automated financial system the amount of unpaid restitution. Similarly, the bill provides that if a judge of the district court orders the circuit court clerk to execute and docket an assignment of the judgment to the victim, the district court clerk shall remove from its automated financial system the amount of unpaid restitution. Additionally, the bill states that if the victim requests that the order of restitution be docketed in the name of the victim or that a judgment for restitution previously docketed in the name of the Commonwealth or a locality be assigned to the victim, the victim shall provide to the court an address where the defendant can mail payment for the amount due and such address shall not be confidential. This bill is identical to HB 2233.

*Patron - Stanley*

**[P] SB1431 Unrestorably incompetent defendant; competency report.** Provides that in cases where a defendant was previously determined to be unrestorably incompetent in the past two years, a competency report may recommend that the court find the defendant unrestorably incompetent to stand trial, and the court may proceed with the disposition of the case based on such recommendation. Under current law, the defendant is required to undergo treatment to restore his competency before the court can find a defendant unrestorably incompetent to stand trial.

*Patron - Mason*

**[P] SB1442 Public defender offices; County of Chesterfield.** Establishes a public defender office for the County of Chesterfield.

*Patron - Morrissey*

**[P] SB1475 Execution of search warrants; emergency.** Provides that a search warrant for the search of any place of abode shall be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. unless (i) a judge or a magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously. The bill also provides that a law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time, unless circumstances require the issuance of the warrant after 5 p.m., in which case the law-enforcement officer may seek such authorization from a magistrate without first making reasonable efforts to locate a judge. The bill contains an emergency clause.

*Patron - Stuart*

## Failed

**[F] HB1759 Personal appearance by two-way electronic video and audio communication; at or after trial before a judge; emergency.** Allows a personal appearance

required or permitted at or after trial before a judge to be made using two-way electronic video and audio communication (i) with the consent of the defendant and the Commonwealth and (ii) if the defendant has waived his right to be present at trial and the court ascertains that such waiver is voluntary and intelligently made. The bill contains an emergency clause.

*Patron - Campbell, R.R.*

**[F] HB1779 Abolition of the death penalty.** Abolishes the death penalty, including for those persons currently under a death sentence. This bill was incorporated into HB 2263.

*Patron - Carter*

**[F] HB1920 Suspension or modification of sentence; transfer to the Department of Corrections.** Provides that if a person has been sentenced for a felony to the Department of Corrections (the Department), the court that heard the case, if it appears compatible with the public interest and there are circumstances in mitigation of the offense, may, at any time before the person is transferred to the Department or regardless of whether the person has been transferred to the Department, at any time within 12 months of entry of the sentencing order, suspend or otherwise modify the unserved portion of such a sentence. Additionally, notwithstanding the foregoing, the bill provides that for good cause shown and in the interest of justice the court may, at any time before the sentence has been completely served, suspend the unserved portion of any such sentence, place the person on probation for such time as the court shall determine, or otherwise modify the sentence imposed. Current law allows such suspension or modification of the unserved portion of a sentence only if the person has not yet been transferred to the Department of Corrections.

*Patron - Price*

**[F] HB1945 Bail; data collection and reporting standards; report.** Requires the Department of Criminal Justice Services to (i) collect data relating to bail determinations for any person who is held in custody pending trial or hearing for an offense, civil or criminal contempt or otherwise, in every locality; (ii) create a uniform reporting mechanism for criminal justice agencies to submit such data; and (iii) submit an annual report on the data collected to the Governor and the General Assembly, as well as publish the annual report on the Department's website. The bill also provides that the law addressing bail is to be construed so as to give effect to a general presumption in favor of release pretrial. The bill also requires the Department to report to the House Committee for Courts of Justice and the Senate Committee on the Judiciary by January 1, 2022, on the development and application of the uniform reporting mechanisms. The bill has a delayed effective date of July 1, 2022, for provisions related to the creation of uniform reporting mechanisms and data collection by the Department. This bill was incorporated into HB 2110.

*Patron - Jenkins*

**[F] HB2151 Search warrants; daytime execution; exceptions.** Provides an exception to the requirement that a search warrant be executed only in the daytime if, prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and subsequently have remained at such place continuously. The bill provides that such search warrant may be executed at any time of day without authorization from a judge or magistrate. The bill also allows a law-enforcement officer to seek authorization from a magistrate to execute a search warrant at a time other than daytime without first having to make reasonable efforts to locate a judge if such search warrant was issued after 5 p.m.

*Patron - Adams, L.R.*



**[F] HB2286 Court appearance of a person not free on bail.** Makes various changes to provisions regarding bail hearings, including (i) the appointment of counsel for the accused, (ii) the information provided to counsel for the accused, (iii) a requirement that counsel for the accused be provided with adequate time to confer with the accused prior to any bail hearing, and (iv) the compensation of counsel for the accused. Effective in due course, the bill provides that the chief judge in each circuit shall create a plan to be completed by October 1, 2021, that establishes the means by which the jurisdiction will meet these requirements. The remainder of the bill has a delayed effective date of January 1, 2022.

*Patron - Williams Graves*

**[F] HB2331 Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses.** Eliminates mandatory minimum sentences of confinement for certain crimes. The bill also provides a petition process for a person who was convicted or adjudicated delinquent of certain felony offenses committed prior to July 1, 2021, sentenced to a mandatory minimum term of confinement for any such felony offense, and remains incarcerated in a state or local correctional facility serving the mandatory minimum term of confinement for any such felony offense to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such mandatory minimum sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. The bill provides that such petition shall be filed by July 1, 2024.

*Patron - Mullin*

**[F] SB1105 Post-conviction relief; previously admitted scientific evidence; report.** Provides that a person who was convicted of a felony offense, or who was adjudicated delinquent of an offense that would have been a felony offense if committed by an adult, may petition the Court of Appeals to have his conviction vacated. The petition shall allege (i) the offense for which the petitioner was convicted or adjudicated delinquent; (ii) that the petitioner did not commit the offense for which the petitioner was convicted or adjudicated delinquent; (iii) an exact description of the newly available forensic scientific evidence and its relevance to guilt or punishment; (iv) specific facts indicating that relevant forensic scientific evidence was not available or could not have been obtained in the exercise of diligence before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency or that newly available forensic scientific evidence would discredit or contradict forensic scientific evidence that was admitted at the petitioner's trial or adjudication of delinquency; and (v) that the admission of the discredited or contradicted forensic scientific evidence or the absence of the newly available forensic scientific evidence was not harmless. The bill provides that if the court finds by clear and convincing evidence that the admission of the discredited forensic scientific evidence or the absence of the newly available forensic scientific evidence was not harmless, the court may grant the petition and vacate the petitioner's conviction, subject to retrial in the discretion of the Commonwealth. The bill has a delayed effective date of July 1, 2022, and would apply to petitions filed before July 1, 2026. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Stanley*

**[F] SB1264 Expungement of emergency and preliminary protective orders.** Provides that a person against whom an emergency or preliminary protective order has been issued may petition to have police and court records relating to such

order expunged if the order expires, is dissolved by the issuing court, or if a hearing for the issuance of a permanent protective order is scheduled or held and such permanent protective order is subsequently not issued.

*Patron - Morrissey*

**[F] SB1283 Automatic expungement of criminal records.** Establishes a process for the automatic expungement of criminal records for misdemeanors, certain felony convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. This bill was incorporated into SB 1339.

*Patron - Morrissey*

**[F] SB1294 Expungement of police and court records; fees.** Provides that the fee for filing a petition for expungement is \$25. The bill also eliminates the provision that requires the clerk of the court to refund a petitioner any filing costs paid if such petitioner's expungement petition is granted.

*Patron - DeSteph*

**[F] SB1332 Use of deadly force by a law-enforcement officer during an arrest or detention.** Eliminates the requirements that a law-enforcement officer shall not use deadly force against a person unless he has provided a warning to the subject of the deadly force that he will use deadly force, if feasible, and exhausted all other options or such options do not reasonably lend themselves to the circumstances. The bill shifts these requirements to the factors considered in determining whether a law-enforcement officer's use of deadly force was proper.

*Patron - Reeves*

**[F] SB1372 Automatic expungement of criminal records.** Establishes a process for the automatic expungement, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. This bill was incorporated into SB 1339.

*Patron - Lucas*

**[F] SB1383 Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities.** Permits the admission of evidence concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence (i) tends to show the defendant did or did not have the specific mental state required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. If a defendant intends to present expert testimony evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth. The bill also clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnoses of an intellectual or developmental disability. This bill was incorporated into SB 1315.

*Patron - Favola*

**[F] SB1437 Promises to appear after the issuance of a summons.** Eliminates the requirement that a promise to appear be completed after the issuance of a summons for a misdemeanor offense or an administrative violation. The bill provides that an accused shall be released from custody after a summons has been issued.

*Patron - Hanger*

## Domestic Relations

### Passed

**[P] HB1852 Uniform Collaborative Law Act.** Creates the Uniform Collaborative Law Act, which provides a framework for the practice of collaborative law, a process entered into voluntarily by clients for the express purpose of reaching a settlement in a family or domestic relations law matter, including (i) marriage, divorce, dissolution, annulment, and property distribution; (ii) child custody, visitation, and parenting time; (iii) alimony, spousal support, maintenance, and child support; (iv) adoption; (v) parentage; and (vi) negotiation or enforcement of premarital, marital, and separation agreements. The Act governs disclosure of information, privilege against disclosure of communications, and scope of representation by the attorneys in the proceeding.

*Patron - Sullivan*

**[P] HB1911 No-fault divorce; corroboration requirement.** Removes the corroborating witness requirement for no-fault divorces.

*Patron - Hope*

**[P] HB2055 Child support obligations; party's incarceration not deemed voluntary unemployment or underemployment.** Provides that a party's incarceration alone for 180 or more consecutive days shall not ordinarily be deemed voluntary unemployment or underemployment for the purposes of calculating child support and imputing income for such calculation. The bill further provides that a party's incarceration for 180 or more days shall be a material change of circumstances upon which a modification of a child support order may be based. This bill received Governor's recommendations.

*Patron - Scott*

**[P] HB2192 Domestic relations; contents of support orders; unemployment benefits.** Requires support orders to contain a provision requiring an obligor to keep the Department of Social Services or a court informed of, in addition to the name, address, and telephone number of his current employer, any change to his employment status and if he has filed a claim for or is receiving unemployment benefits. The bill further requires that the provision shall further specify that any such change or filing be communicated to the Department of Social Services or the court in writing within 30 days of such change or filing.

*Patron - Leftwich*

**[P] SB1142 Persons who may celebrate rites of marriage; members of the General Assembly; statewide elected officials.** Authorizes any current member of the General Assembly and the current Governor, Lieutenant Governor, and Attorney General to celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or order of authorization.

*Patron - Cosgrove*

**[P] SB1325 Visitation; petition of grandparent.** Allows a grandparent who has petitioned the court for visitation of a minor grandchild, in cases where the parent of the minor grandchild is deceased or incapacitated, to introduce evidence of such deceased or incapacitated parent's consent to visitation with the grandparent. The bill provides that if the parent's consent is proven by a preponderance of the evidence, the court may then determine if grandparent visitation is in the best interest of the minor grandchild.

*Patron - Dunnivant*

### Failed

**[F] HB2041 Best interests of the child; assuring frequent and continuing contact with both parents.** Provides that, in determining the best interests of the child for purposes of custody and visitation arrangements, upon request of either party, the court shall assure minor children of frequent and continuing contact with both parents so as to maximize the amount of time the child spends with each parent. The bill further provides that such parenting time may be adjusted in consideration of certain factors.

*Patron - Davis*

## Education

### Passed

**[P] HB1776 Board of Education; temporary extension of certain licenses.** Requires the Board of Education to grant a two-year extension of the license of any individual licensed by the Board whose license expires on June 30, 2021, in order to provide the individual with sufficient additional time to complete the requirements for licensure.

*Patron - Ward*

**[P] HB1790 Public schools; severe weather conditions and other emergency situations; unscheduled remote learning days.** Provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. The bill prohibits any school division from claiming more than 10 unscheduled remote learning days in a school year unless the Superintendent of Public Instruction grants an extension. This bill is identical to SB 1132.

*Patron - McNamara*

**[P] HB1798 Brunswick County school board; appointed school board salaries.** Removes the Brunswick County school board from the list of approved member salaries for appointed school boards. The Brunswick County school board is currently an elected school board. This bill is identical to SB 1175.

*Patron - Tyler*

**[P] HB1823 Public schools, child day programs, and certain other programs; carbon monoxide detectors required.** Requires each building that was built before 2015 and that houses any public school classroom for students, licensed child day program, or other program that serves pre-

school-age children to be equipped with at least one carbon monoxide detector.

*Patron - Askew*

**[P] HB1827 Board of Education; membership; geographic representation.** Requires the nine-member Board of Education to include at least five members, appointed by the Governor, who each reside in different superintendent's regions in the Commonwealth.

*Patron - Austin*

**[P] HB1838 Loudoun County school board; staggered terms.** Enables the Loudoun County school board to stagger the terms of its members at the November election immediately preceding the end of the board's term and upon the board's prior vote for staggered terms.

*Patron - Reid*

**[P] HB1865 Certain students in kindergarten through grade 3; reading intervention services.** Requires reading intervention services for students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education to be evidence-based, including services that are grounded in the science of reading, and include explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The bill requires the parent of each student who receives such reading intervention services to be notified before the services begin and the progress of each such student to be monitored throughout the provision of services.

*Patron - Delaney*

**[P] HB1885 Department of Education; comprehensive review of computer science standards, courses, and pathways in public schools; report.** Requires the Department of Education to perform a comprehensive review of the ongoing implementation of mandatory computer science standards in elementary schools and middle schools and the alignment of middle school and high school computer science courses and course pathways. The bill requires such review to include recommendations for implementation processes at the local level, profiles of implementation processes that have been successful for school divisions, a description of opportunities for enhanced collaboration with relevant computer science stakeholders to expand computer science education opportunities for all students in the Commonwealth and for relevant professional development for teachers, and examining methods of data collection annually from local school divisions pertaining to computer science implementation. The bill requires the Department of Education to prepare a report on its comprehensive review and provide such report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, the Secretary of Education, and the Superintendent of Public Instruction no later than November 1, 2021.

*Patron - Simonds*

**[P] HB1904 Teachers and other licensed school board employees; cultural competency.** Requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires

each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. This bill is identical to SB 1196.

*Patron - Jenkins*

**[P] HB1905 Economic education and financial literacy required in middle and high school grades; employment arrangements.** Adds to objectives developed and approved by the Board of Education for economics education and financial literacy at the middle and high school levels the implications of various employment arrangements with regard to benefits, protections, and long-term financial sustainability. Employment arrangements is defined in the bill as full-time employment, part-time employment, independent contract work, gig work, piece work, contingent work, day labor work, freelance work, and 1099 work.

*Patron - Cole, J.G.*

**[P] HB1909 Certain school board property; establishment of gun-free zone permitted.** Permits any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone and prohibit any individual from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property, except certain individuals such as law-enforcement officers and qualified retired law-enforcement officers.

*Patron - Subramanyam*

**[P] HB1918 Student driver safety.** Requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property. This bill is identical to SB 1169.

*Patron - Mugler*

**[P] HB1940 Department of Education; guidelines on excused student absences; civic engagement.** Provides that, subject to guidelines established by the Department of Education, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purposes. The bill also provides that local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event. This bill is identical to SB 1439.

*Patron - Rasoul*

**[P] HB1998 Public schools; lock-down drills; annual requirement.** Reduces from three to two the minimum number of mandatory annual lock-down drills in each public elementary and secondary school in the Commonwealth.

*Patron - Murphy*

**[P] HB2013 School board policies; school meal debt; enforcement.** Requires each school board to adopt a policy that prohibits the board from filing a lawsuit against a student or the student's parent because the student cannot pay for a meal at school or owes a school meal debt.

*Patron - Roem*

**P HB2019 Public elementary and secondary schools; possession and administration of undesignated stock albuterol inhalers and valved holding chambers.** Requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. The bill requires the Department of Education, in conjunction with the Department of Health, to develop and implement policies for the administration of stock albuterol in public schools. The bill has a delayed effective date of January 1, 2022.

*Patron - McQuinn*

**P HB2027 Standards of Learning assessments; reading and mathematics; grades three through eight; individual student growth.** Requires the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. The bill requires such through-year growth assessment system to include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, provided that the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The bill requires the Department of Education to ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. The bill provides that with such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary. The bill requires full implementation of such system no later than the 2022-2023 school year and partial implementation during the 2021-2022 school year consisting of one beginning-of-year assessment and one end-of-year assessment. This bill is identical to SB 1357.

*Patron - Coyner*

**P HB2058 Virginia STEM Education Advisory Board; established; report.** Creates the Virginia Science, Technology, Engineering, and Mathematics (STEM) Advisory Board to create a unified vision regarding STEM education initiatives, language, and measures of success to promote a culture of collaboration for STEM programming in the Commonwealth. The Board shall develop the infrastructure for creating STEM Regional Hubs and naming STEM Champions in communities across the Commonwealth. Additionally, the Board shall report annually to the Governor and the General Assembly on STEM challenges, goals, and successes across the Commonwealth.

*Patron - Simonds*

**P HB2086 Child care providers; background check portability; subsidy pilot program; report.** Exempts prospective employees and volunteers of certain child care providers from statutory background check requirements where the

individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child care providers, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. The bill also directs the Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. The bill provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. The bill requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the pilot program certain information set forth in the bill. The bill also requires the Department, in collaboration with the School Readiness Committee, to (a) identify and analyze financing strategies that can be used to support the systemic costs of high-quality child care services, ensure equitable compensation for child care staff, and better prepare children for kindergarten and (b) analyze the effectiveness of using a cost-of-quality modeling system for the child care subsidy program. The bill requires the Department to report its findings to the Governor and the General Assembly no later than December 1, 2021.

*Patron - McGuire*

**P HB2105 Early childhood education; quality rating and improvement system participation; School Readiness Committee.** Delays until the 2022-2023 school year the requirement for all publicly funded early childhood education providers to participate in a quality rating and improvement system to be established by the Board of Education by July 1, 2021. The bill also delays from the fall of 2023 to the fall of 2024 the publication of initial quality ratings for such providers. The bill reinstates the School Readiness Committee and alters the composition and scope of the work of the School Readiness Committee.

*Patron - Bulova*

**P HB2117 Children's Services Act; special education programs.** Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates. The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated for no longer than 12 months for transitional services. The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to

the Department of Education, as well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022. This bill is identical to SB 1313.

*Patron - VanValkenburg*

**P HB2119 Student driver education program; parent participation exemption.** Exempts students who are (i) at least 18 years old, (ii) emancipated minors, or (iii) unaccompanied minors who are not in the physical custody of their parent or guardian from the requirement to participate in the parent/student component of a school's driver education program.

*Patron - Keam*

**P HB2135 Certain school boards; student meals; participation in the Afterschool Meal Program.** Requires each school board that governs a local school division that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Afterschool Meal Program administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) Child and Adult Care Food Program to apply to the Department of Education to participate in the Afterschool Meal Program for each such school to subsequently and simultaneously serve federally reimbursable meals and offer an afterschool education or enrichment program, pursuant to FNS guidelines and state health and safety standards. The bill requires the Department of Education to administer the Afterschool Meal Program on behalf of the U.S. Department of Agriculture. The bill provides that the Superintendent of Public Instruction shall issue a waiver to this requirement upon determination that participation is not financially viable for a school or group of schools. The bill requires the Department of Education to develop a process and criteria for evaluating such waivers. The bill has a delayed effective date of July 1, 2022.

*Patron - Roem*

**P HB2176 School board policies; abusive work environments; definitions.** Defines, for the purposes of mandatory school board policies relating to abusive work environments, the terms "abusive conduct," "abusive work environment," "physical harm," and "psychological harm." The bill clarifies that the requirement to adopt such policies shall not be construed to limit a school board's authority to adopt policies to prohibit any other type of workplace conduct as the school board deems necessary.

*Patron - Torian*

**P HB2182 Board of Education; definition of "traumatic brain injury."** Requires the Board of Education to amend its regulatory definition of "traumatic brain injury," for the purpose of the provision of special education for children with disabilities, to include an acquired injury to the brain caused by a medical condition, including stroke, anoxia, infectious disease, aneurysm, brain tumors, and neurological insults resulting from medical or surgical treatments. The current regulatory definition of "traumatic brain injury" includes only an acquired brain injury caused by an external physical force.

*Patron - Wilt*

**P HB2212 Children's Services Act; effective monitoring and implementation.** Requires the director of the Office of Children's Services to provide for the effective implementation of the Children's Services Act (§ 2.2-5200 et seq.) in all localities by (i) regularly monitoring local performance

measures and child and family outcomes; (ii) using audit, performance, and outcomes data to identify local programs that need technical assistance; and (iii) working with local programs that are consistently underperforming to develop a corrective action plan for submission to the Office and the State Executive Council for Children's Services.

*Patron - Plum*

**P HB2238 Licensed private schools for students with disabilities; accreditation.** Directs the Board of Education to require, pursuant to regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board. The bill provides that, notwithstanding the foregoing requirement, any private school for students with disabilities that is licensed to operate by the Board as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024.

*Patron - Kory*

**P HB2299 Department of Education and Board of Education; special education.** Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth. This bill is identical to SB 1288.

*Patron - Carr*

**P HB2314 Board of Education; regulations; special education; amendment.** Requires the Board of Education to amend a certain regulation relating to special education to remove the word "component" following the word "evaluation," thereby ensuring compliance with the relevant federal regulation and clarifying that the parent of a child with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency.

*Patron - Mugler*

**P HB2316 Department of Education and Board of Education; special education and related services for students with disabilities.** Requires the Department of Education to update its special education eligibility worksheets as necessary, including clarifying any ambiguity or vagueness in eligibility criteria, and provide to each local school division the appropriate level of guidance on eligibility determinations for special education and related services. The bill requires the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the individualized education program (IEP) team.

*Patron - Mundon King*

**P SB1132 Public schools; severe weather conditions and other emergency situations; unscheduled remote learning days.** Provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. The bill prohibits any school division from claiming more than 10 unscheduled remote

learning days in a school year unless the Superintendent of Public Instruction grants an extension. This bill is identical to HB 1790.

*Patron - Suetterlein*

**[P] SB1169 Student driver safety.** Requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property. This bill is identical to HB 1918.

*Patron - Norment*

**[P] SB1175 Brunswick County school board; appointed school board salaries.** Removes the Brunswick County school board from the list of approved member salaries for appointed school boards. The Brunswick County school board is currently an elected school board. This bill is identical to HB 1798.

*Patron - Ruff*

**[P] SB1190 Board of Education; Health Standards of Learning; advanced directive education.** Directs the Board of Education to include advanced directive education in its curriculum framework for the Health Standards of Learning for high school students.

*Patron - Kiggans*

**[P] SB1196 Teachers and other licensed school board employees; cultural competency.** Requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. This bill is identical to HB 1904.

*Patron - Locke*

**[P] SB1257 Standards of Quality; specialized student support positions.** Modifies a school personnel requirement in Standard 2 of the Standards of Quality to require each school board to provide at least three specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.

*Patron - McClellan*

**[P] SB1288 Department of Education and Board of Education; special education.** Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth. This bill is identical to HB 2299.

*Patron - Dunnivant*

**[P] SB1303 School boards; in-person instruction.** Requires each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required 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 bill contains certain exceptions to the abovementioned requirement. The bill requires each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. The bill requires the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such students back to in-person instruction. The bill also requires all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The bill has an expiration date of August 1, 2022.

*Patron - Dunnivant*

**[P] SB1313 Children's Services Act; special education programs.** Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates.

The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated for no longer than 12 months for transitional services.

The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education, as well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022. This bill is identical to HB 2117.

*Patron - Mason*

**[P] SB1316 Child care providers; background check portability; subsidy pilot program; report.** Exempts prospective employees and volunteers of certain child care providers from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child care providers, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. The bill also directs the

Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. The bill provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. The bill requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the pilot program certain information set forth in the bill. The bill also requires the Department, in collaboration with the School Readiness Committee, to (a) identify and analyze financing strategies that can be used to support the systemic costs of high-quality child care services, ensure equitable compensation for child care staff, and better prepare children for kindergarten and (b) analyze the effectiveness of using a cost-of-quality modeling system for the child care subsidy program. The bill requires the Department to report its findings to the Governor and the General Assembly no later than December 1, 2021.

*Patron - McClellan*

**[P] SB1322 Public schools; seizure management and action plans; biennial training.** Provides for the submission and utilization of seizure management and action plans for students with a diagnosed seizure disorder. The bill requires each such seizure management and action plan to state that such plan is separate from any individualized education program (IEP) or Section 504 Plan that is in place for the student and nothing in such plan shall be construed to abrogate any provision of any IEP or Section 504 Plan that is in place for the student. The bill requires that school nurses and certain school division employees biennially complete Board of Education-approved training in the treatment of students with seizure disorders. The bill provides immunity from civil liability for acts or omissions related to providing for the care of a student under a seizure management and action plan. The bill has a delayed effective date of July 1, 2022.

*Patron - DeSteph*

**[P] SB1357 Standards of Learning assessments; reading and mathematics; grades three through eight; individual student growth.** Requires the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. The bill requires such through-year growth assessment system to include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, provided that the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The bill requires the Department of Education to ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. The bill provides that with such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary. The bill requires full implementation of such system no later than the 2022-2023 school year and partial implementation during the 2021-2022 school year consisting of one

beginning-of-year assessment and one end-of-year assessment. This bill is identical to HB 2027.

*Patron - Dunnivant*

**[P] SB1439 Department of Education; guidelines on excused student absences; civic engagement.** Provides that, subject to guidelines established by the Department of Education, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purposes. The bill also provides that local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event. This bill is identical to HB 1940.

*Patron - McClellan*

## Failed

**[F] HB1736 School nurses; nomenclature.** Prohibits any individual who provides nursing services in a public elementary or secondary school as a school board employee or through a contract with the local health department from using the title of school nurse unless such individual is a registered nurse who possesses an active license to practice in the Commonwealth.

*Patron - Adams, D.M.*

**[F] HB1742 In-person instruction; education vouchers; emergency.** Requires, in the event that any school board does not provide the option of in-person instruction as the sole method of instruction for any enrolled student, the parent of any such student who withdraws his child from attendance to receive, upon request, an education voucher in an amount equal to a prorated share of the applicable Standards of Quality per-pupil state funds appropriated for public school purposes and apportioned to the school division, including the per-pupil share of state sales tax funding in basic aid and any state per-pupil share of special education funding for which the child is eligible, to cover the expenses of providing in-person instruction in an alternative setting. The bill permits the Department of Education to establish rules, regulations, or procedures for the issuance of such education vouchers. The bill contains an emergency clause.

*Patron - Webert*

**[F] HB1770 Public education; student education accounts.** Permits any school division to establish a program to create savings accounts for students to be used for alternative educational programs. The bill requires the Department of Education to establish policies and procedures under which the parent of each student may use such funds on public or private educational programs.

*Patron - Freitas*

**[F] HB1772 Public institutions of higher education; per student enrollment-based funding; noncredit workforce training programs.** Requires the per student enrollment-based funding provided to public institutions of higher education to include funding for each Virginia student enrolled in a noncredit workforce training program. Under current law, per student enrollment-based funding follows each Virginia undergraduate student.

*Patron - Freitas*

**[F] HB1826 Board of Education; membership; qualifications.** Requires the nine-member Board of Education to



include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education, all of whom are appointed by the Governor.

*Patron - Austin*

**[F] HB1915 Teacher compensation; at or above national average.** Requires that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a 4.5 percent annual increase for public school teacher salaries, effective from the 2022-23 school year through the 2026-27 school year. The bill has a delayed effective date of July 1, 2022.

*Patron - Mugler*

**[F] HB1924 Required local effort for basic aid; debt service on projects in certain school divisions.** Permits any local school board that governs a school division (i) in which the locality is designated as fiscally at-risk or fiscally distressed by the Appalachian Regional Commission in the most recent fiscal year or is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities" and (ii) for which the composite index of local ability to pay is less than or equal to 0.2000 to expend up to 25 percent of the required local effort for basic aid for debt service on school building capital renovation or construction projects. The bill provides that in the event that the school division no longer meets such criteria, the local school board shall develop and implement a plan to readjust expenditures of the required local effort for basic aid over the course of no more than four fiscal years. The bill also provides that in the event that a school division that no longer met such criteria subsequently meets the criteria again after developing a plan, the local school board may seek the approval of the Superintendent of Public Instruction to amend such plan. The bill has an expiration date of July 1, 2033.

*Patron - Kilgore*

**[F] HB1929 School Equity and Staffing Act; Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives.** Makes several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide in Standard 1 and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal

in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) requiring each school board to provide at least four specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.

*Patron - Aird*

**[F] HB1947 Board of Education; high school graduation requirements; certain substitutions.** Requires the Board of Education, in establishing high school graduation requirements, to provide for the substitution of computer coding course credit for any foreign language course credit required to graduate with a standard or advanced diploma for children with disabilities. Such requirement replaces a narrower provision in current law that requires the Board to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language.

*Patron - Davis*

**[F] HB2090 School boards; establishment of the READ Fund and READ programs.** Establishes the Reimbursement for Education Access Decisions (READ) Fund (the Fund); permits any school board to establish a READ program to provide, during the state of emergency declared by the Governor in response to the COVID-19 pandemic, funds to any parent or legal guardian who meets compulsory attendance requirements by having his child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent in lieu of enrollment in the local school division to cover certain costs of such education; and permits any such school board to apply to the Department of Education for an award from the Fund to reimburse the school board for half of the cost of making reimbursements to parents pursuant to its READ program. The bill provides that the school board is responsible for covering the remaining half of the cost of its READ program with such federal and local funds as may be available for such purpose. The bill permits the Department of Education to establish such rules and procedures as it deems necessary for receiving applications for reimbursement and making awards from the Fund. The bill also provides that if federal funding is provided pursuant to an Act of Congress with regard to relief from the COVID-19 pandemic and such Act does not preclude such federal funding from being used to make awards from the Fund, the Governor shall reserve a reasonable amount of such federal funding to be credited to the Fund to fully support reimbursement requests from such school boards.

*Patron - Cox*

**[F] HB2093 Department of Education; School Construction Fund and Program.** Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities.

*Patron - O'Quinn*

**[F] HB2094 Public schools; Standards of Learning assessments; reduction.** Reduces the total number and type of required Standards of Learning assessments to the minimum



requirements established by the federal Elementary and Secondary Education Act of 1965, as amended.

*Patron - O'Quinn*

**[F] HB2184 Pandemic Remediation Task Force established; report.** Establishes the 22-member Pandemic Remediation Task Force (the task force) as an advisory task force in the executive branch of state government, to be administered by the Department of Education, for the purpose of making recommendations on strategies for improving public education in the Commonwealth in response to the COVID-19 pandemic that can be implemented in each region and local school division in order to achieve a measure of uniformity in such improvements across the Commonwealth. The bill requires the task force to (i) develop recommendations for policies and funding that would assist public elementary and secondary school students impacted by school closures and the remote learning environment during the COVID-19 pandemic to adequately obtain core educational material that they may not have otherwise successfully retained during the course of such pandemic; (ii) develop a uniform strategy for public elementary and secondary schools to effectively identify students in need of remediation as a result of the COVID-19 pandemic and provide remediation coursework and resources to such students; (iii) consider the impact of the COVID-19 pandemic on student achievement gaps and make recommendations on the interventions and additional services, such as tutoring, mentoring, and services from private educational service providers, that may be necessary to ensure that such gaps do not widen further beyond pre-pandemic levels; and (iv) submit to the Governor and the General Assembly, no later than December 1, an annual report on its work. The task force has a sunset date of July 1, 2024.

*Patron - Wilt*

**[F] HB2211 Individualized education programs; identification of necessary additional services and referrals.** Requires individualized education program teams to identify any children with disabilities who may need additional services outside of the school setting and refer them to the local family assessment and planning team.

*Patron - Plum*

**[F] HB2225 Empowerment Scholarship Accounts established.** Permits the parents of certain children to apply to the school division in which the child resides for a one-year, renewable Empowerment Scholarship Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition and fees at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

*Patron - Davis*

**[F] HB2244 Family life education curriculum guidelines; human reproduction; viewing of ultrasound video recording.** Requires the instruction on human reproduction contained in the Board of Education's family life education curriculum guidelines to include the viewing of a video recording of an ultrasound of a live unborn human in the uterus.

*Patron - LaRock*

**[F] HB2247 Board of Education; school division boundaries; conditions and considerations.** Removes several conditions on the Board of Education's constitutional duty to determine school division boundaries and requires the Board, in fulfilling such duty, to consider equity in educational programs within and between school divisions.

*Patron - Aird*

**[F] HB2277 Certain children with disabilities; one-year high school extensions permitted.** Requires any child with a disability who receives special education and related services, reaches age 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021 to be given the option for an extension to attend high school for the duration of the 2021-22 school year.

*Patron - Bell*

**[F] HB2289 Children's Services Act; eligibility for state pool of funds.** Declares eligible for the Children's Services Act state pool of funds any child or youth (i) who was previously placed in an approved private school educational program for at least six months and who will receive certain transitional services in a public school setting for no longer than 12 months or (ii) whose individualized education program team has determined that his placement in a private special education day school, residential program, or other out-of-school placement could be prevented by his receipt of specialized or intensive services and supports delivered in the public school setting if such services and supports are estimated to have an annual cost that is more than three times the average annual cost of educating in a public school setting a student who does not not require special education services and supports.

*Patron - Austin*

**[F] HB2305 Board of Education; guidance on the governance of academic year Governor's Schools.** Requires the Board of Education to issue guidance on the governance of academic year Governor's Schools, including communication and outreach practices, admissions policies, and guidelines on diversity, equity, and inclusion training. The bill requires such guidance to focus on the importance of increasing access to Governor's Schools for historically underserved students and to include best practices on (i) conducting information sessions about the school and the availability of gifted, advanced, and specialty education program opportunities for feeder public middle schools; (ii) strengthening the student pipeline in feeder public middle schools, prioritizing the most underserved and underrepresented students and public middle schools; and (iii) conducting programs related to and evaluations of diversity, equity, and inclusion. The bill requires the Board of Education, in developing such guidance, to collaborate with relevant stakeholders representing the geographical areas served by the Regional Governor's Schools, including local school boards representing the geographical areas served by the Regional Governor's Schools, Regional Governor's School boards, and Governor's School directors.

*Patron - Tyler*

**[F] SB1106 Public School Assistance Fund and Program created.** Creates the Public School Assistance Fund and Program, to be administered by the Department of Education, for the purpose of providing grants to school boards to be used for the purposes of repairing or replacing the heating, ventilation, air conditioning, electrical, or plumbing systems or the roofs of public elementary and secondary school buildings in the local school division, including financing costs for such repairs and replacements. The bill permits any school board in the Commonwealth to apply for Program grants but requires the Department of Education to give priority in the awarding of

grants to school boards that demonstrate the greatest need based on the condition of existing school building roofs and the ability to pay for the repair or replacement of such roofs.

*Patron - Stanley*

**[F] SB1191 School personnel; school nurses.** Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division. The bill also requires the Department of Education to establish and administer a waiver process for local school boards for which the requirements of the bill create an undue hardship.

*Patron - Kiggans*

**[F] SB1238 School security officers; carrying of firearms; United States Armed Forces veterans; employees of local school boards.** Permits local school boards to authorize the carrying of a firearm by an individual hired as a school security officer who is (i) an honorably discharged veteran of the United States Armed Forces or (ii) an employee of a local school board who has completed an approved auxiliary training academy.

*Patron - Chase*

**[F] SB1317 Local school boards; open enrollment policy required.** Requires all local school boards to establish and implement policies to provide for the open enrollment to any school of any student who is eligible to receive free or reduced lunch upon the request of a parent or guardian, subject to conditions and limitations established by the local school board.

*Patron - Dunnivant*

**[F] SB1401 Standards of Learning assessments; reduction; report.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than the first day of each regular session of the General Assembly. The bill also requires that such amount be included in the total for Direct Aid to Public Education in any general appropriation act.

*Patron - Pillion*

**[F] SB1433 Public education; voucher program; emergency.** Provides that if a school operates under a reduced schedule and the school offers online or virtual learning as a substitute for in-person attendance, it shall deposit a portion of unused funds resulting from the reduced schedule in a voucher account for each student, for use on programs operated by the school division or other educational options, whether public, private, or parochial. This bill contains an emergency clause.

*Patron - Chase*

**[F] SB1434 Public schools; mandatory virtual learning; provision of required technology and Internet service; emergency.** Provides that if a school board requires students to engage in virtual learning for any reason, whether full time or part time, and a computer and Internet service to connect to the curriculum is required, the school board must provide appropriate technology devices to all students enrolled in the school system so they may access the learning platform. The bill requires school boards to provide adequate Internet service to a

student's household at no cost if the student's household income is below 125 percent of the federal poverty guidelines. The bill contains an emergency clause.

*Patron - Chase*

## Elections

### Passed

**[P] HB1810 Voter registration; failure of online voter registration system; deadline extension.** Provides that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts. The extension of registration activities shall apply to in-person registration and mail voter registration applications.

*Patron - VanValkenburg*

**[P] HB1888 Absentee voting; procedural and process reforms; availability and accessibility reforms; penalty.** Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.

*Patron - VanValkenburg*

**[P] HB1890 Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action.** Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its

choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters. This bill is identical to SB 1395. This bill received Governor's recommendations.

*Patron - Price*

**[P] HB1921 Assistance for certain voters; curbside voting.** Clarifies that any voter with a permanent physical disability, temporary physical disability, or injury is entitled to vote outside of the polling place. The bill further provides that during a declared state of emergency related to a communicable disease of public health threat, any voter is entitled to vote outside of the polling place. The bill requires that the area designated for voting outside of the polling place be clearly marked and instructions on how the voter is to notify an officer of election of his request to vote outside of the polling place be prominently displayed. The bill makes technical amendments for clarity and organizational purposes.

*Patron - Price*

**[P] HB1968 Absentee voting; early in person; availability on Sundays.** Permits the electoral board or general registrar of a county or city to provide absentee voting in person in the office of the general registrar or voter satellite office on Sundays.

*Patron - Bagby*

**[P] HB2020 Nomination of candidates for elected offices; restrictions on nomination method selected by political party.** Provides that a method of nomination for elected office may not be selected if such method will have the practical effect of excluding participation in the nominating process by qualified voters who are otherwise eligible to participate in the process under the party's rules but are unable to attend meetings because they are (i) a member of a uniformed service on active duty, (ii) temporarily residing outside of the United States, (iii) a student attending a school or institution of higher education, (iv) a person with a disability, or (v) a person who has a communicable disease of public health threat or who may have come in contact with a person with such disease. However, such restriction does not apply when selecting a candidate for a special election or nominating a candidate, or in

the event that no candidate files the required paperwork by the prescribed deadline. The bill has a delayed effective date of January 1, 2024.

*Patron - Helmer*

**[P] HB2081 Polling places; prohibited activities; unlawful possession of a firearm; penalty.** Prohibits any person from knowingly possessing a firearm within 40 feet of any building, or part thereof, used as a polling place, including one hour before and one hour after its use as a polling place, except for (i) a qualified law-enforcement officer or retired law-enforcement officer, (ii) any person occupying his own private property that falls within 40 feet of the polling place, or (iii) a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. The bill further provides that no person shall knowingly possess a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount. A violation of the provisions of the bill is a Class 1 misdemeanor.

*Patron - Levine*

**[P] HB2125 Voter registration; preregistration for persons 16 years of age or older.** Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. The bill has a delayed effective date of October 1, 2022.

*Patron - Lopez*

**[P] HB2198 Local elections for governing bodies; elections for school boards; qualification of voters.** Provides that in a locality that imposes district-based or ward-based residency requirements for members of the governing body or school board, the member elected from each district or ward is to be elected by the qualified voters of that district or ward and not by the locality at large. The bill has a delayed effective date of January 1, 2022.

*Patron - Convors-Fowler*

**[P] SB1097 Absentee voting; witness signature not required during declared state of emergency related to a communicable disease of public health threat.** Provides that a voter's failure to have a witness sign the absentee ballot envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render the ballot void. The bill directs the Department of Elections to convene a work group to consider and evaluate alternatives to the witness signature requirement for election officials to use to verify that an absentee ballot was cast by the voter identified as having requested and received such ballot.

*Patron - Favola*

**[P] SB1111 Elections; preservation of order at the polls; powers of officers of election.** Removes the power of officers of election, in the event that no law-enforcement officer is in attendance, to appoint a person who is not a law-

enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area.

*Patron - Spruill*

**[P] SB1148 Elections; date of June primary election.** Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date.

*Patron - Kiggins*

**[P] SB1239 Absentee voting; third-party absentee ballot assembly and distribution.** Permits a general registrar to contract with a third party for the printing, assembly, and mailing of absentee ballots. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and for those regulations to include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.

*Patron - Bell*

**[P] SB1245 Absentee voting; establishment of drop-off locations; preprocessing of returned absentee ballots before election day; cure process; accessibility for voters with visual impairment or print disability.** Requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct prior to the close of polls; a violation of such prohibition is a Class 1 misdemeanor. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. The Department of Elections is directed to convene a work group to consider and evaluate methods for sorting absentee ballots by precinct and reporting absentee ballot totals by precincts. This bill received Governor's recommendations.

*Patron - Deeds*

**[P] SB1281 Elections; qualifications of the general registrar, residency.** Exempts counties and cities with a population of 50,000 or less from the requirement that a person appointed to serve as a general registrar must be a qualified voter of the county or city for which he is appointed. Currently, such exemption applies to counties and cities with a population of 25,000 or less.

*Patron - Morrissey*

**[P] SB1331 Absentee voting; accessibility for voters with a visual impairment or print disability.** Requires the Department of Elections to make available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark absentee ballots using screen reader assistive technology. On receipt of an application for an absentee ballot from an applicant who indicates that he will require assistance due to a visual impairment or print disability, the general registrar is required to offer to provide to the applicant the ballot marking tool with screen reader assistive technology.

*Patron - Reeves*

**[P] SB1395 Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action.** Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters. This bill is identical to HB 1890. This bill received Governor's recommendations.

*Patron - McClellan*

**[P] SB1444 Campaign finance; special report for large pre-legislative session contributions; contributions in aggregate.** Directs any candidate for a statewide office or the General Assembly to file a report, not later than January 15, of any single contribution in excess of \$1,000, or any combination of contributions with an aggregate value in excess of \$1,000 from a single person, that is knowingly received by the candidate between January 1 and the first day of a regular session of the General Assembly. Any contributions included on this report do not have to be reported on any subsequent campaign finance report. Under current law, only single contributions in excess of \$1,000 are required to be disclosed on this special pre-legislative session report. This bill incorporates SB 1377.

*Patron - Saslaw*

## Failed

**[F] HB1746 Conduct of elections; vote counting; required live video recording.** Requires the general registrar of each county and city to provide for a live video recording of each polling place while absentee ballots are cast, votes are counted, and returns are completed, and of each central absentee precinct while ballots are handled and returns are com-

pleted. The general registrars are required to ensure the video coverage is recorded and retained until the deadline to request a recount has passed and, if any contest or recount is pending thereafter, until it has been concluded. The bill provides that each live video recording must include date and time indicators and be linked to the official website of the county or city. The Department of Elections is required to post links on its official website to the video coverage for viewing by the public. The bill provides that any disruption in video coverage shall not affect or prevent the continued casting of absentee ballots, counting of votes, or completion of returns, and is not grounds for an election contest.

*Patron - Cole, M.L.*

**[F] HB1756 Campaign finance; prohibited contributions to candidates.** Prohibits any candidate from soliciting or accepting a contribution from any public service corporation, as defined in the bill, or any political action committee established and administered by such a corporation.

*Patron - Samirah*

**[F] HB1758 Voter registration; list maintenance; lists of decedents transmitted by State Registrar of Vital Records.** Requires the State Registrar of Vital Records to transmit to the Department of Elections a weekly list of decedents from the previous week. Currently, this list is transmitted monthly. The bill requires the general registrars to use this information to conduct list maintenance and to promptly cancel the registration of a person on the list.

*Patron - Campbell, R.R.*

**[F] HB1869 Absentee voting; unsolicited absentee ballot applications; required information.** Requires any individual or organization sending an application for an absentee ballot to a registered voter that was not solicited or requested by the registered voter to include with the application instructions on completing the application and submitting it to the appropriate general registrar. The bill requires a statement that the application is not being sent by any state or local government official or agency on the envelope containing the application or on the first page of any enclosed materials. Such individuals and organizations are required to use the information provided in the list of registered voters acquired by such individual or organization from the Department of Elections pursuant to law, and a violation of this requirement is a Class 4 misdemeanor. The bill requires the Department of Elections to ensure, when providing the list of registered voters to such individual or organization for purposes of sending unsolicited absentee ballot applications, that no voter is included on the list provided if such voter has applied for an absentee ballot on or before the date the list is requested.

*Patron - Batten*

**[F] HB1872 Abstract of votes; when required to contain accounting of absentee ballots by precinct.** Requires that if any precinct in a locality has 100 or more absentee ballots cast by voters assigned to it, the abstract of votes contain an accounting, by precinct, of the number of absentee ballots cast by voters assigned to each precinct in the locality. The bill has a delayed effective date of January 1, 2022.

*Patron - Batten*

**[F] HB1883 Elections; preclearance of certain covered practices required.** Requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, to either (i) institute an action in the Circuit Court of the City of Richmond for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to

vote on account of race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification of no objection. No covered practice can be given effect until the Circuit Court of the City of Richmond has entered such judgment or the Attorney General has issued such certification. The bill permits certain persons to institute an action to compel the governing body of a covered jurisdiction to institute an action in the Circuit Court of the City of Richmond or to seek issuance of a certification of no objection and provides for appeals by the governing body or certain persons to decisions made by the Attorney General. A covered jurisdiction is defined by the bill as any county or city that is determined by the Attorney General using annual American Community Survey data to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population, but excludes any county or city that, on or after January 1, 2008, was exempt from the preclearance requirements of § 5 of the Voting Rights Act of 1965, as amended, pursuant to a declaratory jurisdiction issued by the United States District Court for the District of Columbia under § 4 of that Act.

*Patron - VanValkenburg*

**[F] HB1906 Campaign finance; prohibited contributions from corporations; civil penalty.** Prohibits contributions from any non-tax-exempt corporation to any candidate, campaign committee, political committee, or political party committee. The bill imposes a civil penalty of up to twice the amount of the contribution for a violation of the prohibition, to be levied and collected by the State Board of Elections.

*Patron - Carter*

**[F] HB1933 Presidential electors; National Popular Vote Compact.** Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the Constitution of the United States gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six months of the end of a President's term shall not become effective until a President or Vice President has qualified to serve the next term.

*Patron - Levine*

**[F] HB1952 Campaign finance; prohibited personal use; child care exception.** Prohibits any person from converting any moneys, securities, or like intangible personal property contributed to a candidate or a candidate's campaign committee to his personal use, the personal use of the candidate, or the personal use of a member of the candidate's immediate family. Current law prohibits such conversion of contributions to personal use specifically with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but excepts from "personal use" the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill directs the

Attorney General to issue an advisory opinion explaining the provisions of the Campaign Finance Disclosure Act of 2006 that prohibit the personal use of campaign funds. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the Attorney General's opinion and any new regulations promulgated by the Board.

*Patron - Simon*

**[F] HB1970 Voter identification; identification containing a photograph required.** Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, such voter would be entitled to cast a provisional ballot.

*Patron - Cole, M.L.*

**[F] HB2028 Absentee ballots; witness requirement; printed name and residence address.** Requires that a witness to a voter's absentee ballot provide, in addition to his signature, his printed name and residence address.

*Patron - Runion*

**[F] HB2082 Virginia Redistricting Commission; transparency in redistricting process.** Requires meetings and hearings of the Virginia Redistricting Commission to be live-streamed, whether held virtually or in person, and to allow for public comment. Meetings and hearings that are held in person are required to be conducted in different regions of the Commonwealth, including the Northern Virginia region, the Central Virginia region, the Hampton Roads region, the Southside region, and the Southwest region. An additional public hearing is required to be held in the event that the initial plan for districts submitted by the Commission is rejected by the General Assembly. If adjustments are made to a proposed plan at any stage in response to public comment, the adjusted proposed plan is required to be published on the Commission's website. The bill requires all meetings and hearings of the Supreme Court of Virginia regarding the establishment of districts to be open to the public.

*Patron - Levine*

**[F] HB2088 State Board of Elections; number of members; appointment of Commissioner of Elections.** Increases the number of members on the State Board of Elections from five to six and requires the political representation of the Board to be equal between the two political parties having received the highest and next highest number of votes at the preceding gubernatorial election. The bill also provides for the Commissioner of Elections, currently appointed by the Governor, to be appointed by the Board. Such appointment would require an affirmative vote of four of the six members of the Board. The bill has a delayed effective date of January 1, 2022.

*Patron - Cox*

**[F] HB2115 Absentee voting; definition of postmark; legibility requirement.** Requires an absentee ballot returned to the general registrar after the closing of the polls on election day to be legibly postmarked on or before the date of the election in order to be counted. Current law does not specify that the postmark must be legible. The bill defines "postmark," for purposes of absentee ballots returned after the closing of the polls on election day, to mean (i) an official United States Postal Service imprint indicating the date of mailing or any other official indicia of the United States Postal Service used to

identify the date of mailing or (ii) the mailing confirmation data of a commercial delivery service.

*Patron - Ransone*

**[F] HB2153 Assistance to certain voters; curbside voting; right to observe ballot deposited into ballot scanner machine or ballot container.** Provides that, upon the request of the voter, a curbside voter shall be permitted to enter the polling place after marking his ballot in order to observe his ballot being deposited into the ballot container or ballot scanner machine.

*Patron - Adams, L.R.*

**[F] HB2205 Same-day voter registration; repeal.** Repeals Chapter 1153 of the Acts of Assembly of 2020, which provided that any person who is qualified to register to vote would be permitted to do so up to and including on the day of the election, regardless of the close of the registration records provided elsewhere in law.

*Patron - Gilbert*

**[F] HB2209 Absentee voting; signature match; provisional ballot status.** Requires the signature on the voter affirmation statement on an absentee ballot return envelope to match the signature of the voter on the application for the absentee ballot or the signature of the voter on file in his registration record. The general registrars are required to review the affirmation statement upon receipt of an absentee ballot returned by mail and to compare the signatures. An absentee ballot that is missing the signature or has a signature that does not match shall be handled as a provisional ballot. The voter is entitled to submit a cure affidavit, affirming that the ballot was submitted by him, is his ballot, and that he is registered and qualified to vote in such election, and a copy of a form of identification containing his name, signature, and photograph, until noon on the third day following the election. If, at the electoral board meeting for determining the validity of provisional votes, a majority of the board finds that the signature on the cure affidavit matches the signature on the absentee ballot, the vote shall be counted. Notice to the voter is required by email, text message, or telephone call, and if the absentee ballot is received on or before the seventh day preceding the election, by first-class mail as well.

*Patron - Gilbert*

**[F] HB2232 Elections; offenses; intimidation of or interference with authorized representatives of party or candidate; penalty.** Makes willfully interfering, or attempting to interfere, with an authorized representative of a party or candidate in his lawful observation of an election a Class 3 misdemeanor.

*Patron - Brewer*

**[F] HB2235 Voter identification; optional restrictive identification requirement.** Allows a voter to opt into being required to show a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States when voting in person. When a voter offers to vote and the pollbook indicates he has opted into such requirement, he shall be required to show a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States in order to vote a regular ballot. The voter registration application shall permit an applicant to opt into this requirement and the Department of Elections is required to provide the means for currently registered voters to opt in as well.

*Patron - Batten*

**[F] HB2239 Elections; absentee voting; ballots to be processed before election day and sorted and counted by**

**precinct.** Requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Current law requires only that the general registrar undertake at least one such activity before election day. So that ballots can be separated from ballot envelopes and scanned, the bill requires that the office of the general registrar be used as a central absentee voter precinct. The bill requires that absentee ballots processed at any central absentee voter precinct be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots be reported separately for each voter precinct.

*Patron - Robinson*

**[F] HB2255 Department of Elections; public availability of instructions and guidance directed to local elections officials.** Requires the instructions and guidance directed or provided by the State Board of Elections or the Department of Elections to electoral boards and registrars regarding the administration or conduct of elections, including the registration of voters, to be made publicly available on the official website of the Department of Elections within 24 hours of being issued to the electoral boards and registrars.

*Patron - Ransone*

**[F] HB2267 Local electoral boards and general registrar; disclosure of certain gifts and funding.** Requires the disclosure of any gift, including money or services, given by a private individual, corporation, partnership, trust, or other third party to a local electoral board or an office of the general registrar. Such disclosure is required to be made to the clerk of the governing body within five days of receipt and shall include the amount or value of the gift, the date of receipt, and the name and address of the donor. The disclosed information shall be posted on the official website of the county or city. The bill provides that the disclosure requirements do not apply to money or services paid out of the budget of the locality or provided through the general appropriation act established by the General Assembly.

*Patron - Ransone*

**[F] HB2278 Voter registration; political party affiliation; closed primary elections.** Adds political party affiliation to the information that an applicant is asked to provide when registering to vote. The political party affiliation or independent status selected by the voter is included in his registration record, and the bill permits voters to change political party affiliation by providing notice in writing or through electronic means authorized by the State Board of Elections. The bill provides that only voters who are registered as affiliated with a political party, or who are designated as independent, are permitted to vote in that political party's primary election. Voters who are registered on or before January 1, 2022, will be designated as independent, and the general registrars are required to notify the voters of such fact and include instructions on how the voter may change his affiliation beginning January 1, 2022. The bill has a delayed effective date of January 1, 2022.

*Patron - Davis*

**[F] SB1101 Presidential electors; National Popular Vote Compact.** Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the Constitution of the United States gives the states exclusive and plenary author-

ity to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six months of the end of a President's term shall not become effective until a President or Vice President has qualified to serve the next term.

*Patron - Ebbin*

**[F] SB1118 Voter registration; verification of social security numbers; provisional registration status.** Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (the State Board) before registering such applicant. If the information provided by the applicant does not match the information in such database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this bill and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2023.

*Patron - Peake*

**[F] SB1153 Elections; absentee voting; ballots to be sorted and results to be reported by precinct.** Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.

*Patron - Suetterlein*

**[F] SB1233 Campaign contribution limits; civil penalty.** Prohibits persons from making any single contribution, or any combination of contributions, that exceeds \$20,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. No limits are placed on contributions made by political party committees, the candidate, or the candidate's family to the candidate's campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

*Patron - Petersen*

**[F] SB1236 Campaign finance; prohibited contributions to candidates.** Prohibits candidates, campaign committees, and political committees from soliciting or accepting contributions from any public utility, as defined in the bill, and



prohibits any public utility or any political committee established by such public utility from making any such contribution.

*Patron - Petersen*

**[F] SB1246 Absentee voting; mandatory processing of returned absentee ballots before election day; central absentee voter precinct in the office of the general registrar.** Requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to (i) examine the ballot envelopes to verify completion of the required voter affirmation; (ii) mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and (iii) direct the officers of election at a central absentee precinct to open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Under current law, the general registrar is required to conduct preprocessing of absentee ballots before election day only as needed. To facilitate preprocessing as provided in the bill, the bill requires a central absentee voter precinct to be established and maintained in each locality. Additional central absentee voter precincts may be established at the discretion of the governing body.

*Patron - Deeds*

**[F] SB1348 Elections; referenda; local advisory referendum.** Provides for an exception to the rule that prohibits a referendum from being placed on the ballot unless specifically authorized by statute or by charter, allowing each locality to provide by ordinance a process for holding an advisory referendum provided such advisory referendum is placed on the ballot not more than once per calendar year.

*Patron - Newman*

**[F] SB1376 Absentee voting; processing of absentee ballots before election day; reporting of absentee ballot vote totals; central absentee voter precincts.** Requires certain actions to be taken to process absentee ballots returned before the day of the election, including opening sealed ballot envelopes and inserting the ballot into a ballot container or counting machine. The bill requires the establishment of a central absentee voter precinct in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of the polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of the polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. The bill contains technical amendments for organizational and readability purposes.

*Patron - Saslaw*

**[F] SB1377 Campaign finance; special report for large pre-legislative session contributions; contributions in aggregate.** Requires a special report for certain pre-legislative session contributions from a single person in excess of \$1,000 or with an aggregate value in excess of \$1,000. Currently, such special reports are required only for individual contributions in excess of \$1,000. This bill was incorporated into SB 1444.

*Patron - Suetterlein*

**[F] SB1422 Voter registration; list maintenance; lists of decedents transmitted by State Registrar of Vital Records.** Requires the State Registrar of Vital Records to transmit to the Department of Elections a weekly list of decedents from the previous week. Currently, this list is transmitted

monthly. The bill requires the general registrars to use this information to conduct list maintenance and to promptly cancel the registration of a person on the list.

*Patron - Kiggans*

**[F] SB1432 Electoral college; allocation of electoral votes.** Revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors. The bill provides that a voter will vote for two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote. The candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the two electoral votes for the Commonwealth at large, and the candidates for President and Vice President receiving the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes.

*Patron - Chase*

**[F] SB1455 Absentee ballots; witness requirement; printed name and residence address.** Requires that a witness to a voter's absentee ballot provide, in addition to his signature, his printed name and residence address.

*Patron - Ruff*

**[F] SB1459 Conduct of elections; voter identification and absentee voting; process for applying for, casting, and counting absentee ballots.** Requires presentation of a form of identification containing a photograph in order to vote. The bill eliminates current provisions permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, such voter would be entitled to cast a provisional ballot. The bill prohibits absentee ballots from being returned to any location that is not located in the office of the general registrar, including drop boxes located outside of such locations. The bill provides that no waiver of the absentee ballot envelope witness signature shall be permitted under any circumstances and requires absentee ballots to have, in addition to the witness signature, the witness's printed name and residence address. The bill also requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Current law requires only that the general registrar undertake at least one such activity before election day. So that ballots can be separated from ballot envelopes and scanned, the bill requires that the office of the general registrar be used as a central absentee voter precinct. Absentee ballots processed at any central absentee voter precinct are required to be sorted by the precinct to which the voter who cast the absentee ballot is assigned, and the resulting vote totals from such ballots are required to be reported separately for each voter precinct.

*Patron - Norment*



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## Eminent Domain

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Passed

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**[P] SB1270 Eminent domain; notice of intent to file certificate.** Provides that the notice required to be sent to a landowner prior to an authorized condemnor recording a certificate of take or certificate of deposit shall state that (i) the certificate of take or certificate of deposit will be recorded between 30 and 45 days from the date of the notice and (ii) the property will transfer to the condemnor upon recordation and that the owner has the right to petition the court for distribution of the funds represented in the certificate.

*Patron - Cosgrove*

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## Fire Protection

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Passed

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**[P] HB2029 Department of Fire Programs; prohibition on the use of certain oriented strand board in fire training activities.** Prohibits the burning by any person, local government, or agency of the Commonwealth of Class A fuel materials that contain oriented strand board, defined in the bill, during live fire training activities.

*Patron - Krizek*

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## Financial Institutions and Services

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Passed

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**[P] HB1964 State Corporation Commission; supervisory merger or transfer of assets of financially unstable credit union.** Amends the provisions governing the supervisory merger or transfer of assets of insolvent credit unions to include state credit unions that are financially unstable. The measure removes the requirement that the Commission find that an emergency exists to expedite mergers or sales of assets between credit unions.

*Patron - Bagby*

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## Fisheries and Habitat of the Tidal Waters

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Failed

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**[F] SB1467 Menhaden fishing in territorial waters prohibited.** Prohibits catching menhaden with purse nets in the territorial waters of the Commonwealth lying west or within three miles of the Chesapeake Bay Bridge-Tunnel.

*Patron - DeSteph*

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## Game, Inland Fisheries and Boating

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Passed

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**[P] HB2159 Release of balloon prohibited; civil penalty.** Prohibits any individual 16 years of age or older or other person, including a corporation, from intentionally releasing, discarding, or causing to be released or discarded any nonbio-degradable balloon outdoors and provides that any person convicted of such violation is liable for a civil penalty of \$25 per balloon, to be paid into the Game Protection Fund. The bill provides that if a person under the age of 16 releases a balloon at the instruction of an adult, the adult shall be liable for the civil penalty. Current law prohibits a person from knowingly releasing 50 or more such balloons within an hour and sets the civil penalty at \$5 per balloon, with the proceeds deposited into the Lifetime Hunting and Fishing Endowment Fund.

*Patron - Guy*

**[P] HB2252 Board of Wildlife Resources; quitclaim and conveyance of easement; Tazewell County.** Authorizes the Board of Wildlife Resources to quitclaim any interest in a parcel of land and convey a right-of-way easement to the Valerie H. MacDowell Trust. The quitclaim is a result of a boundary line correction of an acquisition by the Board and applies to an unimproved parcel of land containing about 13.6 acres on the watershed of Little Tumbling Creek. The easement, which will follow an existing road and bridge across a portion of the Clinch Mountain Wildlife Management Area, will allow ingress and egress to the MacDowell Trust property from State Route 607. The MacDowell Trust shall be solely responsible for the maintenance and upkeep of the easement. This bill is identical to SB 1400.

*Patron - Wampler*

**[P] HB2298 Muzzleloading rifle and shotgun; definitions.** Removes the requirement that the propellant be loaded along with the projectile or projectiles in the definitions of muzzleloading rifle and muzzleloading shotgun.

*Patron - Fariss*

**[P] SB1274 Government planning; wildlife corridors.** Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.

*Patron - Marsden*

**[P] SB1400 Board of Wildlife Resources; quitclaim and conveyance of easement; Tazewell County.** Authorizes the Board of Wildlife Resources to quitclaim any interest in a parcel of land and convey a right-of-way easement to the Valerie H. MacDowell Trust. The quitclaim is a result of a boundary line correction of an acquisition by the Board and applies to an unimproved parcel of land containing about 13.6 acres on the watershed of Little Tumbling Creek. The easement, which will follow an existing road and bridge across a portion of the Clinch Mountain Wildlife Management Area, will allow ingress and egress to the MacDowell Trust property from State Route 607. The MacDowell Trust shall be solely responsible

for the maintenance and upkeep of the easement. This bill is identical to HB 2252.

*Patron - Pillion*

**[P] SB1402 Trout fishing in stocked waters.** Equalizes for residents and nonresidents requirements to fish in designated stocked trout waters. The bill requires either such person to possess (i) a regular season state or county fishing license or a trip fishing license valid for at least five days and (ii) a trout license or a special lifetime trout fishing license.

*Patron - Pillion*

## Failed

**[F] HB1799 Sunday hunting; allowed on public lands.** Removes the prohibition against hunting or killing on public lands a wild bird or wild animal, including a nuisance species, with a gun, firearm, or other weapon on Sunday. The bill removes the ability of raccoon hunters to hunt within 200 yards of a place of worship on Sunday and contains technical amendments.

*Patron - Edmunds*

**[F] HB1839 Special hunting and fishing license for disabled veterans; 50 percent disabled.** Authorizes any resident veteran who has a service-connected disability of 50 percent or more to receive at no cost from the Department of Wildlife Resources 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.

*Patron - Wyatt*

**[F] HB2083 Wake surfing; proximity to certain structures or other persons.** Prohibits a person within 200 feet of a dock, pier, boathouse, boat ramp, or other person in the water from operating a vessel on any inland lake that is more than 500 feet above sea level and of 20,000 acres or more in size, and wholly located within the Commonwealth (Smith Mountain Lake), while accompanied by a person or persons engaged in wake surfing.

*Patron - Byron*

**[F] SB1460 Deer hunting; rifle caliber.** Authorizes the use of a .223 caliber centerfire rifle for hunting deer.

*Patron - Lewis*

## General Assembly

## Passed

**[P] HB1789 Auditor of Public Accounts; audits of certain political subdivisions.** Extends from three months to five months after the end of a fiscal year the period within which certain authorities, commissions, districts, or other political subdivisions with an unelected governing body must have an annual financial transactions audit performed and filed with the Auditor of Public Accounts. The bill retains the three-month audit requirement for each authority, commission, district, or other political subdivision with an unelected governing body and which is required to be reported in the Commonwealth's Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor of Public Accounts.

*Patron - McNamara*

**[P] HB1990 Racial and ethnic impact statements for criminal justice legislation.** Provides that the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee on the Judiciary may request the Joint Legislative Audit and Review Commission (JLARC) to review and prepare a racial and ethnic impact statement for a proposed criminal justice bill to outline its potential impact on racial and ethnic disparities within the Commonwealth. The bill requires JLARC to provide copies of the impact statement to the requesting chair and the patron of the proposed bill. No more than three racial and ethnic impact statements may be requested by each chair for completion during a single regular session of the General Assembly.

*Patron - Aird*

**[P] SB1273 Behavioral Health Commission created.** Creates the Behavioral Health Commission in the legislative branch of state government for the purpose of (i) studying and making recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth and (ii) providing ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation.

*Patron - Deeds*

**[P] SB1408 Joint Commission on Health Care; sunset.** Repeals the sunset provision for the Joint Commission on Health Care.

*Patron - Barker*

**[P] SB1473 Health Insurance Reform Commission; mandated health insurance benefit or provider.** Provides that, for the purposes of the requirement that the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor refer certain legislation regarding a mandated health insurance benefit or provider to the Health Insurance Reform Commission for review, "mandated health insurance benefit or provider" means coverage required under the laws of the Commonwealth to be provided in a policy of accident and sickness insurance or a contract for a health-related condition that (i) includes coverage for specific health care services or benefits; (ii) places limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts; or (iii) includes a specific category of licensed health care practitioners from whom an insured is entitled to receive care.

*Patron - Saslaw*

**[P] SR91 Expressing the censure of the Senate.** Expresses the censure of the Senate of Virginia for Senator Amanda F. Chase.

*Patron - Bell*

## Failed

**[F] HB1745 General Assembly; legislative process; required expiration provision.** Requires any bill passed by the General Assembly when one or both houses meet and vote virtually to pass the bill to contain a provision requiring the

expiration of such bill one year following the date the bill takes effect.

*Patron - Cole, M.L.*

**[F] HB1978 Legislative Staff Development Fund.** Establishes the Legislative Staff Development Fund (Fund) to encourage and support the professional development of legislative staff. The bill defines "legislative staff" as salaried staff of a member of the House of Delegates, Senate of Virginia, or the Division of Legislative Services. The bill increases the annual lobbyist registration fee for for-profit entities from \$100 to \$400 and directs the \$300 increase to be deposited into the Fund for the purposes described in the bill. Under the bill, any moneys remaining in the Fund at the end of each fiscal year that have not been expended for the purposes described in the bill shall revert to the general fund and be used exclusively to fund the Virginia Conflict of Interest and Ethics Advisory Council. The bill has a delayed effective date of May 1, 2022.

*Patron - Reid*

**[F] HB2108 Conduct of business of the General Assembly by electronic means; joint committee established.** Establishes a joint committee, consisting of eight legislative members, for the purpose of determining rules to govern the conduct of business of the General Assembly by electronic means. The joint committee shall submit a summary of its recommendations to the General Assembly no later than December 15, 2021.

*Patron - Fariss*

**[F] HB2240 General Assembly; legislative process; introduction limits.** Prohibits any member of the General Assembly from introducing more than 10 bills during the regular session of an odd-numbered year or more than 15 bills during the regular session of an even-numbered year. The bill permits each house to prescribe in its rules how many of the 10 or 15 bills may be filed after the deadline for filing prefiled legislation.

*Patron - Webert*

**[F] HB2324 Virginia Redistricting Commission; removal of commissioners; emergency.** Provides for the removal of a commissioner from the Virginia Redistricting Commission for neglect of duty or gross misconduct. Removal would require affirmative votes of at least six of the eight legislative commissioners and at least six of the eight citizen commissioners. Such a vote is required to be recorded and taken in a public meeting. The bill contains an emergency clause.

*Patron - Watts*

**[F] SB1172 Capitol Square Preservation Council; powers and duties; review and approval of plans for changes to artifacts contained within the Capitol Building.** Grants the Capitol Square Preservation Council the authority to review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the old and new Senate chambers, the old and new halls of the House of Delegates, and the Rotunda.

*Patron - Norment*

**[F] SB1441 Commissioner of accounts; prohibits appointment of General Assembly members.** Prohibits any attorney who is a member of the General Assembly or any attorney who is an employee or member of the same law firm or corporate law department as a General Assembly member from being appointed or accepting an appointment as a commissioner of accounts or deputy commissioner of accounts.

*Patron - Lucas*

## Health

### Passed

**[P] HB1831 Home care organizations; personal care services; supervision; regulations.** Directs the Board of Health to include in regulations governing home care organizations a provision for supervision of home care attendants providing personal care services by a licensed nurse through use of interactive audio or video technology.

*Patron - Head*

**[P] HB1950 Department of Health and the Office of the Chief Medical Examiner; plan for the establishment of a Fetal and Infant Mortality Review Team; report.** Directs the Office of the Chief Medical Examiner of the Department of Health to convene a work group to develop a plan for the establishment of a Fetal and Infant Mortality Review Team and to report such plan to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Appropriations and Education and Health by December 1, 2021.

*Patron - Ayala*

**[P] HB1963 Cooperative local health budget; report.** Provides that funding for local health departments shall consist of such state funds as may be allocated for the operation of the local health department together with local matching funds and estimated self-generated local service revenues, the total amount of which shall constitute the cooperative local health budget available to a local department of health, and that the amount of local matching funds for which a county or city is responsible shall be based on the county's or city's revenue generation capacity factor, as defined in the bill; in no case, however, shall the amount of local matching funds required be greater than 45 percent or less than 18 percent of the total amount of the cooperative local health budget for the local health department that serves the county or city, after deducting estimated self-generated local service revenues. The bill directs the Department of Health to biennially review the local matching fund amount for each county and city, determine whether such amount should be revised as a result of changes to the county's or city's revenue generation capacity, and report the results of such review and any recommendations for changes to a county's or city's local matching fund amount to the Governor and the General Assembly.

*Patron - Bagby*

**[P] HB1976 Virginia Health Workforce Development Authority; mission; membership.** Adds to the mission of the Virginia Health Workforce Development Authority (i) developing strategies to increase diversity in the health workforce by examining demographic data on race and ethnicity in training programs and health professional licensure, (ii) identifying ways to leverage technology to increase access to health workforce training and health care delivery, and (iii) developing a centralized health care careers roadmap in partnership with the Department of Health Professions that includes information on both licensed and unlicensed professions and that is disseminated to the Commonwealth's health care workforce stakeholders to raise awareness about available career pathways. The bill increases from three to five the number of members representing health professionals or employers or representatives of health professionals on the Board of Directors of the Authority and removes the requirement that the chairman and vice-chairman of the Board of Directors be legislative members. The bill adds the Chief Workforce Develop-

ment Advisor to the list of officials and entities to whom the Board of Directors reports biennially on the activities and recommendations of the Authority.

*Patron - Willett*

**P HB1987 Telemedicine.** Requires the Board of Medical Assistance Services to amend the state plan for medical assistance to provide for payment of medical assistance for remote patient monitoring services provided via telemedicine for certain high-risk patients, makes clear that nothing shall preclude health insurance carriers from providing coverage for services delivered through real-time audio-only telephone that are not telemedicine, and clarifies rules around the prescribing of Schedule II through VI drugs via telemedicine, including establishing a practitioner-patient relationship via telemedicine. This bill is identical to SB 1338.

*Patron - Adams, D.M.*

**P HB1989 Public health emergency; emergency medical services agencies; real-time access to information.** Directs the Department of Health to develop and implement a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency related to a communicable disease of public health threat and with the Emergency Medical Services Advisory Board and regional emergency medical services councils upon request, in order to protect the health and safety of emergency medical services personnel and the public. The provisions of the bill will not become effective unless the Centers for Disease Control and Prevention approves a grant to the Commonwealth from the Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases program that is sufficient to cover the costs to the Department of Health of establishing and implementing the information-sharing system created by the bill. The Department is directed to apply for such funding and report to the Governor and the General Assembly on the outcome of such application.

*Patron - Aird*

**P HB1995 Rare Disease Council and Rare Disease Council Fund; report.** Creates the Rare Disease Council for the purpose of (i) advising the Governor and the General Assembly on the needs of individuals with rare diseases in the Commonwealth; (ii) identifying challenges that such individuals face, including delays in obtaining a diagnosis or the receipt of a misdiagnosis, shortages of medical specialists who can provide treatment, and lack of access to therapies and medication used to treat rare diseases; (iii) funding research related to rare diseases and the development of new treatments for rare diseases; and (iv) funding for supports for persons with rare diseases in the Commonwealth. The bill also creates the Rare Disease Council Fund to be used for the purpose of (a) funding research related to rare diseases and the development of new treatments for rare diseases and supports for persons with rare diseases in the Commonwealth and (b) supporting the work of the Rare Disease Council.

*Patron - Murphy*

**P HB2061 Virginia Immunization Information System; health care entities; required participation.** Requires any health care provider in the Commonwealth that administers immunizations to participate in the Virginia Immunization Information System (VIIS) and report patient immunization history and information to VIIS. Under current law, participation in VIIS is optional for authorized health care entities. The bill has a delayed effective date of January 1, 2022.

*Patron - Willett*

**P HB2111 Task Force on Maternal Health Data and Quality Measures; report.** Directs the State Health Commissioner to establish the Task Force on Maternal Health Data and Quality Measures for the purpose of evaluating maternal health data collection processes to guide policies in the Commonwealth to improve maternal care, quality, and outcomes for all birthing people in the Commonwealth. The bill directs the Task Force to report its findings and conclusions to the Governor and General Assembly by December 1 of each year regarding its activities and states that the Task Force shall conclude its work by December 1, 2023.

*Patron - Herring*

**P HB2124 Department of Medical Assistance Services; testing for, treatment of, and vaccination against COVID-19; emergency services.** Directs the Department of Medical Assistance Services, during a public health emergency related to COVID-19 declared by the U.S. Secretary of Health and Human Services, to deem testing for, treatment of, and vaccination against COVID-19 to be emergency services for which payment may be made pursuant to federal law for certain aliens not lawfully admitted for permanent residence. The provisions of the bill will not become effective unless the federal government no longer funds reimbursement of claims covered by the provisions of the bill.

*Patron - Lopez*

**P HB2154 Hospitals, nursing homes, and certified nursing facilities; regulations; patient access to intelligent personal assistant.** Directs the Board of Health to amend regulations governing hospitals, nursing homes, and certified nursing facilities to require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by the patient while receiving inpatient services. "Intelligent personal assistant" is defined in the bill as a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants."

*Patron - Adams, L.R.*

**P HB2162 Medical care facilities; persons with disabilities; designated support persons.** Requires every medical care facility, as defined in the bill, to allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person who will provide support and assistance necessary due to the specifics of the person's disability to the person with a disability during an admission to such medical care facility. The bill (i) defines "person with a disability" and "designated support person"; (ii) provides that a designated support person shall not be subject to restrictions on visitation adopted by the medical care facility but may be required to comply with reasonable requirements of the medical care facility adopted to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility; and (iii) authorizes a medical care facility to restrict a designated support person's access to specified areas and movement on the premises of the medical care facility when such restrictions are determined by the medical care facility to be reasonably necessary to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility. The bill requires every medical care facility to adopt protocols to inform patients of their right to be accompanied by a designated support person, and to develop and make available to persons with disabilities written information

regarding the right of a person with a disability to be accompanied by a designated support person and policies related thereto. The bill contains an emergency clause and directs the Board of Health to adopt emergency regulations to implement the provisions of the bill.

*Patron - Tran*

**P HB2197** **DMAS; work group to study options for the permanent use of virtual supports and increasing access to virtual supports and services; individuals with intellectual and developmental disabilities.** Directs the Department of Medical Assistance Services to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications and to report its findings and recommendations to the Governor and the General Assembly by November 1, 2021. This bill is identical to SB 1472.

*Patron - Runion*

**P HB2300** **State Board of Health; hospitals; emergency treatment for substance use-related emergencies; services.** Requires each hospital with an emergency department that is currently regulated by the State Board of Health (the Board) to establish a protocol for treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies and (ii) recommendations for follow-up care, which may include dispensing of naloxone or other opioid antagonist used for overdose reversal, issuance of a prescription for naloxone, and information about accessing naloxone at a community pharmacy or organization that dispenses naloxone or other opioid antagonist to persons without a prescription. Such protocols may also include referrals to peer recovery specialists and community-based providers of behavioral health services or providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses. The bill also directs the Department of Health Professions, together with the Department of Health, to convene a work group to develop recommendations for best practices for the treatment and discharging of patients in emergency departments experiencing opioid-related emergencies, including overdose, which shall include recommendations for best practices related to (a) performing substance use assessments and screenings for patients experiencing opioid-related overdose and other high-risk patients; (b) prescribing and dispensing naloxone or other opioid antagonists used for overdose reversal; (c) connecting patients treated for opioid-related emergencies, including overdose, and their families with community substance abuse resources, including existing harm reduction programs and other treatment providers; and (d) identifying barriers to and developing solutions to increase the availability and dispensing of naloxone or other opioid antagonist used for overdose reversal at hospitals and community pharmacies and by other community organizations. The bill also provides that hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonist used for overdose reversal.

*Patron - Delaney*

**P HB2326** **Regulation of child-care services in localities.** Expands to include all cities the authority related to the regulation of child-care services that is currently available to certain Northern Virginia localities. This will have the effect of granting all cities authority by ordinance to regulate child-

care facilities that provide regular care to one or more children not related by blood or marriage.

*Patron - Williams Graves*

**P HB2333** **Facilitate the administration of the COVID-19 vaccine; emergency.** Facilitates the administration of the COVID-19 vaccine. The bill requires the Department of Health (the Department) to establish a program to enable eligible health care providers to volunteer to administer the COVID-19 vaccine to residents of the Commonwealth during a state of emergency related to the COVID-19 pandemic declared by the Governor. The bill defines "eligible health care provider" and provides that the program shall include (i) a process by which an eligible health care provider may register to participate in the program and (ii) the training requirements for participating eligible health care providers related to the administration of the COVID-19 vaccine, including training on the intramuscular injection of the COVID-19 vaccine and contraindications and side effects of the COVID-19 vaccine. The bill specifies requirements that the Department shall ensure that each site at which COVID-19 vaccinations are administered by eligible health care providers satisfies. The bill also requires the Department to establish a process by which entities, including medical care facilities, hospitals, hospital systems, corporations, businesses, pharmacies, public and private institutions of higher education, localities, and any other professional or community entity operating in the Commonwealth, may volunteer their facilities as sites at which the COVID-19 vaccine may be administered to residents of the Commonwealth. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill also permits localities with fire departments, emergency medical services departments, and volunteer rescue squads to establish and staff vaccine administration clinics. The bill provides civil and criminal immunity to individuals and professional entities acting pursuant to the bill and contains an emergency clause. This bill is identical to SB 1445 and incorporates HB 2328. This bill passed during the regular session.

*Patron - Bagby*

**P SB1102** **Department of Medical Assistance Services; personal care aides; orientation program.** Requires the Department of Medical Assistance Services to establish an orientation program for all personal care aides who provide self-directed services through the Medicaid program. The bill lays out the topics to be covered by such orientations, requires orientations to be held in-person or online at least quarterly, and specifies that personal care aides shall be invited and encouraged to attend at least one such orientation per calendar year.

*Patron - Locke*

**P SB1121** **Birth certificates; amendments.** Provides that every request for an amendment to a birth certificate shall be reviewed to determine whether the requested amendment can be made administratively or if a judicial order is required for the amendment. The bill also requires the Department of Health to make information about the process by which amendments to a birth certificate may be requested and are reviewed available on its website. Such information shall include a standard form for requests for amendments to a birth certificate.

*Patron - Locke*

**P SB1147 Nurse Loan Repayment Program; certified nurse aide.** Expands eligibility for the Nurse Loan Repayment Program to include certified nurse aides who meet criteria determined by the State Board of Health. Under current law, only licensed practical nurses and registered nurses are eligible for the Nurse Loan Repayment Program.

*Patron - Kiggans*

**P SB1221 Operation of the Loudoun County local health department.** Allows Loudoun County to enter into a contract with the Department of Health for the local administration of local health services. Currently, the local department of health is operated as a joint venture between the state and local governments. This bill received Governor's recommendations.

*Patron - Favola*

**P SB1227 State plan for medical assistance; payment of medical assistance; 12-month supply of hormonal contraceptives.** Directs the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time for Medicaid and Family Access to Medical Insurance Security (FAMIS) enrollees. The bill prohibits the Department of Medical Assistance Services from imposing any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. The bill provides that the bill shall not be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes.

*Patron - Boysko*

**P SB1307 Department of Medical Assistance Services; school-based health services; telemedicine.** Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. The bill specifies that such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services. The bill also requires the Department of Medical Assistance Services to provide technical assistance to the Department of Education and local school divisions to facilitate their understanding of and compliance with federal ordering, referring, and prescribing provider screening and enrollment requirements.

*Patron - Dunnivant*

**P SB1338 Telemedicine.** Requires the Board of Medical Assistance Services to amend the state plan for medical assistance to provide for payment of medical assistance for remote patient monitoring services provided via telemedicine for certain high-risk patients, makes clear that nothing shall preclude health insurance carriers from providing coverage for services delivered through real-time audio-only telephone that are not telemedicine, and clarifies rules around the prescribing

of Schedule II through VI drugs via telemedicine, including establishing a practitioner-patient relationship via telemedicine. This bill incorporates SB 1416 and is identical to HB 1987.

*Patron - Barker*

**P SB1356 Hospitals, nursing homes, certified nursing facilities, hospices, and assisted living facilities; visits by clergy; public health emergency.** Requires the Board of Health to include in regulations governing hospitals, nursing homes, certified nursing facilities, and hospices and the Board of Social Services to include in regulations governing assisted living facilities a requirement that, during a public health emergency related to a communicable disease of public health threat, each hospital, nursing home, certified nursing facility, hospice, and assisted living facility establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department of Health guidance, or any other applicable federal or state guidance having the effect of limiting visitation. The bill provides that such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology when use of interactive audio or video technology is determined to be necessary to comply with any applicable federal or state guidance or to protect the health and safety of the person, patients, or staff. Additionally, the protocol may require the person visiting a patient to comply with all reasonable requirements of the facility adopted to protect the health and safety of the person, patients, and staff. This bill received Governor's recommendations.

*Patron - Kiggans*

**P SB1436 Department of Health; Eligible Health Care Provider Reserve Directory.** Directs the Department of Health to establish an Eligible Health Care Provider Reserve Directory (the Directory) to collect information regarding eligible health care providers in the Commonwealth who are qualified and who may be available to assist in the response to a public health emergency. The Directory shall include the name, contact information, and licensure, certification, or registration type and status of the eligible health care provider or, if the eligible health care provider is a fourth-year medical student, academic standing and anticipated graduation date of the fourth-year medical student if the student registers for inclusion in the Directory. Every health regulatory board of the Department of Health Professions, the Office of Emergency Medical Services of the Department of Health, and each medical school located in the Commonwealth, upon the request of a fourth-year medical student, shall provide such information to the Department of Health for inclusion in the Directory. However, a health regulatory board shall not report information for any such person who has notified the health regulatory board in writing that he does not want his information included in the Directory. This bill received Governor's recommendations.

*Patron - Hanger*

**P SB1445 Facilitate the administration of the COVID-19 vaccine; emergency.** Facilitates the administration of the COVID-19 vaccine. The bill requires the Department of Health (the Department) to establish a program to enable eligible health care providers to volunteer to administer the COVID-19 vaccine to residents of the Commonwealth during a state of emergency related to the COVID-19 pandemic declared by the Governor. The bill defines "eligible health care provider" and provides that the program shall include (i) a process by which an eligible health care provider may register to

participate in the program and (ii) the training requirements for participating eligible health care providers related to the administration of the COVID-19 vaccine, including training on the intramuscular injection of the COVID-19 vaccine and contraindications and side effects of the COVID-19 vaccine. The bill specifies requirements that the Department shall ensure that each site at which COVID-19 vaccinations are administered by eligible health care providers satisfies. The bill also requires the Department to establish a process by which entities, including medical care facilities, hospitals, hospital systems, corporations, businesses, pharmacies, public and private institutions of higher education, localities, and any other professional or community entity operating in the Commonwealth, may volunteer their facilities as sites at which the COVID-19 vaccine may be administered to residents of the Commonwealth. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill also permits localities with fire departments, emergency medical services departments, and volunteer rescue squads to establish and staff vaccine administration clinics. The bill provides civil and criminal immunity to individuals and professional entities acting pursuant to the bill and contains an emergency clause. This bill is identical to HB 2333. This bill passed during the regular session.

*Patron - Dunnivant*

**[P] SB1472 DMAS; work group to study options for the permanent use of virtual supports and increasing access to virtual supports and services; individuals with intellectual and developmental disabilities.** Directs the Department of Medical Assistance Services to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications and to report its findings and recommendations to the Governor and the General Assembly by November 1, 2021. This bill is identical to HB 2197.

*Patron - Suetterlein*

## Failed

**[F] HB2022 Department of Medical Assistance Services; agreements with managed care organizations; requirements for hospice and home care providers.** Directs the Department of Medical Assistance Services to include provisions in any agreement with a managed care organization related to communication of information to participating hospice and home care providers about specific requirements for participation in such managed care organization's provider network, including communicating changes to such requirements, developing an audit process for identifying violations of such requirements, and providing training and technical assistance regarding compliance with such requirements. The bill requires the managed care organization to provide an opportunity for a hospice or home care provider to correct any violations of such requirements that are not related to adherence to a plan of care and a process by which a finding by the managed care organization that a hospice or home care organization has violated such requirements may be appealed to the Department. The bill also directs the Department to develop a process for review of any appeal made of a finding by the managed care organization that a hospice or home care organization has violated require-

ments for participation in the managed care organization's provider network.

*Patron - Head*

**[F] HB2066 Public health emergency; reports of suspected violations of orders and regulations; penalty; emergency.** Provides that any system created by the Department of Health to receive information regarding an alleged violation of an order or regulation of the Board of Health or the Commissioner of Health enacted in response to a public health emergency related to a communicable disease of public health threat shall require, for each report received, the name, address, telephone number, and email address of the individual making the report. The bill makes knowingly making a false report of such violation a Class 1 misdemeanor. The bill contains an emergency clause.

*Patron - Webert*

**[F] HB2084 Department of Health; certain communication prohibited.** Prohibits any person employed by or who has entered into a contract to provide services on behalf of the Department of Health or a local department of health from initiating communication regarding health-related matters with a minor on behalf of the Department or local department of health without the consent of the minor's parent, except as otherwise required by law.

*Patron - Byron*

**[F] HB2107 Board of Health; public health emergency; virtual visitation.** Requires the Board of Health to amend regulations governing hospitals, nursing homes, certified nursing facilities, and hospices to require such entities to adopt protocols to ensure that, during a public health emergency related to a communicable disease of public health threat, each patient is able to receive virtual visits from any person designated by the patient, within 72 hours of the time the request for a virtual visit is made.

*Patron - Fariss*

**[F] HB2156 Nursing home staffing and care standards; report.** Requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. The bill also directs the Joint Commission on Health Care to study issues related to establishment of a minimum number of hours of direct care services for nursing homes as part of its study of the nursing facility workforce authorized by the Commission on December 15, 2020, and to report its findings by December 1, 2021. The regulatory provisions of the bill have a delayed effective date of July 1, 2022.

*Patron - Watts*

**[F] HB2188 Department of Health; Department of Environmental Quality; pilot program; engineered septic systems.** Requires the Department of Health and Department of Environmental Quality, in partnership with the Middle Peninsula Planning District Commission, to initiate a three-year pilot program designed to study the use of engineered septic systems that house and treat sewage effluent in an elevated, self-contained unit suitable for areas with high water tables and susceptible to flooding in Coastal Virginia.

*Patron - Hodges*

**[F] HB2242 COVID-19 immunization; prohibition on requirement; discrimination prohibited.** Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein,



and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's vaccination status with respect to any COVID-19 vaccine (i) with regard to education, employment, insurance, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill also prohibits the inclusion of any patient immunization information in the Virginia Immunization Information System (VIIS) unless the patient has consented, in writing, to inclusion of his information in the VIIS.

*Patron - LaRock*

**[F] HB2251 Emergency Services and Disaster Law; Commissioner of Health; emergency orders and regulations; limitations; civil penalty.** Provides that neither the Board of Health nor the Commissioner of Health shall make any emergency order or regulation unless, on the basis of the evidence available to the Board, (i) such order or regulation is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no alternatives to the proposed order or regulation that are reasonable in light of the impact on quality of life and economic well-being exist; and (iii) the provisions of such order or regulation are narrowly tailored to address the nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health. The bill also provides that the Governor shall not issue any emergency rule, regulation, or order unless, on the basis of the evidence available to the Governor, (a) such rule, regulation, or order is necessary to address a compelling circumstance; (b) no alternatives to the proposed rule, regulation, or order that are reasonable in light of the impact on quality of life and economic well-being exist; and (c) the provisions of such rule, regulation, or order are narrowly tailored to address the compelling circumstance.

The bill provides that any order that limits the number of individuals who may gather together in person, in public or private, or categorizes individuals on the basis of their relationship to or association with such individuals and limits the categories of individuals with whom an individual who is not known or reasonably suspected to have been exposed to or infected with a communicable disease of public health threat may associate is presumed to negatively impact quality of life and economic well-being.

The bill also limits the duration of any emergency rule, regulation, or order to 15 days; provides for one extension of such rule, regulation, or order; and provides that any person who violates such rule, regulation, or order shall be subject to a civil penalty of no more than \$100 per violation. Under current law, any person who violates the provisions of an executive order is subject to a Class 1 misdemeanor.

*Patron - LaRock*

**[F] HB2268 Powers of State Health Commissioner in epidemic; vaccine; religious tenets or practices.** Allows a parent or guardian to object to the vaccination or immunization of a child on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, even if an emergency or epidemic of disease has been declared by the State Board of Health, which is not allowed under current law. The bill also provides that nothing shall preclude the State Health Commissioner from requiring immediate immunization of all persons in the case of an epidemic of any disease of public health importance for which a vaccine exists other than a person, including a parent or guardian on behalf of a child, who objects on the grounds that the administration of the vaccine conflicts with his religious tenets or practices. Under current law, the only exception to the Commissioner's power to require immediate immunization of all persons in case of an epidemic of any disease of public health importance for which a vaccine

exists is for a person to whose health the administration of a vaccine would be detrimental as certified in writing by a physician licensed to practice medicine in the Commonwealth.

*Patron - Cole, M.L.*

**[F] HB2328 Facilitate the administration of the COVID-19 vaccine; emergency.** Directs the Department of Health (the Department) to establish a process whereby any health care provider in the Commonwealth as set out in the bill who is qualified and available to administer the COVID-19 vaccine may volunteer to administer the COVID-19 vaccine to citizens of the Commonwealth. The bill sets out which health care providers may administer vaccines under the act and provides that such providers shall complete any training required by the Department. The Department, each local health department, and hospitals operating community vaccination clinics shall have access to the list of providers and may request that any health care provider administer the COVID-19 vaccine in clinics operated by the Department, local health department, or hospital. The bill also directs the Department to establish on its website's home page a link making a process easily accessible for entities to volunteer as sites that the Commissioner of Health and the Department may jointly approve as sites where administration of the COVID-19 vaccine to citizens of the Commonwealth may occur. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill provides civil and criminal immunity to individuals and professional entities acting pursuant to the bill and contains an emergency clause. This bill was incorporated into HB 2333.

*Patron - Byron*

**[F] HB2335 Fundamental right to be free from medical mandates.** Declares that, except as otherwise provided by law, each adult has a fundamental right to be free from medical mandates of the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations. The bill defines "medical mandate" as any affirmative requirement by the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations for an individual to undergo or participate in a health-related test, procedure, tracking or monitoring program, or bodily insertion or injection of any drug or the wearing of any medical equipment or apparel. The bill provides that it shall be no less a medical mandate for such entities to condition an individual's receipt of otherwise ordinary services, benefits, or employment upon the performance or acquiescence of undergoing or participating in a health-related test, procedure, tracking or monitoring program, or bodily insertion or injection of any drug or the wearing of any medical equipment or apparel. The bill sets out exceptions, including protocols in health care facilities and food handling operations and valid orders of quarantine or isolation.

*Patron - Walker*

**[F] HB2336 Preventing public and private imposition of vaccine not FDA approved.** Provides that no public or private entity may require a person to submit to a vaccine that is not an FDA-approved vaccine.

*Patron - Wiley*

**[F] SB1116 Powers of State Health Commissioner in epidemic; vaccine; religious tenets or practices.** Allows a parent or guardian to object to the vaccination or immunization of a child on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, even if an

emergency or epidemic of disease has been declared by the State Board of Health, which is not allowed under current law. The bill also provides that nothing shall preclude the State Health Commissioner from requiring immediate immunization of all persons in the case of an epidemic of any disease of public health importance for which a vaccine exists other than a person, including a parent or guardian on behalf of a child, who objects on the grounds that the administration of the vaccine conflicts with his religious tenets or practices. Under current law, the only exception to the Commissioner's power to require immediate immunization of all persons in case of an epidemic of any disease of public health importance for which a vaccine exists is for a person to whose health the administration of a vaccine would be detrimental as certified in writing by a physician licensed to practice medicine in the Commonwealth.

*Patron - Peake*

**[F] SB1117 Immunizations; religious tenets or practices.** Allows a parent or guardian to object to the vaccination or immunization of a child on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, even if an emergency or epidemic of disease has been declared by the State Board of Health, which is not allowed under current law.

*Patron - Peake*

**[F] SB1149 Nursing home standards of care and staff requirements; regulations.** Requires the State Board of Health to establish staffing and care standards in nursing homes to require a minimum of direct care services to each resident per 24-hour period as follows: (i) a minimum of one registered nurse or licensed practical nurse per 15 patients and one certified nursing assistant per eight patients during the daytime; (ii) a minimum of one registered nurse or licensed practical nurse per 20 patients and one certified nursing assistant per 12 patients during the evening; and (iii) a minimum of one registered nurse or licensed practical nurse per 30 patients and one certified nursing assistant per 15 patients during the nighttime. Such requirements may not apply during a health crisis, emergency, or during an outbreak of a communicable disease of public health threat. The bill requires nursing homes to complete a criminal background check on each employee prior to the start of employment and every five years thereafter that the employee remains employed. The bill also requires nursing homes to provide quarterly staff training on first aid, medication administration, and compliance with nursing home policies and procedures.

*Patron - Kiggans*

**[F] SB1235 Department of Health; certain communication prohibited.** Prohibits any person employed by or who has entered into a contract to provide services on behalf of the Department of Health or a local department of health from initiating communication regarding the following matters with a minor on behalf of the Department or local department of health without the consent of the minor's parent or guardian or person serving in loco parentis: family living and community relationships; the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities; the value of family relationships; abstinence education; the value of postponing sexual activity; the benefits of adoption as a positive choice in the event of an unwanted pregnancy; human sexuality; human reproduction; the prevention of human trafficking; dating violence, the characteristics of abusive relationships, steps to take to deter sexual assault, the availability of counseling and legal resources, and, in the event of such sexual assault, the importance of immediate medical attention and advice, as well as the requirements of the law; the etiology, prevention, and effects of sexually transmitted diseases; and mental health education and awareness. The bill

clarifies that its provisions do not apply to school nurses, physicians, or Department employees or agents who are inquiring about medical conditions, outbreaks, pandemics, or any other declared state of emergency relating to a communicable disease or public health threat.

*Patron - Peake*

**[F] SB1268 Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition of remains.** Establishes an order of priority for persons who have the right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains, provided that any such person is 18 years of age or older and of sound mind. The bill sets out, among other things, the circumstances under which such persons forfeit the right to make arrangements and otherwise be responsible for a person's funeral and the disposition of his remains and sets out assertions that a person seeking to exercise the right to make such arrangements must attest to in a signed written statement to be delivered to the funeral service establishment. Any funeral service establishment, funeral service establishment manager of record, funeral service licensee, funeral director, embalmer, registered crematory, registered crematory owner, registered crematory manager of record, or certified crematory operator that relies upon such a written statement shall be immune from civil or criminal liability for any act, decision, or omission in connection with following such person's direction related to the decedent's funeral and the disposition of his remains, unless such act, decision, or omission resulted from willful neglect or bad faith. The bill sets out rights of funeral service establishments when there is a dispute regarding the arrangements of a decedent's funeral or his remains or the identity of any persons who have the right to make arrangements for the decedent. The bill specifies that the provisions do not apply to cemeteries or cemetery companies.

*Patron - Deeds*

**[F] SB1416 Department of Medical Assistance Services; remote patient monitoring; rural and underserved populations.** Amends the State Plan for Medical Assistance Services to require the payment of medical assistance for remote patient monitoring services for rural and underserved populations, with the home as an eligible telemedicine originating site. The bill requires the Department of Medical Assistance Services to prepare and submit to the Centers for Medicare and Medicaid Services an application for such waiver or waivers as may be necessary to implement the provisions of the bill. The bill also requires the Department to report to the Governor and the General Assembly on the status of such application or applications by October 1, 2021. This bill was incorporated into SB 1338.

*Patron - Stanley*

**[F] SB1449 COVID-19 immunization; prohibition on requirement; employment discrimination prohibited.** Prohibits discrimination based on a person's vaccination status with respect to any COVID-19 vaccine in numerous employment contexts.

*Patron - Chase*

# Highways and Other Surface Transportation Systems

## Passed

**[P] HB1813 Highway construction by state or local employees; limit.** Increases from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees.

*Patron - Krizek*

**[P] HB1841 Commissioner of Highways; crosswalk design.** Directs the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation and, if so, establish recommendations for such model policies. The bill directs the working group to monitor and provide input to the U.S. Department of Transportation and the Federal Highway Administration as updates to crosswalk designs in the Manual on Uniform Traffic Control Devices for Streets and Highways are considered. The working group shall submit to the Governor and the General Assembly a report on its findings and recommendations by November 1, 2021.

*Patron - Keam*

**[P] HB1854 Naming U.S. Route 29; county manager plan of government.** Authorizes the board of any locality that has adopted the county manager plan of government (Arlington County) to name any section of U.S. Route 29 located within the boundaries of the locality. The bill provides that the Department of Transportation will place and maintain appropriate signs that will be paid for by the locality.

*Patron - Sullivan*

**[P] HB1893 New River Valley Passenger Rail Station Authority; creation.** Authorizes the creation of a regional passenger rail station authority in Planning District 4 to assist in the creation and maintenance of passenger rail in the region. The authority would be authorized to enter into revenue sharing agreements and to issue revenue bonds. The authority would be governed by a board consisting of members of each participating locality and institution of higher education. This bill is identical to SB 1212.

*Patron - Hurst*

**[P] HB1926 Central Virginia Transportation Authority; membership.** Adds the Executive Director of the Virginia Port Authority, or his designee, as a nonvoting ex officio member of the Central Virginia Transportation Authority.

*Patron - McQuinn*

**[P] HB2024 Department of Transportation; replica of the Bob White Covered Bridge.** Requires the Department of Transportation to work with the governing body of Patrick County and community groups interested in constructing a replica of the Bob White Covered Bridge to approve a construction plan for a replica of the Bob White Covered Bridge for tourism purposes open for pedestrian, non-motor vehicle traffic. The bill requires that such replica bridge meet certain federal design and construction specifications.

*Patron - Poindexter*

**[P] HB2071 Transportation projects; resiliency.** Requires the Commonwealth Transportation Board to determine whether a project has been designed to be or the project sponsor has committed that the design will be resilient when

evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects. This bill is identical to SB 1350.

*Patron - Convirs-Fowler*

**[P] HB2075 U.S. Route 1; "Emancipation Highway."** Renames any section of U.S. Route 1 in Virginia that is designated as "Jefferson Davis Highway" to "Emancipation Highway." The bill has a delayed effective date of January 1, 2022.

*Patron - Cole, J.G.*

**[P] SB1122 Habitual offenders; repeal.** Repeals the remaining provisions of the Habitual Offender Act. The bill also requires that the Commissioner of the Department of Motor Vehicles reinstate a person's privilege to drive a motor vehicle that was suspended or revoked solely on the basis that such person was determined to be or adjudicated a habitual offender pursuant to the Habitual Offender Act. The bill also authorizes the Virginia Alcohol and Safety Action Program to continue to administer intervention for individuals who were ordered to attend an intervention interview on or before June 30, 2021.

*Patron - Stanley*

**[P] SB1126 Transportation District Commission of Hampton Roads; membership.** Adds a member of the House of Delegates, to be appointed by the Speaker of the House, and a member of the Senate, to be appointed by the Senate Committee on Rules, to the Transportation District Commission of Hampton Roads. Such legislative members must represent districts that include certain cities in the Hampton Roads region. The bill also requires that nonlegislative citizen members of the Commission appointed by the Governor have experience in one of the following fields: transit, transportation, or land use planning; management of transit, transportation, or other public sector operations; public budgeting or finance; corporate communications; government oversight; or state or local government. The new qualifications do not affect the appointment of any current members of the Commission until the expiration of their terms.

*Patron - Spruill*

**[P] SB1212 New River Valley Passenger Rail Station Authority; creation.** Authorizes the creation of a regional passenger rail station authority in Planning District 4 to assist in the creation and maintenance of passenger rail in the region. The authority would be authorized to enter into revenue sharing agreements and to issue revenue bonds. The authority would be governed by a board consisting of members of each participating locality and institution of higher education. This bill is identical to HB 1893.

*Patron - Edwards*

**[P] SB1253 Funds for access roads to economic development sites; criteria for use of funds.** Directs the Commonwealth Transportation Board, in consultation with the Secretaries of Transportation and Commerce and Trade, to develop criteria to be used in the award of funds for access roads to economic development sites. The criteria shall take into account job creation, capital investment, and other relevant economic development considerations.

*Patron - McPike*

**[P] SB1260 Entry onto land for inspection.** Requires that for any project wherein the power of eminent domain may be exercised, any locality or the Commissioner of Highways shall provide a landowner with a request to enter and inspect

property at least 30 days in advance. The request must be on official letterhead and shall notify the landowner that even if permission is withheld, the locality or the Commissioner of Highways will be permitted to enter the property on the proposed date. Current law requires the locality or the Commissioner of Highways to send a request to enter and inspect the property and, if written permission is not received within 15 days, a subsequent notice of intent to enter with the date on which the locality or the Commissioner of Highways will be entering the property.

*Patron - Bell*

**[P] SB1350 Transportation projects; resiliency.** Requires the Commonwealth Transportation Board to determine whether a project has been designed to be or the project sponsor has committed that the design will be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects. This bill is identical to HB 2071.

*Patron - Lewis*

## Failed

**[F] HB1740 Signs on certain highways; rotation of eligible entities.** Requires the Department of Transportation to establish and enforce a system to rotate every three years the entities displayed on directional or official signs pertaining to the availability of food, lodging, or vehicle service when there is a waiting list of eligible entities to be displayed on such signs.

*Patron - Cole, M.L.*

**[F] HB1765 Department of Transportation; U.S. Route 60.** Directs the Department of Transportation to propose a plan to renumber U.S. Route 60 to the Federal Highway Administration and the Special Committee on U.S. Route Numbering of the American Association of State Highway and Transportation Officials.

*Patron - Campbell, R.R.*

**[F] HB1910 Creation of regional transportation authorities.** Authorizes two or more adjacent counties or cities to form a regional transportation authority to engage in regional transportation projects. The bill sets forth the procedures for forming such authority and determining the membership of its governing board. Ordinances adopted by each member of such authority would set forth the local taxes, fees, and revenues to be contributed by each locality to such authority.

*Patron - Cole, J.G.*

**[F] HB2106 Naming state highways, bridges, interchanges, and other transportation facilities; living persons.** Provides that the Commonwealth Transportation Board may name highways, bridges, interchanges, and other transportation facilities after living or deceased persons.

*Patron - Fariss*

**[F] HB2245 Use of transportation funds.** States that it is the policy of the Commonwealth that revenues dedicated to transportation purposes shall not be used or redirected for any nontransportation-related purpose. Any attempt to repurpose funds dedicated to transportation as of July 1, 2020, shall be deemed invalid and shall not be effectuated.

*Patron - LaRock*

**[F] HB2253 Economic Development Access Program; bonded projects; emergency.** Imposes a 48-month moratorium on the repayment of funds allocated to a locality for a bonded project pursuant to the Economic Development Access Program, provided that the conditions of the Commonwealth Transportation Board's economic development access policy are met. The bill has an emergency clause.

*Patron - Wampler*

**[F] SB1217 Taking certain private roads into the secondary state highway system.** Directs the Department of Transportation to accept certain private roads into the secondary state highway system if the locality in which the private road is located adopts an ordinance dedicating one percent of real property revenues generated by property on the road to the Department to contribute to the maintenance and upkeep of the road. A private road would be eligible if the private road has served at least 10 occupied parcels for a minimum of 45 years and if the private road intersects with two or more roads in the primary or secondary state highway system.

*Patron - Ruff*

**[F] SB1364 Commonwealth Transit Ridership Fund; creation.** Creates the Commonwealth Transit Ridership Fund as a component of the Transportation Trust Fund to pay for free and reduced public transit fares throughout the Commonwealth. Any revenues generated by the retail sale of marijuana and marijuana products is deposited into the Fund. The bill does not become effective unless the retail sale of marijuana and marijuana products is legalized.

*Patron - Cosgrove*

## Homestead and Other Exemptions

### Passed

**[P] HB1814 Garnishment of wages; protected portion of disposable earnings.** Provides that the Virginia minimum hourly wage shall be used to calculate the amount of a person's aggregate disposable earnings protected from garnishment if it is greater than the federal minimum hourly wage.

*Patron - Krizek*

## General Provisions

### Failed

**[F] HB2338 Alerts for missing veterans who have a service-related health condition.** Directs the U.S. Department of Justice (the Department) to allow law-enforcement agencies to use the integrated crime alert network to disseminate reports of a missing veterans or member of the armed forces who is at risk due to a physical or mental health condition that is related to his service. The bill further directs the Department to work with government agencies, broadcasters, and public and private organizations with missions focused on adults or veterans at risk to develop criteria for law-enforcement officers to use to identify reports of missing adults or veterans at risk that are appropriate to disseminate. The bill also provides that "veteran at risk" means a veteran or active-duty member of the armed forces, the National Guard, or the military reserve forces of the United States who is known to have a physical or mental health

condition related to his service. The bill directs law-enforcement agencies that receive a report of a missing veteran at risk within 72 hours of that individual's disappearance to use the form under the integrated crime alert network to disseminate the report as soon as possible if it is likely that the individual is missing due to his physical or mental health condition related to his service.

*Patron - Wiley*

## Housing

### Passed

**[P] HB1971 Virginia Fair Housing Law; reasonable accommodations; disability-related requests for parking.** Provides that for the purposes of the Virginia Fair Housing Law, when a person receives a request for accessible parking to accommodate a disability, the person receiving the request shall treat such request as a request for reasonable accommodation.

*Patron - Carr*

**[P] HB2046 Virginia Fair Housing Law; unlawful discriminatory housing practices.** Prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, military status, or disability; (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located; or (iii) by prohibiting or imposing conditions upon the rental or sale of dwelling units, provided that the provisions of this subsection shall not be construed to prohibit ordinances related to short-term rentals. The bill provides that it shall not be a violation of the Virginia Fair Housing Law if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

*Patron - Bourne*

**[P] HB2053 Department of Housing and Community Development; stakeholder advisory group; accessory dwelling units.** Directs the Department of Housing and Community Development (the Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. The bill requires the stakeholder advisory group to report its findings, including any legislative recommendations, to the Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021, and allows a possible extension but to no later than November 1, 2022.

*Patron - Samirah*

**[P] HB2072 Virginia Housing Development Authority; recommendations for creation of Virginia Good Neighbor Next Door program.** Requires the Virginia Housing Development Authority to report to the Governor, the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology, and the Virginia Housing Commission no later than July 1, 2022, on recommendations for the creation of a Virginia Good Neighbor Next Door program, similar to the Good Neighbor Next Door program administered by the U.S. Department of Housing and Urban Development, to provide financial incentives for law-enforcement officers, firefighters, emergency medical services personnel, and teachers to purchase homes within designated revitalization areas in the localities in which they are employed.

*Patron - Convirs-Fowler*

**[P] HB2227 Uniform Statewide Building Code; amendments; energy efficiency and conservation.** Directs the Board of Housing and Community Development, upon each publication by the International Code Council of a new version of the International Energy Conservation Code (IECC), to consider adopting amendments to the Uniform Statewide Building Code to address changes in the IECC related to energy efficiency and conservation.

*Patron - Kory*

### Failed

**[F] HB2127 Name of redevelopment and housing authorities.** Gives redevelopment and housing authorities greater flexibility in naming an authority.

*Patron - Robinson*

**[F] SB1224 Uniform Statewide Building Code; amendments; energy efficiency and conservation.** Requires the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The bill requires the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC.

*Patron - Boysko*

## Institutions of Higher Education; Other Educational and Cultural Institutions

### Passed

**[P] HB1930 Public institutions of higher education; admissions applications; criminal history.** Prohibits each public institution of higher education, with the exception of the Virginia Military Institute and a law school of a public institution of higher education that is accredited by the American Bar Association, from (i) utilizing an institution-specific admissions application that contains questions about the criminal history of the applicant or (ii) denying admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution. The bill permits each public institution of higher education to inquire into the criminal history of

any individual who has been admitted to but has yet to enroll at the institution and withdraw an offer of admission to any individual whom the institution subsequently determines to have a criminal history that poses a threat to the institution's community. The bill has a delayed effective date of January 1, 2022.

*Patron - Aird*

**P HB1980 Enslaved Ancestors College Access Scholarship and Memorial Program established.** Establishes the Enslaved Ancestors College Access Scholarship and Memorial Program, whereby Longwood University, the University of Virginia, Virginia Commonwealth University, the Virginia Military Institute, and The College of William and Mary in Virginia, with any source of funds other than state funds or tuition or fee increases, are required to annually (i) identify and memorialize, to the extent possible, all enslaved individuals who labored on former and current institutionally controlled grounds and property and (ii) provide a tangible benefit such as a college scholarship or community-based economic development program for individuals or specific communities with a demonstrated historic connection to slavery that will empower families to be lifted out of the cycle of poverty. The bill requires the State Council of Higher Education for Virginia to collaborate with such institutions to establish guidelines for the implementation of the Program and to annually collect information on the implementation of the Program from such institutions and report such information to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, and the Virginia African American Advisory Board.

*Patron - Reid*

**P HB1986 George Mason University; management agreement.** Provides a management agreement between the Commonwealth and George Mason University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). This bill is identical to SB 1204.

*Patron - Bulova*

**P HB2120 Public institutions of higher education; governing boards; meetings, input, and disclosures.** Requires the governing board of each public institution of higher education to establish and maintain on the institution's website (i) a listing of all board members, including the name of the Governor who made each appointment and the date of each appointment; (ii) a listing of all committees created by the board and the membership of each committee; (iii) a schedule of all upcoming meetings of the full board and its committees and instructions for the public to access such meetings; (iv) an archive of agendas and supporting materials for each meeting of the governing board and its committees that was held; and (v) an email address or email addresses that allow board members to receive public communications pertaining to board business. The bill requires such boards to solicit the input of representatives of the institution's faculty senate or its equivalent (a) at least twice per academic year on topics of general interest to the faculty and (b) in advance of decisions to be made on the search for the institution's new chief executive officer. The bill also requires the State Council of Higher Education for Virginia, in consultation with the Virginia Freedom of Information Advisory Council, to work with each public institution of higher education and with technology experts to develop a minimal uniform standard, to the extent practicable, for providing the public with real-time electronic access to meetings of the governing boards of public institutions of higher education.

*Patron - Keam*

**P HB2123 Public institutions of higher education; certain students; financial assistance programs.** Provides that students who meet the criteria to be deemed eligible for in-state tuition regardless of their citizenship or immigration status shall be afforded the same educational benefits, including financial assistance programs administered by the State Council of Higher Education for Virginia, the State Board for Community Colleges, or a public institution of higher education, as any other individual who is eligible for in-state tuition. The bill directs the State Council of Higher Education for Virginia, in coordination with institutions of higher education in the Commonwealth, to promulgate regulations to implement the provisions of the bill. The bill has a delayed effective date of August 1, 2022, and is identical to SB 1387.

*Patron - Lopez*

**P HB2178 Bonds for public institutions of higher learning; emergency.** Authorizes issuance of bonds in an amount up to \$34,136,000 for revenue-producing capital projects at Virginia Polytechnic Institute and State University. The bill contains an emergency clause and is identical to SB 1145.

*Patron - Torian*

**P HB2204 Get Skilled, Get a Job, Give Back (G3) Fund and Program established.** Establishes the Get Skilled, Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting. This bill is identical to SB 1405.

*Patron - Filler-Corn*

**P SB1145 Bonds for public institutions of higher learning; emergency.** Authorizes issuance of bonds in an amount up to \$34,136,000 for revenue-producing capital projects at Virginia Polytechnic Institute and State University. The bill contains an emergency clause and is identical to HB 2178.

*Patron - Howell*

**P SB1204 George Mason University; management agreement.** Provides a management agreement between the Commonwealth and George Mason University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). This bill is identical to HB 1986.

*Patron - Barker*

**P SB1387 Public institutions of higher education; certain students; financial assistance programs.** Provides that students who meet the criteria to be deemed eligible for in-state tuition regardless of their citizenship or immigration status shall be afforded the same educational benefits, including financial assistance programs administered by the State Council of Higher Education for Virginia, the State Board for Community Colleges, or a public institution of higher education, as any other individual who is eligible for in-state tuition. The bill directs the State Council of Higher Education for Virginia, in coordination with institutions of higher education in the Commonwealth, to promulgate regulations to implement the provisions of the bill. The bill has a delayed effective date of August 1, 2022, and is identical to HB 2123.

*Patron - Boysko*

**P SB1405 Get Skilled, Get a Job, Give Back (G3) Fund and Program established.** Establishes the Get Skilled,

Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting. This bill is identical to HB 2204.

*Patron - Saslaw*

## Failed

**[F] HB1870 Victims of human trafficking; eligibility for in-state tuition.** Provides that a non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking, defined in the bill, is eligible for in-state tuition. The bill provides that a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense and that eligibility for in-state tuition may be proved by a certification of such status as a victim of human trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to victims of human trafficking. The bill also requires institutions of higher education to automatically record such a student as opting out of making any directory or educational information available to the public unless the student voluntarily and affirmatively chooses to opt in to allowing such directory or educational information to be made available.

*Patron - Batten*

**[F] HB1975 Public institutions of higher education; tuition and mandatory fee waivers; survivors of criminal sexual assault and certain other sex crimes.** Declares eligible for counseling at no cost and a waiver of tuition and mandatory fees at any public institution of higher education any individual who, when he was under the age of 18 and a resident of the Commonwealth, became the victim of criminal sexual assault, sex trafficking, or child pornography, as evidenced by the conviction of the perpetrator of such crime. The bill provides that any individual who receives such waiver and counseling shall remain eligible if he maintains a cumulative grade point average of at least 2.5 on a scale of 4.0 or its equivalent.

*Patron - Rush*

**[F] HB2145 Public institutions of higher education; virtual instruction; tuition cap.** Prohibits the governing board of any public institution of higher education from fixing tuition at a rate that exceeds \$2,500 per semester or its equivalent in any case in which instruction is provided solely in a virtual format and from a remote location.

*Patron - Miyares*

**[F] HB2280 Governing boards of public institutions of higher education; State Board for Community Colleges; communication; transparency.** Requires the governing board of each public institution of higher education and the State Board for Community Colleges to provide on their websites publicly available contact information for each board member, including each board member's email address, to ensure access by the public and for the timely sharing of comprehensive information between the public and board members. The bill directs the State Council of Higher Education for Virginia to conduct a review of compliance with the bill and issue a report of its findings to the General Assembly by November 1, 2021.

*Patron - Davis*

**[F] HJ558 Baccalaureate public institutions of higher education; student meal donation programs; report.** Requests that each baccalaureate public institution of higher education in the Commonwealth establish a student meal donation program by which any enrolled student who has purchased a meal plan may donate any meal on such plan to the program and any enrolled student with demonstrated food insecurity may apply to the program to redeem a donated meal at a meal plan-eligible on-campus dining location or food bank located on campus in accordance with applicable state health regulations.

*Patron - Roem*

**[F] SB1359 Public institutions of higher education; governing boards; fees; collegiate athletics.** Provides that any fees levied for the purpose of collegiate athletics shall be made optional for students. Each board of visitors of each baccalaureate public institution of higher education or its designee shall actively disclose to student and parent consumers a process to opt out of paying athletic fees, including by electronic or written notice within the billing process and online payment accounts.

*Patron - DeSteph*

## Insurance

### Passed

**[P] HB1807 Health maintenance organizations; insolvency.** Updates provisions of the Code of Virginia related to insolvency procedures for health maintenance organizations (HMOs) that were inconsistent with the method to address insolvencies provided for members of the Virginia Life, Accident and Sickness Insurance Guaranty Association. HMOs became members of the Association following legislation passed during the 2018 Session.

*Patron - Kilgore*

**[P] HB1829 Health insurance; credentialing; health care providers.** Provides that provisions requiring health insurers and other carriers to establish reasonable protocols and procedures for reimbursing a health professional for services provided while such professional's credentialing application is pending also apply to certain health maintenance organizations and to corporations operating dental or optometric plans.

*Patron - Head*

**[P] HB1892 Property and casualty insurance form approval.** Permits an insurer that receives approval of an insurance policy form or endorsement from the State Corporation Commission to use the form as soon as it is approved rather than waiting 30 days after the filing date to use it as is current law.

*Patron - Ayala*

**[P] HB1896 Essential health benefits; abortion coverage.** Removes the prohibition on the provision of coverage for abortions in any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in Virginia. This bill is identical to SB 1276.

*Patron - Hudson*

**[P] HB1942 Public adjusters; continuing education.** Provides for continuing education requirements for public adjusters and that the insurance continuing education board



(the Board), appointed by the State Corporation Commission, is responsible for establishing and monitoring standards for such requirements. Currently, the Commission is given such responsibility and the Board is responsible for the continuing education requirements for other insurance agents and agencies. The bill maintains the current requirement that a public adjuster complete a minimum of 24 hours of approved credits, including three hours of ethics, on a biennial basis.

*Patron - Kilgore*

**P HB2008 Health insurance; authorization of drug prescribed for the treatment of a mental disorder.** Requires that any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, contain provisions that require, when a carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization can be required if (i) the drug is a covered benefit; (ii) the prescription does not exceed the U.S. Food and Drug Administration-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy, changes in the patient's health status, and potential contraindications. The bill provides that this requirement does not prohibit a carrier from requiring prior authorization for any drug that is not listed on its prescription drug formulary at the time the initial prescription is issued. The bill also requires that such provider contracts contain provisions requiring a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the drug is removed from the carrier's prescription drug formulary after the initial prescription for that drug is issued. Under the bill, provisions related to provider contracts and prior authorization shall apply to the state insurance health plan. This bill is identical to SB 1269.

*Patron - Heretick*

**P HB2219 Pharmacies; freedom of choice.** Provides that no insurance carrier, corporation providing preferred provider subscription contracts, or health maintenance organization providing health care plans or its pharmacy benefits manager shall prohibit a covered individual from selecting the pharmacy of his choice to furnish specialty pharmaceutical benefits under the covered individual's policy. The bill provides that no pharmacy that meets the terms and conditions of participation shall be precluded from obtaining a direct service agreement or participating provider agreement and that any request for such agreement by a pharmacy shall be acted upon by a carrier, corporation, or organization or its pharmacy benefits manager within 60 days of receiving the request.

*Patron - Hodges*

**P HB2332 Commonwealth Health Reinsurance Program.** Requires the State Corporation Commission (the Commission) to establish, upon approval of a state innovation waiver request pursuant to § 1332 of the Affordable Care Act, a reinsurance program, known as the Commonwealth Health Reinsurance Program (the Program). The bill provides that the Program is funded through federal funding provided under the state innovation waiver and state appropriations. The bill requires the General Assembly to appropriate a sum sufficient to ensure the operation of the program. The bill provides requirements for payment parameters, data submissions, recordkeeping, reporting, and audits of health carriers. The bill requires the Secretary of Health and Human Resources to convene a work group to develop recommendations for developing a state-based subsidy program to increase affordability of health plans to individuals and to increase enrollment in the

Virginia Health Benefit Exchange. The bill requires the Commission to evaluate the program following its second year of operation. The provisions of the bill, other than the requirements that the Commission apply for the state innovation waiver, will become effective 30 days after notice of approval of the waiver request.

*Patron - Sickles*

**P SB1182 Motor vehicle liability insurance coverage limits.** Increases the motor vehicle liability insurance coverage amounts from \$25,000 to \$30,000 in cases of bodily injury to or death of one person and from \$50,000 to \$60,000 in cases of bodily injury to or death of two or more persons from any one accident, for policies effective between January 1, 2022, and January 1, 2025. For policies effective after January 1, 2025, the bill increases the motor vehicle liability insurance coverage amounts to \$50,000 in cases of bodily injury to or death of one person, \$100,000 in cases of bodily injury to or death of two or more persons from any one accident, and from \$20,000 to \$25,000 for injury to or destruction of property of others as a result of any one accident. The bill requires that self-insured operators of taxicabs maintain protection against uninsured and underinsured drivers with limits of \$25,000, \$50,000, and \$20,000, respectively, with respect to each motor vehicle. The bill has a delayed effective date of January 1, 2022.

*Patron - Surovell*

**P SB1219 Bureau of Insurance; paid family leave; report.** Directs the State Corporation Commission's Bureau of Insurance (the Bureau) to review and make policy recommendations to meet the goals identified in the "Paid Family and Medical Leave Study" published by the Offices of the Secretary of Commerce and Trade and the Chief Workforce Development Advisor in September 2020 as part of a statewide paid family and medical leave program to be administered by the Commonwealth. The bill requires the Bureau to convene a stakeholder group to participate in the process, which is required to include representatives from the insurance industry and the business community, labor organizations, advocates for paid family leave, and other interested parties. The bill requires the Bureau to report its findings and recommendations to the Senate Committees on Commerce and Labor and Finance and Appropriations and the House Committees on Labor and Commerce and Appropriations by November 30, 2021.

*Patron - Favola*

**P SB1255 State Corporation Commission; issuance or renewal of insurance licenses or registrations during an emergency.** Authorizes the State Corporation Commission to temporarily suspend, authorize extensions of time for, or waive requirements for the issuance or renewal of licenses or registrations related to insurance in the event of an emergency.

*Patron - Mason*

**P SB1269 Health insurance; authorization of drug prescribed for the treatment of a mental disorder.** Requires that any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, contain provisions that require, when a carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization can be required if (i) the drug is a covered benefit; (ii) the prescription does not exceed the U.S. Food and Drug Administration-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy,

changes in the patient's health status, and potential contraindications. The bill provides that this requirement does not prohibit a carrier from requiring prior authorization for any drug that is not listed on its prescription drug formulary at the time the initial prescription is issued. The bill also requires that such provider contracts contain provisions requiring a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the drug is removed from the carrier's prescription drug formulary after the initial prescription for that drug is issued. Under the bill, provisions related to provider contracts and prior authorization shall apply to the state insurance health plan. This bill is identical to HB 2008.

*Patron - McPike*

**[P] SB1276 Essential health benefits; abortion coverage.** Removes the prohibition on the provision of coverage for abortions in any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in Virginia. This bill is identical to HB 1896.

*Patron - McClellan*

**[P] SB1289 Health insurance; provider contracts.** Requires that each provider contract include a provision prohibiting a provider from discriminating against any enrollee solely due to the enrollee's status as a litigant in pending litigation or a potential litigant due to being involved in a motor vehicle accident. The bill provides that the State Corporation Commission, if it has cause to believe that a provider has engaged in a pattern of such discrimination, may submit information to the Board of Medicine or the Commissioner of Health for action.

*Patron - Surovell*

## Failed

**[F] HB1822 Health insurance; cost-sharing payments for prescription asthma inhalers.** Prohibits health insurance companies and other carriers from setting an amount exceeding \$50 per 30-day supply of a tier one or tier two prescription asthma inhaler that a covered person is required to pay at the point of sale in order to receive a covered prescription asthma inhaler unless the carrier is prohibited from providing the additional benefits under state or federal law. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision (i) authorizing the carrier's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription asthma inhaler in an amount that exceeds such limitation. The provisions apply with respect to health plans and provider contracts entered into, amended, extended, or renewed on or after January 1, 2022.

*Patron - Askew*

**[F] HB1922 Medical assistance; coverage for reproductive health services.** Directs the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary reproductive health care services for eligible individuals and provides that medical benefits required to be provided to individuals eligible for medical assistance under the Family Access to Medical Insurance Security (FAMIS) Plan shall include reproductive health care services for which the payment of medical assistance is required under the state plan for medical assistance. The bill directs the Board of Medical Assistance Services to adopt emergency regulations to implement the provisions of the bill. The bill also requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures

related to reproductive health. The health benefit plan requirements become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2022, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made.

*Patron - Price*

**[F] HB2021 Health insurance; provider contracts; report.** Prohibits a carrier from unilaterally amending any material provision of a provider contract or adding any new material provision to any provider contract within 12 months of execution of the provider contract or the date of last amendment to the provider contract. The measure requires such an amendment to be agreed to by the provider in a signed written amendment to the provider contract. The measure defines a material provision of a provider contract as the fee schedule and any provision contained in the body of the provider contract including definitions, any provision required to be included in a provider contract, and any provision related to the term or duration of the provider contract, the method by which the provider contract can be amended or terminated, obligations of the parties, notices and reporting, coordination of benefits, the period of time required for submission or payment of claims, retroactive denial of a previously paid claim, dispute resolution, or arbitration procedures.

The measure requires that carriers supply fee schedules in writing, make fee schedules available in machine-readable electronic format, and provide the complete fee schedule applicable to the provider for each health plan in which the provider participates or is proposed to participate. The measure requires that amendments to a provider contract be presented in a manner so as to allow the provider to easily identify the specific terms being proposed for amendment and that proposed amendments be formatted to clearly identify the changes to the language of the agreement.

The measure requires provider contracts to permit a provider a minimum of 180 days from the date a health care service is rendered to submit a claim for payment. The measure also (i) requires the State Corporation Commission to promulgate regulations to establish a procedure for accepting and resolving complaints relating to an alleged or suspected failure to comply with the minimum fair business standards as it relates to any provider or carrier, (ii) authorizes the Commission to investigate complaints, (iii) subjects a person that refuses or fails to provide information in a timely manner to the Commission to enforcement and penalty provisions, and (iv) requires the Commission to report annually on the complaints received and the results of any investigation made to the House Committees on Labor and Commerce and Health, Welfare and Institutions and the Senate Committees on Commerce and Labor and Education and Health and to the Joint Commission on Health Care.

*Patron - Gooditis*

**[F] HB2033 Health insurance; association health plan for real estate salespersons.** 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 bill 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 bill also requires that the association (a) has at the outset a minimum of 100 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 bill 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 pre-existing 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 bill 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 bill provides that the State Corporation Commission retains its regulatory authority over any such association health plan and may impose insurance requirements as it deems appropriate.

*Patron - Hurst*

**[F] HB2271 Joint Commission on Health Care; contract for study of options for financing universal health care.** Directs the Joint Commission on Health Care to enter into a contract with a qualified entity to study options for financing universal health care in the Commonwealth. The Joint Commission shall report the findings, conclusions, and recommendations of the qualified entity to the General Assembly by October 1, 2022.

*Patron - Samirah*

**[F] HB2274 Health insurance; provider contracts.** Requires that each provider contract include provisions (i) requiring providers to provide health care services to enrollees in a manner similar to and within the same time availability in which the provider provides health care services to any other individual and (ii) prohibiting a provider from discriminating against any enrollee as a result of the enrollee's enrollment in a health plan or on the basis of the enrollee's race, color, creed, national origin, ancestry, religion, sex, marital status, age, disability, payment source, state of health, need for health care services, status as a litigant except in cases where the enrollee

claims medical malpractice by the provider, status as a Medicare enrollee, status as a medical assistance recipient, sexual orientation or gender identity, or on any other basis prohibited by law. The bill prohibits a provider contract from requiring a provider to provide any type or kind of health care service to enrollees that it does not customarily provide to others. The bill provides that a provider that violates the anti-discrimination provisions may be subject to fines and other discipline from the provider's licensing authority and an enrollee injured as a result of any discrimination is entitled to initiate a civil action against the provider.

The bill also prohibits a provider contract from (a) directly or indirectly restricting the carrier from directing or steering enrollees to other health care providers or offering incentives to encourage enrollees to utilize specific providers; (b) requiring the carrier to enter into any additional contract with an affiliate of the provider as a condition of entering into a contract with such provider or to agree to payment rates or other terms for any affiliate not party to the contract of the provider involved; or (c) restricting other carriers not party to the contract from paying a lower rate for items or services than the contracting plan or issuer pays for such items or services.

The bill prohibits a provider from terminating or failing to renew the contractual relationship with a carrier, or any provider contract, or otherwise penalize any carrier, for invoking any of the carrier's rights. The bill also provides that a provider or carrier injured as a result of a violation or threatened violation of any provision governing carrier business practices is entitled to injunctive relief against any and all violators or persons threatening violation.

The bill requires a provider contract to permit a provider a maximum of 90 days from the date a health care service is rendered to submit a claim for payment. The bill requires carriers to supply fee schedules in writing and in machine-readable electronic format and to provide the complete fee schedule applicable to the provider for each health plan in which the provider participates or is proposed to participate. The bill requires that amendments to a provider contract be presented in a manner so as to allow the provider to easily identify the specific terms being proposed for amendment and that proposed amendments be formatted to clearly identify the changes to the language of the agreement.

*Patron - Webert*

**[F] SB1195 Motor vehicle insurance; underinsured motor vehicle.** Provides that a policy or contract of bodily injury and property damage liability insurance for the use of a motor vehicle shall contain an endorsement or provisions obligating the insurer to make payment for injury or damage caused by an underinsured vehicle without any credit, set-off, or reduction for the available bodily injury and property damage coverage. The bill provides that a motor vehicle is underinsured when the total amount of bodily injury and property damage coverage applicable to the operation or use of the motor vehicle and available for payment for such bodily injury or property damage, is less than the total amount of damages sustained up to the total amount of uninsured motorist coverage afforded any person injured.

*Patron - Obenshain*

**[F] SB1202 Uninsured and underinsured motorist insurance policies; bad faith.** Provides that if an insurance company denies, refuses, or fails to pay its insured, or refuses a reasonable settlement demand within the policy's coverage limits, for a claim for uninsured or underinsured motorist benefits within a reasonable time after being presented with a demand for such benefits and it is subsequently found that such denial, refusal, or failure was not in good faith, then the insurer

ance company is liable to the insured for the full amount of the judgment and reasonable attorney fees, expenses, and interest.

*Patron - Petersen*

**[F] SB1341 Health insurance; association health plan for real estate salespersons.** 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 bill 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 bill also requires the association (a) has at the outset a minimum of 100 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 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 bill 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 pre-existing condition, (4) shall 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 bill 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 bill provides that the State Corporation Commission retains its regulatory authority over any such association health plan and may impose insurance requirements, as it deems appropriate.

*Patron - Barker*

## Labor and Employment

### Passed

**[P] HB1862 Employee protections; medicinal use of cannabis oil.** Prohibits an employer from discharging, disciplining, or discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease. The bill provides that such prohibition does not (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours; (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding; or (iii) require any defense industrial base sector employer or prospective employer to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of certain amounts.

*Patron - Helmer*

**[P] HB2032 Employment; domestic service.** Provides that individuals who are engaged in providing domestic service are not excluded from employee protection laws.

*Patron - Gooditis*

**[P] HB2063 Virginia Overtime Wage Act; penalties.** Requires an employer to compensate certain employees at a rate not less than one and one-half times the employee's regular rate of pay, defined in the bill, for any hours worked in excess of 40 hours in any one workweek. The bill includes provisions for calculating overtime premiums due to fire protection and law-enforcement employees by certain public sector employers. The penalties provided by the bill for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally. The statute of limitations for bringing a claim for a violation of the bill is three years.

*Patron - Mullin*

**[P] HB2134 Employee classification: disaster; personal protective equipment.** Prohibits the consideration, in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers' compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared.

*Patron - Batten*

**[P] HB2137 Paid sick leave.** Requires employers to provide paid sick leave to home health workers who provide personal care, respite, or companion services to an individual who receives consumer-directed services under the state plan for medical assistance services. Such an employee is eligible for paid sick leave under the bill if the employee is an essential worker and works on average at least 20 hours per week or 90 hours per month. The bill provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick leave in a year, unless the employer selects a higher limit. The bill provides that earned paid sick leave may be used for (i) an employee's mental or physical illness, injury,

or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care or (ii) care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care. The bill prohibits employers from taking certain retaliatory actions against employees related to leave.

*Patron - Guzman*

## Failed

**[F] HB1755 Right to work.** Repeals the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership in the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise.

*Patron - Carter*

**[F] HB1780 Public employees; prohibition on striking; exception.** Exempts employees of a local school board from the prohibition on striking, and from termination of employment for striking, by public employees.

*Patron - Carter*

**[F] HB1785 Employment health and safety standards; heat illness prevention.** Requires the Safety and Health Codes Board to adopt regulations establishing standards designed to protect employees from heat illness, defined in the bill. The measure authorizes an employee to bring an action based on a violation of such standards in which injunctive relief and monetary damages may be sought.

*Patron - Ward*

**[F] HB1786 Minimum wage; farm laborers or farm employees.** Eliminates the exemptions from Virginia's minimum wage requirements for (i) persons employed as farm laborers or farm employees and (ii) certain temporary foreign workers.

*Patron - Ward*

**[F] HB1794 Collective bargaining; prohibited considerations during negotiations.** Prohibits any local ordinance or resolution granting or permitting collective bargaining from permitting consideration during collective bargaining negotiations of any action or discussion regarding the hiring, firing, or disciplining of a local employee. All such actions and discussions shall be exempt from all collective bargaining negotiations.

*Patron - Davis*

**[F] HB1954 Minimum wage; exception.** Provides that the minimum wage requirements of the Virginia Minimum Wage Act do not apply to any person who provides fire or emergency medical services for a fire company or nongovernmental emergency medical services agency.

*Patron - Avoli*

**[F] HB2015 Essential workers; hazard pay; personal protective equipment; civil penalty.** Requires that following the declaration by the Governor of a state of emergency that includes or is followed by any additional executive order in furtherance of such declaration that includes a stay-at-home

or shelter-in-place order, employers shall (i) compensate each of their essential workers at a rate not less than one and one-half times the essential worker's regular rate of pay for any hours worked during the closure order and (ii) provide their essential workers with personal protective equipment related to the state of emergency and recommended for the relevant work site or job task by the Virginia Department of Labor and Industry, the State Department of Health, the U.S. Centers for Disease Control and Prevention, or the federal Occupational Safety and Health Administration. The bill defines "essential worker" as an individual employed as a health care provider, home care provider, or airport worker or by an essential retail business, as specified in the bill. The bill subjects violators to the same civil penalties, and provides the same cause of action for an employer's failure to pay the required hazard pay, as are currently imposed for failing to pay wages generally.

*Patron - Ayala*

**[F] HB2103 Paid sick time.** Requires public and private employers with 35 or more full-time equivalent employees to provide eligible employees, defined in the bill, with earned paid sick time and paid sick time. The bill provides for an eligible employee to earn up to 40 hours of earned paid sick time depending on the number of hours the eligible employee has averaged over the previous year or, for a new employee, is projected to work. An eligible employee shall not earn or use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. The bill provides that earned paid sick time may be used (i) for an eligible employee's mental or physical illness, injury, or health condition; an eligible employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an eligible employee's need for preventive medical care or (ii) to provide care to an eligible employee's family member, defined in the bill, under similar circumstances.

The bill prohibits employers from taking certain retaliatory actions against employees related to earned paid sick leave and authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this bill and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. However, an aggrieved employee is required to seek redress through the employer's human resources department prior to filing an administrative complaint or civil action. The bill has a delayed effective date of January 1, 2023.

*Patron - Reid*

**[F] HB2270 Minimum wage; effective dates of scheduled increases; emergency.** Postpones the effective date of scheduled increases to the Virginia minimum wage. The initial increase to \$9.50, currently set to take effect on May 1, 2021, will take effect on January 1, 2022, under the bill. The bill postpones the effective dates of all other scheduled increases by one year. The bill also postpones by one year (i) a joint review of the feasibility and potential impact of instituting a regional minimum wage in the Commonwealth by the Virginia Department of Housing and Community Development, the Virginia Economic Development Partnership Authority, and the Virginia Employment Commission and (ii) the deadline by which the General Assembly is required to reenact the provisions increasing the minimum wage to \$13.50 and \$15.00

in order for those increases to take effect. The bill contains an emergency clause.

*Patron - Marshall*

**[F] HB2296 Worker classification; independent contractors.** Provides that in a proceeding involving allegations of worker misclassification an individual or business is not considered an employee with respect to a hiring party if the person qualifies as an independent contractor relative to the hiring party under the common law right-of-control test as established by the Internal Revenue Service Revenue Ruling 87-41, by an applicable determination of the Internal Revenue Service, or if (i) the individual or business signs a written contract with the hiring party stating that the individual or business is self-employed or is being engaged as an independent contractor and containing certain acknowledgments, (ii) the individual or business has the right to control the manner and means by which the final result of the work is to be accomplished, and (iii) four or more additional criteria provided for in the bill are satisfied. The bill also provides that a hiring party alleging that a worker misclassification claim is frivolous or improper may file a motion to dismiss such claim. The bill provides that a contract or written agreement expressly stating that a claimant is not considered an employee is considered as prima facie evidence of a violation of frivolous pleading provisions.

*Patron - Robinson*

**[F] SB1159 Use sick leave for the care of immediate family members.** Requires employers with a sick leave program to allow an employee to use his sick leave for the care of an immediate family member. The measure applies only to employers that have 25 or more employees and that provide paid sick leave that allows an employee to be absent from work in the event of the employee's own incapacity, illness, or injury. The measure applies only to employees who work at least 30 hours per week, and it caps the amount of sick leave that may be used for the care of immediate family members at five days per calendar year.

*Patron - Favola*

**[F] SB1228 Virginia Equal Pay Act; civil penalties.** Prohibits public and private employers from discriminating between employees on the basis of membership in a protected class in the payment of wages or other compensation, including benefits, by paying wages or other compensation to employees who are members of a protected class at a rate less than the rate at which it pays wages or other compensation to employees who are not members of the protected class for substantially similar work. The measure also prohibits an employer from discriminating between employees by providing less favorable employment opportunities on the basis of membership in a protected class, limiting an employee's right to discuss wages, relying on the wage history of a prospective employee in considering the prospective employee for employment or determining the wages that the prospective employee is to be paid by the employer upon hire, or taking certain retaliatory actions against an employee. The measure also establishes criteria for when wage differentials between employees are permitted, but requires an employer to (i) provide a prospective employee with the wage range for the position for which the prospective employee is applying upon request or prior to inquiring about the prospective employee's wage expectations or providing an offer of compensation and (ii) maintain records of the wages and wage rates, job classifications, and other terms and conditions of employment for a period of three years. The measure gives an employee who is the subject of a violation a right of action to recover, for certain violations, the greater of compensatory damages or \$10,000,

liquidated damages, punitive damages, and attorney fees. Violations are also subject to civil penalties.

*Patron - Boysko*

**[F] SB1323 Worker classification; independent contractors.** Provides that in a proceeding involving allegations of worker misclassification an individual or business is not considered an employee with respect to a hiring party if the person qualifies as an independent contractor relative to the hiring party under the common law right-of-control test as established by the Internal Revenue Service Revenue Ruling 87-41, by an applicable determination of the Internal Revenue Service, or if (i) the individual or business signs a written contract with the hiring party stating that the individual or business is self-employed or is being engaged as an independent contractor and containing certain acknowledgments, (ii) the individual or business has the right to control the manner and means by which the final result of the work is to be accomplished, and (iii) four or more additional criteria provided for in the bill are satisfied. The bill also provides that a hiring party alleging that a worker misclassification claim is frivolous or improper may file a motion to dismiss such claim. The bill provides that a contract or written agreement expressly stating that a claimant is not considered an employee is considered as prima facie evidence of a violation of frivolous pleading provisions.

*Patron - Dunnivant*

**[F] SB1358 Employment health and safety standards; heat illness prevention.** Requires the Safety and Health Codes Board to adopt regulations establishing standards designed to protect employees from heat illness, defined in the bill. The measure authorizes an employee to bring an action based on a violation of such standards in which injunctive relief and monetary damages may be sought.

*Patron - Hashmi*

**[F] SB1362 Employers; reporting outbreaks of COVID-19.** Requires that, upon determination that a worksite cluster of COVID-19 has occurred at a workplace with 50 or more employees, the Department of Health (the Department) shall make a report available to the public on a website maintained by the Department that includes (i) the name of the employer at which a worksite cluster has been reported and (ii) the number of confirmed cases of COVID-19 reported by such employer. The Department shall also report when previously reported outbreaks are under control. The bill defines "worksite cluster" as five or more cases with illness onset or initial positive results within a 14-day period and a likely epidemiologic linkage between cases. The bill provides that the provisions of the act shall expire upon expiration of the Governor's declared state of emergency in response to the continued spread of the SARS-CoV-2 novel coronavirus, or COVID-19. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Lewis*

## Military and Emergency Laws

### Passed

**[P] HB2085 Emergency Services and Disaster Law; local and interjurisdictional emergency operations plans.** Requires local and interjurisdictional agencies to include provisions in their emergency operations plans to ensure that such plans are applied equitably and that the needs of minority and vulnerable communities are met during emergencies.

*Patron - Askew*

**[P] SB1296 State Coordinator of Emergency Management; establishment of Emergency Management Equity Working Group.** Provides for the State Coordinator of Emergency Management to establish an Emergency Management Equity Working Group to ensure that emergency management programs and plans provide support to at-risk individuals and populations disproportionately impacted by disasters.

*Patron - Spruill*

## Failed

**[F] HB2087 Emergency Services and Disaster Law; limitation on duration of executive orders.** 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 bill 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.

*Patron - Cox*

**[F] HB2149 Emergency Services and Disaster Law; limitation on duration of executive orders.** Limits the duration of any rule, regulation, or order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 60 days from the date of issuance. The bill provides that if the General Assembly does not take any action on such rule, regulation, or order within the 60 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.

*Patron - Adams, L.R.*

**[F] SB1131 Emergency Services and Disaster Law; limitation on duration of executive orders.** 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 bill 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.

*Patron - Suetterlein*

**[F] SB1237 Certain emergency and quarantine orders; additional procedural requirements.** Provides that any person who is affected by an order of quarantine may file an appeal in the circuit court for the city or county in which he resides or is located or the circuit court for the jurisdiction or jurisdictions for any affected area; currently, only a person who is subject to an order of quarantine may appeal the order. The bill also provides that in any case in which the Governor has issued an emergency order that includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies, all of the rights, protections, and procedures applicable in the case

of an order of quarantine issued by the Commissioner of Health shall apply.

*Patron - Petersen*

**[F] SB1378 Emergency Services and Disaster Law; limitation on duration of executive orders.** Limits the duration of any rule, regulation, or order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 30 days from the date of issuance. The bill provides that if the General Assembly does not take any action on the rule, regulation, or order within the 30 days during which the rule, regulation, or order is effective, the Governor may once again issue the same rule, regulation, or order but 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.

*Patron - Newman*

## Mines and Mining

## Passed

**[P] HB1855 Department of Mines, Minerals and Energy.** Renames the Department of Mines, Minerals and Energy as the Department of Energy. Within the Department, the bill renames the Division of Mined Land Reclamation as the Division of Mined Land Repurposing and renames the Division of Energy as the Division of Renewable Energy and Energy Efficiency.

The bill makes substantive changes, removing the requirement that the Chief of the Division of Mines be appointed by the Governor and authorizing an employee other than the Virginia Gas and Oil Inspector to serve as the principal executive of the staff of the Virginia Gas and Oil Board. The bill also provides that the Chief Clean Energy Policy Advisor shall be appointed by the Governor. The bill removes or updates outdated language. The bill has a delayed effective date of October 1, 2021. This bill received Governor's recommendations.

*Patron - Sullivan*

**[P] HB2213 Work group; gold mining; report.** Directs the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Commerce and Trade to establish a work group to study the mining of gold in the Commonwealth. The bill requires that the study be conducted in consultation with the Virginia Council on Environmental Justice and appropriate stakeholders, including experts in mining, hydrology, toxicology, and other fields; environmental organizations; representatives of potentially affected communities in localities with significant deposits of gold; and residents of Native American communities in such localities.

The bill provides that the work group shall evaluate the impacts of gold mining on public health, safety, and welfare; evaluate whether existing air and water quality regulations are sufficient to protect air and water quality from the mining and processing of gold; evaluate whether existing bonding, reclamation, closure, and long-term monitoring of sites for such mining or processing are sufficient; and report its findings to the General Assembly by December 1, 2022.

*Patron - Guzman*

**[P] SB1453 Revision of Titles 45.1 and 67.** Creates proposed Title 45.2 (Mines, Minerals, and Energy) as a revision of existing Title 45.1 (Mines and Mining) and existing Title 67 (Virginia Energy Plan). Proposed Title 45.2 consists of



21 chapters divided into five subtitles: Subtitle I (Administration), Subtitle II (Coal Mining), Subtitle III (Mineral Mines), Subtitle IV (Gas and Oil), and Subtitle V (Other Sources of Energy; Energy Policy). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to the administration of the Department of Mines, Minerals and Energy, underground and surface coal mining, underground and surface mineral mines, the Virginia Gas and Oil Act, energy from wind, solar, geothermal, and nuclear sources, and energy policy. The bill moves the remaining provisions of Title 67 that are not appropriate for inclusion in proposed Title 45.2 into other existing titles of the Code. The bill has a delayed effective date of October 1, 2021, and is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

## Failed

**[F] HB2292 Fossil fuel projects moratorium.** Establishes a moratorium, effective January 1, 2022, on any approval by any state agency or political subdivision required for (i) electric generating facilities that generate fossil fuel energy through the combustion or use of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) modification of an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that requires the use of public land or eminent domain on private property; (v) modification of such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; (vii) any facilities that change the physical state of fossil fuels for the purposes of transporting such fuel; and (viii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure requires the establishment of job training programs and energy worker protections, transitional assistance for workers in the fossil fuel industry and affected communities, and environmental justice protections.

*Patron - Cole, J.G.*

## Motor Vehicles

### Passed

**[P] HB1796 Special license plates; Virginia National Guard retirees.** Removes the fee for the issuance of a special license plate for retired members of the Virginia National Guard. Currently, such special license plates cost the same as the prescribed cost for a typical Virginia license plate.

*Patron - Walker*

**[P] HB1828 Commissioner of the Department of Motor Vehicles; powers and duties.** Authorizes the Commissioner of the Department of Motor Vehicles, for the duration of a declared state of emergency and for up to 90 days after it has been rescinded or expires, to (i) extend the validity or delay the cancellation of driver's licenses, special identification cards, and vehicle registrations; (ii) extend the time frame during which a driver improvement clinic or payment plan may be completed; (iii) extend the maximum number of days of residency permitted before a new resident must be licensed in Virginia to operate a motor vehicle in the Commonwealth; and (iv) extend the time frame during which a new resident may operate a motor vehicle in the Commonwealth that has been registered in another jurisdiction before registering the vehicle in the Commonwealth.

*Patron - Roem*

**[P] HB1846 Provisional drivers; use of handheld personal communications devices.** Eliminates the provision prohibiting a holder of a provisional driver's license to operate a vehicle while using a wireless communication device. Such provision was specific only to the holder of a provisional license. Under a different current law, all drivers, including those with a provisional driver's license, are prohibited from holding a personal communications device while operating a vehicle.

*Patron - Robinson*

**[P] HB1850 Motor vehicle weight limits; vehicles powered primarily by electric battery power or fueled primarily by natural gas.** Authorizes motor vehicles powered primarily by means of electric battery power to exceed relevant weight limits by 2,000 pounds, provided that such weight is on the power unit and such weight does not exceed 82,000 pounds on an interstate highway. The bill also changes the weight exemption for motor vehicles fueled primarily by natural gas on an interstate highway from the difference between the weight of the natural gas tank and fueling system and a comparable diesel tank and fueling system to up to an additional 2,000 pounds, provided that such weight is on the power unit and does not exceed 82,000 pounds.

*Patron - Reid*

**[P] HB1868 Commercial driver's licenses.** Disqualifies for life from holding a commercial driver's license persons convicted of a felony involving an act or practice of severe forms of trafficking in persons while driving a commercial motor vehicle. The bill prohibits the Department of Motor Vehicles and every district court or circuit court or the clerk thereof from reducing, dismissing, deferring, or otherwise concealing a conviction of any offense committed while operating a commercial motor vehicle or of any holder of a commercial driver's license or permit charged with any offense committed while operating a noncommercial motor vehicle and requires the Department and the courts to comply with federal laws and regulations regarding such convictions. The bill also authorizes Class A driver training schools to administer the commercial driver's license knowledge examinations.

*Patron - Delaney*

**[P] HB1887 Titling and registration of foreign market vehicles.** Authorizes the Department of Motor Vehicles to issue a negotiable title for a foreign market vehicle manufactured 25 or more years ago that does not comply with current federal safety requirements. Current law only allows for a negotiable title to be issued to such vehicles manufactured prior to 1968.

*Patron - Jenkins*

**[P] HB1901 Online Virginia Driver's Manual course; training school.** Removes the requirement that a driver training school providing the Virginia Driver's Manual course online be a computer-based driver education provider, as defined in the Code of Virginia.

*Patron - Carr*

**[P] HB1903 Local government authority; reduction of speed limits.** Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district.

*Patron - Carr*

**[P] HB1960 Vehicle registration; special communication needs indicator.** Expands eligibility for a special communication needs indicator on a vehicle registration to vehicle owners whose vehicle is regularly occupied by an individual

who has a disability that can impair communication. Current law authorizes those vehicle owners who have a disability that can impair communication to apply for such an indicator. The bill authorizes the removal of such indicator by request in writing to the Department of Motor Vehicles. This bill is identical to SB 1470.

*Patron - Bell*

**[P] HB1961 Special identification cards; application by guardian.** Authorizes the parent of any person under the age of 18 or the legal guardian of any person to apply for a special identification card on behalf of such person. Current law authorizes the parent or legal guardian of any person under the age of 15 to apply for a special identification card on behalf of such person.

*Patron - Bell*

**[P] HB2069 Special license plates; military decorations.** Establishes a system for determining the cost of special license plates for recipients of a military decoration based on the order of precedence of such military decoration as determined by the federal Department of Defense or other relevant federal agency. The bill authorizes the Department of Motor Vehicles to issue plates with a "V" for Valor Device on appropriate plates issued by the Department reflecting a military decoration. The bill provides that special license plates for recipients of a military decoration are exempt from the prepaid application requirement for special license plates and may be issued to unremarried surviving spouses of eligible recipients. The bill creates special license plates for recipients of the Distinguished Flying Cross with a "V" for Valor, the Airman's Medal, the Army Soldier's Medal, the Coast Guard Medal, the Distinguished Service Medal, the Navy Distinguished Service Medal, the Marine Corps Distinguished Service Medal, the Air Force Distinguished Service Medal, the Defense Distinguished Service Medal, and the Defense Superior Service Medal. The bill changes from one-time to annual the \$10 fee for certain special license plates issued after the effective date of this bill. This bill incorporates HB 1797.

*Patron - McQuinn*

**[P] HB2138 Identification privilege cards; fee; confidentiality; penalties.** Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022. This bill received Governor's recommendations.

*Patron - Guzman*

**[P] HB2163 Department of Motor Vehicles; privileged information.** Limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to

any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police.

*Patron - Tran*

**[P] HB2261 Special license plates; member of the Virginia National Guard.** Removes the fee for the issuance of special license plates to a member of the Virginia National Guard. Current law provides that such special license plates are issued at half the prescribed cost of state license plates. The bill does not change the fee for personalized special license plates.

*Patron - Wyatt*

**[P] HB2262 Traffic regulation; bicycles; report.** Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs, and to report any recommendations to the chairmen of the House and Senate Committees on Transportation.

*Patron - Hurst*

**[P] HB2284 Reinstatement of certain driving privileges.** Directs the Commissioner of the Department of Motor Vehicles to reinstate driving privileges, and to waive fees related to the reinstatement, for individuals whose privileges were suspended prior to July 1, 2019, for failure to pay court fines and costs in other jurisdictions.

*Patron - Williams Graves*

**[P] HB2294 Odometer disclosure exemption.** Provides that the exemption from disclosing a vehicle's odometer reading applies only to vehicles exempt from recording an odometer in another state that were manufactured (i) in or before the 2010 model year and transferred at least 10 years after January 1 of the vehicle's model year or (ii) in or after the 2011 model year and transferred at least 20 years after January 1 of the vehicle's model year. Current law exempts disclosure for vehicles exempt from disclosure in another state that were manufactured for a model year at least 10 years earlier than the vehicle transfer. This bill complies with federal regulations regarding odometer disclosure exemptions.

*Patron - Cole, J.G.*

**[P] HB2318 Test driving vehicles; residence districts; civil penalty.** Authorizes localities by ordinance to require motor vehicle dealers in the locality to notify a buyer or potential buyer that test driving a motor vehicle in a residence district that has been designated for increased fines is prohibited, unless the buyer or potential driver is driving to or from his residence. The bill requires the locality to notify licensed motor vehicle dealers located within the locality of the enactment of such ordinance and send a copy of such notification to the Motor Vehicle Dealer Board. The bill authorizes the locality to notify the Board if a buyer or potential buyer is convicted of a traffic infraction while conducting a test drive in a prohibited location. The bill provides that the Board may determine if the proper notice was given and impose a civil penalty if such notice was not given.

*Patron - Roem*

**[P] SB1136 Special license plates; removal.** Repeals the authorizations for issuance of special license plates no longer issued due to low plate sales, expired authorizations, or inability to issue. In addition, the bill directs the revenue shared

for previous issuances and renewals and future renewals of Kids Eat Free special license plates to the Division of Community Nutrition at the Virginia Department of Health.

*Patron - Marsden*

**[P] SB1160 Vehicles; liens; abandoned vehicles; removing vehicles involved in accidents.** Modernizes and improves enforcement of mechanics' and storage liens by (i) transferring notification and auction posting requirements to the Department of Motor Vehicles (the Department); (ii) allowing for independent appraisals to establish accurate vehicle values; (iii) expanding vehicle owner searches to other states and requiring the Department to notify owners in those states; and (iv) creating a limited process for relinquishing mechanics' and storage liens. The bill permits out-of-state requesters to obtain Virginia vehicle information for mechanics' or storage liens or abandoned vehicle enforcement in their states, and clarifies disposal rights, auction requirements, and titling documentation for abandoned vehicles. The Department is authorized to collect administrative fees to cover the expenses associated with these duties. The bill also provides that an entity acting at the direction of law enforcement or the Department of Transportation to remove a vehicle or cargo after an accident shall not be liable for damages or claims resulting from exercise of authority, provided that the entity acted reasonably. The provisions of this bill related to mechanics' and storage liens have a delayed effective date of January 1, 2022.

*Patron - Suetterlein*

**[P] SB1229 Special license plates; DUCKS UNLIMITED.** Authorizes the existing special license plates for supporters of Ducks Unlimited to become revenue-sharing special license plates. From each fee collected from registrations over 1,000, \$15 shall be deposited into a special account to be paid annually to Ducks Unlimited, Inc., to support its wetlands and waterfowl habitat programs in Virginia.

*Patron - Stuart*

**[P] SB1277 Repeal of reporting requirement; Department of Motor Vehicles and Supreme Court of Virginia.** Repeals an enactment clause that requires the Department of Motor Vehicles and the Supreme Court of Virginia to submit an annual report regarding the implementation of a program to allow the Department to collect certain fees and fines on behalf of a district or circuit court.

*Patron - Newman*

**[P] SB1335 Learner's permits; use of personal communications device.** Eliminates the provisions prohibiting a holder of a learner's permit or a holder of a provisional driver's license from operating a vehicle while using a wireless telecommunications device. Such provisions were specific only to the holder of a learner's permit or a provisional driver's license. Under a different current law, all drivers, including those with a learner's permit or a provisional driver's license, are prohibited from holding a handheld personal communications device while operating a vehicle.

*Patron - Stuart*

**[P] SB1470 Vehicle registration; special communication needs indicator.** Expands eligibility for a special communication needs indicator on a vehicle registration to vehicle owners whose vehicle is regularly occupied by an individual who has a disability that can impair communication. Current law authorizes those vehicle owners who have a disability that can impair communication to apply for such an indicator. The bill authorizes the removal of such indicator by request in writ-

ing to the Department of Motor Vehicles. This bill is identical to HB 1960.

*Patron - Barker*

## Failed

**[F] HB1752 Golf carts and utility vehicles; Town of Smithfield.** Authorizes the governing body of the Town of Smithfield to, by ordinance, authorize a golf cart or utility vehicle to be operated on a designated public highway where the posted speed limit is 35 miles per hour or less. The bill authorizes a golf cart or utility vehicle in the Town of Smithfield to cross any highway marked as a golf cart crossing by the Department of Transportation.

*Patron - Brewer*

**[F] HB1797 Special license plates; certain military declarations; fees.** Removes the fee for one special license plate for one motor vehicle owned and used by an applicant who has been awarded the Bronze Star, Bronze Star with a "V" for valor, or the Silver Star. The bill provides that the applicant will be charged the typical fee for state license plates for any such additional special license plates. This bill was incorporated into HB 2069.

*Patron - Walker*

**[F] HB1840 Issuing citations; certain traffic offenses.** Authorizes law-enforcement officers to lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle. The bill authorizes a law-enforcement officer to stop a pedestrian for jaywalking or entering a highway where the pedestrian cannot be seen. The bill provides that law-enforcement officers are permitted to stop a motor vehicle for an expired safety inspection or registration sticker immediately following the original expiration date. The bill removes the prohibition on using evidence discovered or obtained due to an impermissible stop, including evidence obtained with the person's consent, in any trial, hearing, or other proceeding. The bill removes prohibitions on stopping or arresting a driver of a motor vehicle for the violation of a local ordinance relating to the ownership or maintenance of a motor vehicle that is not a jailable offense.

*Patron - Wyatt*

**[F] HB1861 Use of compression release engine brakes in localities.** Authorizes counties, cities, and towns to regulate the use of compression release engine brakes when motor vehicles are operated within their boundaries and adjacent to residence districts.

*Patron - Guy*

**[F] HB1871 Motor vehicles used for the delivery of property; trade dress.** Requires motor vehicles used for the delivery of property to the purchaser to display a logo, insignia, or emblem identifying the person or entity with which the driver of the vehicle is associated during the delivery.

*Patron - Batten*

**[F] HB1886 Electronic titling; fleet.** Defines a "fleet" as 25 or more vehicles for the purpose of any electronic titling program established by the Department of Motor Vehicles for the registration or titling of fleet vehicles.

*Patron - Runion*

**[F] HB2026 Vehicle window tinting.** Exempts motor vehicles equipped with side mirrors from the prohibition on applying or affixing sun-shading or tinting films to the rear side windows or rear windows of such motor vehicles. Current law prohibits such films that reduce the total light transmittance of such window to less than 35 percent. The bill also decreases from 50 percent to 35 percent the amount of total light transmittance that can be reduced by such films on the front side windows of motor vehicles equipped with side mirrors.

*Patron - Tyler*

**[F] HB2077 Driving while holding a companion animal.** Prohibits operating a motor vehicle while holding a companion animal.

*Patron - Marshall*

**[F] HB2096 Special license plates; NOT FORGOTTEN.** Authorizes the issuance of revenue-sharing special license plates for supporters of Americans listed as prisoners of war or missing in action bearing the legend NOT FORGOTTEN. The bill requires that the design of such plate incorporate the POW/MIA Flag as designated by the federal National POW/MIA Flag Act. The bill exempts these special license plates from the requirement to obtain 450 prepaid applications for such plate. The bill provides that some of the license plate fees will be deposited in the POW/MIA Fund, established within the Department of Accounts, and paid annually to the National League of Families of American Prisoners and Missing in Southeast Asia and used to support its operation and programs in Virginia.

*Patron - O'Quinn*

**[F] HB2102 Special license plates; SPEARHEAD TRAILS.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Southwest Regional Recreation Authority bearing the legend SPEARHEAD TRAILS. The bill exempts these special license plates from the requirement to obtain 450 prepaid applications for such plate.

*Patron - Wampler*

**[F] HB2122 Golf carts and utility vehicles; Town of Ivor.** Adds the Town of Ivor to the list of towns that may authorize the operation of golf carts and utility vehicles on designated public highways despite not having established their own police departments.

*Patron - Brewer*

**[F] HB2146 Parked cars; VDOT right-of-way.** Authorizes vehicles to be stopped or parked in an unoccupied Department of Transportation right-of-way adjacent to a highway in case of an emergency, accident, or mechanical breakdown. The bill clarifies that the term "emergency" includes retrieving a companion animal from a highway or area adjacent to a highway.

*Patron - Miyares*

**[F] HB2248 Department of Motor Vehicles; personal information requests; fees.** Prohibits the Department of Motor Vehicles from charging fees in excess of administrative fees to any entity submitting a request for personal information. The bill limits requesters from repackaging or reselling data to third parties without prior authorization.

*Patron - Miyares*

**[F] HB2256 Local authority; parking.** Expands from certain listed localities to all localities the authority to regulate or prohibit by ordinance (i) parking on secondary highways; (ii) the parking of watercraft, boat trailers, motor homes, and

camping trailers on any public highway; and (iii) the parking of commercial vehicles on any public highway in a residence district.

*Patron - Cole, M.L.*

**[F] HB2260 Vehicle registration fees; Public Safety Trust Fund.** Imposes an additional \$4 vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The moneys in the Public Safety Trust Fund are to be used to eliminate barriers to an inclusive, diverse, and well-qualified workforce by addressing compensation issues related to staffing, retention, and pay compression at the Department of State Police.

*Patron - Scott*

**[F] SB1139 Animal-drawn vehicle equipment.** Establishes equipment requirements for animal-drawn vehicles operating on the highways of the Commonwealth, including brake systems, tires and wheels, headlamps, hazard lights, reflectors, rearview mirrors, and horns.

*Patron - Peake*

**[F] SB1211 Vehicle registration fees; Public Safety Trust Fund.** Imposes an additional \$4 vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The moneys in the Public Safety Trust Fund are to be used to eliminate barriers to an inclusive, diverse, and well-qualified workforce by addressing compensation issues related to staffing, retention, and pay compression at the Department of State Police.

*Patron - Edwards*

**[F] SB1263 Traffic regulations; bicycles.** Permits operators of bicycles to treat a stop sign as a yield sign in certain situations. The bill requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast.

*Patron - Morrissey*

**[F] SB1308 Pedestrians; interference with traffic; penalty.** Makes it a Class 1 misdemeanor offense for a pedestrian, when crossing a highway, to maliciously or intentionally interfere with the orderly passage of vehicles.

*Patron - DeSteph*

**[F] SB1337 Golf carts and utility vehicles; County of Westmoreland.** Authorizes the governing body of the County of Westmoreland to, by ordinance, authorize a golf cart or utility vehicle to be operated on a designated public highway where the posted speed limit is 40 miles per hour or less and the annual average daily traffic volume is less than 1,000 vehicles per day.

*Patron - Stuart*

**[F] SB1347 Motorcycles; auxiliary lighting.** Authorizes the use of any color auxiliary lighting, other than blue, on motorcycles and autocycles. Current law limits the color of any auxiliary lighting to red or amber.

*Patron - Reeves*

**[F] SB1386 Enforcement of private tolls; vehicle registration.** Prohibits the Commissioner of the Department of Motor Vehicles from refusing to issue or renew a vehicle registration or license plate solely because of unpaid tolls, administrative fees, or penalties owed to the private operator of a toll facility in the Commonwealth.

*Patron - Spruill*

**[F] SB1452 Special license plates; SPEARHEAD TRAILS.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Southwest Regional Recreation Authority bearing the legend SPEARHEAD TRAILS. The bill exempts these special license plates from the requirement to obtain 450 prepaid applications for such plate.

*Patron - Pillion*

**[F] SB1474 Nonrepairable and rebuilt vehicles.** Extends the sunset provision related to certain requirements related to nonrepairable and rebuilt vehicles from July 1, 2021, to July 1, 2022.

*Patron - Newman*

## Notaries and Out-of-State Commissioners

### Passed

**[P] HB2064 Recording an electronic document; electronic notarial certificate; emergency.** Provides that if a clerk has an eRecording System, the clerk shall follow the provisions of the Uniform Real Property Electronic Recording Act. The bill further provides that if a clerk does not have an eRecording System, the clerk shall record a legible paper copy of an electronic document, provided that such copy otherwise meets the requirements for recordation and is certified to be a true and accurate copy of the electronic original by the party who submits the document for recordation. The bill requires an electronic notarial certificate to include the county or city in the Commonwealth where the notary public was physically located and indicate whether the notarization was done in person or by remote online notarization, defined in the bill as an electronic notarization where the signer is not in the physical presence of the notary. The bill also adds additional forms of "satisfactory evidence of identity" when a notary is using video and audio communication. The bill contains an emergency clause.

*Patron - Simon*

## Pensions, Benefits, and Retirement

### Passed

**[P] HB2181 Virginia Retirement System; technical amendments.** Makes technical amendments to provisions of the Code of Virginia relating to the Virginia Retirement System to reflect recent changes to federal law and conform terminology to federal law. This bill is identical to SB 1251.

*Patron - Mundon King*

**[P] SB1251 Virginia Retirement System; technical amendments.** Makes technical amendments to provisions of the Code of Virginia relating to the Virginia Retirement System to reflect recent changes to federal law and conform terminology to federal law. This bill is identical to HB 2181.

*Patron - Newman*

### Failed

**[F] HB2097 Virginia Law Officers' Retirement System; Department of Corrections Special Investigations Unit.** Adds agents of the Department of Corrections Special Investigations Unit to the Virginia Law Officers' Retirement System (VaLORS). The bill provides that such employees will not be eligible to retire under VaLORS unless they have five years of creditable service as a member of VaLORS, the State Police Officers' Retirement System, or an equivalent local system.

*Patron - O'Quinn*

**[F] HB2195 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Provides that if a retired law-enforcement officer was employed by a local school division as a school security officer on January 1, 2020, and had a bona fide break in service of at least one month between retirement and employment as a school security officer, such person is not required to establish a 12-month break in service that would otherwise be required by law.

*Patron - Leftwich*

**[F] HB2264 Virginia Retirement System; retired law-enforcement officers employed as fingerprint examiners.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a law-enforcement agency as a civilian fingerprint examiner, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995.

*Patron - Leftwich*

**[F] SB1137 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Provides that if a retired law-enforcement officer was employed by a local school division as a school security officer on January 1, 2020, and had a bona fide break in service of at least one month between retirement and employment as a school security officer, such person is not required to establish a 12-month break in service that would otherwise be required by law.

*Patron - Cosgrove*

**[F] SB1409 Virginia Retirement System; retired law-enforcement officers employed as fingerprint examiners.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a law-enforcement agency as a civilian fingerprint examiner, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995.

*Patron - Cosgrove*

## Persons with Disabilities

### Passed

**[P] HB1805 Aging services; social need.** Requires the Department for Aging and Rehabilitative Services, in providing aging services, to use available resources to provide services to older persons with the greatest economic or social needs. The bill defines "economic need" as need resulting from

an income level at or below the poverty line. The bill defines "social need" as need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently. This bill is identical to SB 1366.

*Patron - Adams, D.M.*

**P SB1366 Aging services; social need.** Requires the Department for Aging and Rehabilitative Services, in providing aging services, to use available resources to provide services to older persons with the greatest economic or social needs. The bill defines "economic need" as need resulting from an income level at or below the poverty line. The bill defines "social need" as need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently. This bill is identical to HB 1805.

*Patron - Barker*

Failed

**F SB1185 Auxiliary grants; assisted living facilities.** Directs the Commissioner for Aging and Rehabilitative Services to adopt regulations that allow an assisted living facility in which 30 percent or more of the residents are auxiliary grant recipients to receive 200 percent of the auxiliary grant rate.

*Patron - Dunnivant*

## Police (State)

Passed

**P HB2216 Virginia Missing Person with Autism Alert Program.** Renames the Virginia Missing Child with Autism Alert Program to the Virginia Missing Person with Autism Alert Program and expands it to apply to any missing person with autism, regardless of age. The bill defines a "missing person with autism" as any person (i) whose whereabouts are unknown, (ii) who has been diagnosed with autism spectrum disorder as defined by the Code of Virginia, and (iii) whose disappearance poses a credible threat to the safety and health of the person.

*Patron - Hayes*

Failed

**F HB2226 Criminal street gang reporting; notice and process for contesting entry of information into databases.** Requires any agency that has determined that a person is a member of a criminal street gang to provide written notice, in English and Spanish, to the person, or, if the person is under 18 years of age, to his parent or guardian, of such determination and to describe in such notice the process for contesting

the determination prior to entering the person's information into the Organized Criminal Gang File of the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (the Department) or the Violent Criminal Gang File of the National Crime Information Center maintained by the Federal Bureau of Investigation (databases) or into any other systems that contain gang information or affiliation. The bill establishes a process that allows a person to contest the determination that he is a member of a criminal street gang, request information about whether his information has been entered into the databases or other systems, request removal of his information from the databases or other systems, and petition a general district court for review of an agency's decision to enter his information into the databases or other systems. The bill requires the Department to automatically remove the information from the databases or other systems of any person who has not been convicted of any criminal offenses in furtherance of or intended to benefit the criminal street gang within five years of the entry of his information in the databases or other systems and to provide written notification, in English and Spanish, of the removal to such person.

The bill also requires that on or before July 1, 2022, and annually thereafter, the Department of Corrections, the Department of Juvenile Justice, and any state or local law-enforcement agency, regional jail, or regional multijurisdictional law-enforcement task force that has submitted information to the shared gang databases within the preceding five years shall submit a report to the Department of Criminal Justice Services (DCJS) with certain information regarding its use of the databases or other systems. The bill requires that on or before November 1, 2022, and annually thereafter, the DCJS publish the total number of people included in the Organized Criminal Gang File of VCIN and the information submitted by each such agency on the DCJS website.

*Patron - Kory*

## Prisons and Other Methods of Correction

Passed

**P HB1874 Behavioral health services in local correctional facilities.** Requires the Board of Local and Regional Jails (the Board) to include in its minimum standards for behavioral health services in local correctional facilities requirements for (i) referral of individuals committed to local correctional facilities for whom a behavioral health screening indicates reason to believe the person may have mental illness to a behavioral health service provider for a behavioral health assessment and (ii) in cases in which there is reason to believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the local correctional facility to consult with the behavioral health service provider to implement immediate interventions and to provide ongoing monitoring to ensure the safety of the individual and (b) the behavioral health assessment to be completed within 72 hours of completion of the behavioral health screening unless the 72-hour period ends on a Saturday, Sunday, or legal holiday, in which case the assessment shall be completed by the close of business on the next working day. The bill requires the Board to (1) review the behavioral health screening and assessment process for individuals committed to local correctional facilities, (2) identify barriers to ensuring that all behavioral health assessments are completed within 72 hours of the behavioral health screening, (3) develop recommendations for addressing such barriers, and (4) report its findings and recommendations to the

Secretary of Public Safety and Homeland Security and the Chairmen of the House Committees on Health, Welfare and Institutions and Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2021.

*Patron - Coyner*

**[P] HB2010 Earned sentence credits.** Contains a technical amendment. This bill is declarative of existing law.

*Patron - Campbell, J.L.*

**[P] HB2167 Parole; notice and certification; monthly reports; discretionary early consideration.** Provides that the Department of Corrections shall set the release date for an inmate granted discretionary parole or conditional release no sooner than 30 business days from the date that the Department of Corrections receives notification from the Chairman of the Parole Board of the Board's decision to grant discretionary parole or conditional release, except that the Department of Corrections may set an earlier release date in the case of a terminally ill inmate granted conditional release. The bill provides that in the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release or (ii) by telephone or other electronic means prior to release that a terminally ill inmate has been granted conditional release where death is imminent.

The bill requires that the monthly reports issued by the Board regarding actions taken on the parole of prisoners (a) be published on the fifteenth day of the month and (b) include the name of each prisoner considered for parole, the offense of which the prisoner was convicted, the jurisdiction in which such offense was committed, the amount of time the prisoner has served, whether the prisoner was granted or denied parole, and the basis for the grant or denial of parole. However, in the case of a prisoner granted parole, the bill provides that such information shall be included in the statement published in the month immediately succeeding the month in which notification of such decision was given to the attorney for the Commonwealth and any victim. The bill also provides that if additional victim research is necessary, electronic notification shall be sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of the jurisdiction in which the offense occurred. The bill provides that the provisions regarding the monthly reports issued by the Board shall become effective on July 1, 2022. This bill received Governor's recommendations.

*Patron - Scott*

**[P] SB1300 Board of Local and Regional Jails; review services provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery; report.** Directs the Board of Local and Regional Jails (the Board), in consultation with a stakeholder work group, to (i) identify and analyze all obstetric and gynecological services and any other services provided by local and regional jails to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery; (ii) compare such services to best practices recommended by the American Correctional Association, American Jail Association, National Commission on Correctional Health Care, and American College of Obstetricians and Gynecologists; and (iii) develop recommendations to ensure that proper services are provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery. The bill directs the Board to (a) post its findings and recommendations on its website and report such findings and recommendations to the Secretary of

Public Safety and Homeland Security and the Chairmen of the Senate Committee on the Judiciary, Senate Committee on Rehabilitation and Social Services, House Committee for Courts of Justice, and House Committee on Public Safety by July 1, 2022, and (b) adopt regulations consistent with its findings and recommendations.

*Patron - Favola*

**[P] SB1397 Parole and conditional release of geriatric or terminally ill inmates; notice to attorney for the Commonwealth.** Provides that the Department of Corrections shall set the release date for an inmate granted discretionary parole or conditional release no sooner than 30 business days from the date that the Department of Corrections receives notification from the Chairman of the Parole Board of the Board's decision to grant discretionary parole or conditional release, except that the Department of Corrections may set an earlier release date in the case of a terminally ill inmate granted conditional release. The bill provides that in the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release or (ii) by telephone or other electronic means prior to release that a terminally ill inmate has been granted conditional release where death is imminent.

*Patron - Norment*

## Failed

**[F] HB1761 Parole; investigation prior to release.** Provides that the Parole Board shall contact the victim prior to making any decision to release any inmate on discretionary parole. The bill provides that the term "victim" includes a spouse, parent, sibling, or legal guardian of a person who was the victim of a homicide.

*Patron - McGuire*

**[F] HB1762 Parole; monthly report.** Requires that the monthly report issued by the Virginia Parole Board regarding actions taken on the parole of prisoners includes the offenses of which prisoners considered for parole were convicted, the jurisdictions in which such offenses were committed, and the age ranges of the victims.

*Patron - McGuire*

**[F] HB2011 Parole; investigation prior to release; notice to victim.** Requires the Parole Board to contact all victims of a crime for which a prisoner is incarcerated and eligible for parole and notify them that they may request that the Board only notify the victim if, following its review, the Board is inclined to grant parole to the prisoner, in which case the victim shall have 45 days to present written or oral testimony for the Board's consideration. Current law states that a victim may request notification only if the Board is inclined to grant parole, but does not require the Board to notify victims of such option.

*Patron - Campbell, J.L.*

**[F] HB2141 Parole; investigation prior to release.** Requires the Parole Board to contact the victim, replacing the current requirement to "endeavor diligently" to contact the victim, prior to making any decision to release any inmate on discretionary parole and allows the victim to present virtual testimony to the Board concerning the impact that the release of the prisoner will have on the victim.

*Patron - Miyares*



**F HB2309 Condition of parole; Sex Offender and Crimes Against Minors Registry; penalty.** Requires any person released on parole who was convicted of murder or any Tier I, Tier II, or Tier III offense prior to July 1, 1994, who is not required to be registered in the Commonwealth with the Sex Offender and Crimes Against Minors Registry to register, reregister, and verify his registration information with the Registry as a condition of his parole. The bill provides that the provisions and procedures of the Sex Offender and Crimes Against Minors Registry Act shall apply mutatis mutandis.

*Patron - Brewer*

**F HB2325 Creation of Office of the Department of Corrections Ombudsman.** Creates the Office of the Department of Corrections Ombudsman (the Office). The bill enumerates the duties and powers of the Office, which include (i) providing information, as appropriate, to inmates, family members, representatives of inmates, Department of Corrections employees and contractors, and others regarding the rights of inmates; (ii) monitoring conditions of confinement and assessing compliance with applicable federal, state, and local rules, regulations, policies, and best practices as related to the health, safety, welfare, and rehabilitation of inmates; (iii) providing technical assistance to support inmate participation in self-advocacy; (iv) providing technical assistance to local governments in the creation of correctional facility oversight bodies, as requested; (v) establishing a statewide uniform reporting system to collect and analyze data related to complaints received by the Department and data related to (a) deaths, suicides, and suicide attempts in custody; (b) physical and sexual assaults in custody; (c) the number of inmates placed in solitary confinement; (d) the number of facility lockdowns lasting longer than 24 hours; (e) the number of staff vacancies at each facility; (f) the inmate-to-staff ratios at each facility; (g) staff tenure and turnover; and (h) the number of in-person visits to inmates that were made and denied at each facility; (vi) establishing procedures to gather stakeholder input into the Office's activities and priorities, which must include, at a minimum, an annual 30-day period for receipt of and Office response to public comment; (vii) inspecting each state correctional facility at least once every three years and at least once every year for any maximum security facility and any facility where the Office has found cause for more frequent inspection or monitoring; and (viii) issuing publicly periodic facility inspection reports and an annual report with recommendations on the state correctional facilities and a summary of data and recommendations arising from any complaints investigated and resolved.

The bill also establishes a Corrections Oversight Committee, which is responsible for selecting the Department of Corrections Ombudsman. The bill additionally outlines the Office's authority to conduct inspections of each Department facility and requires the submission of an annual report to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee for Courts of Justice, and the Director of the Department. The bill also provides for the authority of the Office to conduct investigations of complaints made by inmates, family members or friends, and advocates.

*Patron - Hope*

**F SB1104 Parole; notice and certification; monthly reports.** Provides that the Department of Corrections shall release a prisoner no sooner than 21 business days after the date of notification by the Virginia Parole Board (the Board) to the appropriate attorney for the Commonwealth of the decision to grant parole. The bill authorizes the Board to make such notification electronically and by certified mail; under current law, only certified mail may be used. The bill requires that the monthly reports issued by the Board regarding actions taken on the parole of prisoners (i) be published on the last day of the

month and (ii) include the offenses of which prisoners considered for parole were convicted, the jurisdictions in which such offenses were committed, and the amount of time served by such prisoners. However, a prisoner's name shall be included in the report only if the attorney for the Commonwealth and any victims have been notified; otherwise, inclusion in the report is delayed to the following month. The bill requires that when notice is sent to a victim of the victim's right to present evidence to the Board of the impact that the release of a prisoner will have on the victim, such notice shall also be sent to the attorney for the Commonwealth and the director of the victim/witness program of the jurisdiction in which the prisoner's offense occurred. This bill incorporates SB 1293.

*Patron - Obenshain*

**F SB1125 Parole Board; notice to victim.** Requires the Parole Board, within seven days of making any decision regarding the parole of a prisoner, to provide written or electronic notice of such decision to the victim of the crime for which the prisoner was incarcerated, unless the victim has submitted a written request to forgo such notice.

*Patron - Obenshain*

**F SB1179 Corrections Private Management Act; name change; private management prohibited.** Removes the authority of the Director of the Department of Corrections, pursuant to the Corrections Private Management Act (the Act), to enter into contracts with prison contractors for the operation of prison facilities, including management, custody of inmates, and provision of security. The bill does not affect the Director's authority pursuant to the Act, renamed by the bill as the Corrections Private Services Act, to enter into private contracts for other correctional services, including those related to food service, medical care, transportation, sanitation, information systems, education and training programs, recreational or religious activities, financing, construction, or maintenance. The bill has a delayed effective date of July 1, 2024, except for a requirement that the Department implement a compliance plan for all prisons by that date.

*Patron - Ebbin*

**F SB1232 Conditional release of geriatric prisoners; exceptions.** Prohibits persons serving a sentence imposed upon a conviction of murder in the first or second degree or murder of a pregnant woman, if the offense resulting in such conviction occurred on or after July 1, 2021, from petitioning the Parole Board for conditional release on the basis of age. The bill also provides that persons may petition the Parole Board for conditional release when they reach age 70 and have served at least 65 percent of their sentence. Under current law, such persons may petition the Parole Board when they reach age 65 and have served at least five years of their sentence or reach age 60 and have served at least 10 years of their sentence. A person serving a sentence for a Class 1 felony will continue to be an exception as in current law and may not petition the Parole Board for conditional release on the basis of age.

*Patron - Chase*

**F SB1293 Parole Board; monthly reports.** Requires that statements issued by the Virginia Parole Board regarding actions taken on the parole of prisoners (i) be published within 30 days of such actions and (ii) include the name of each prisoner considered for parole, the offense for which the prisoner considered for parole was convicted, the jurisdiction in which such offense was committed, the length of the prisoner's sentence and the date such sentence was imposed, the amount of time the prisoner has served, and whether parole was granted or denied and the basis for denial. Under current law, the Board is required to publish a monthly statement that lists the name of

each prisoner considered for parole and indicates whether parole was granted or denied and the basis for denial. This bill was incorporated into SB 1104.

*Patron - DeSteph*

**[F] SB1301 Correctional facilities; use of isolated confinement.** Prohibits the use of isolated confinement in state correctional facilities and juvenile correctional centers, subject to certain exceptions. Isolated confinement is defined in the bill as confinement of a prisoner or juvenile to a cell, alone or with another prisoner or juvenile, for 20 hours or more per day for an adult or for 17 hours or more per day for a juvenile, other than for the purpose of providing medical or mental health treatment. The bill has a delayed effective date of July 1, 2022. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Morrissey*

**[F] SB1363 Board of Local and Regional Jails; powers and duties.** Restores the authority of the State Board of Local and Regional Jails (the Board) to (i) ensure the development of long-range policies, programs, and plans for corrections services provided at the state and local levels; (ii) review and comment on all budgets and requests for appropriations for the Department of Corrections (the Department) prior to submission to the Governor and on all applications for federal funds; and (iii) monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board. Chapter 375 of the Acts of Assembly of 2011 repealed the Board's authority to perform these functions. The bill also provides to the Board the power and duty to (a) develop and establish operational and fiscal standards governing the operation of state correctional facilities; (b) make, adopt, and promulgate such rules and regulations as may be necessary to carry out the laws of the Commonwealth pertaining to state correctional facilities; (c) develop and implement policies and procedures for the review of the death of any inmate that the Board determines warrants review that occurs in any state correctional facility; (d) establish minimum standards for health care services, including medical, dental, pharmaceutical, and behavioral health services, in state correctional facilities and procedures for enforcing such minimum standards; (e) review and approve the content and frequency of correctional officer training programs provided by the Department; and (f) collect and review information on disciplinary practices and trends in state, local, regional, and community correctional facilities and, as appropriate, adopt rules and regulations to improve disciplinary practices. The bill also increases from nine to 14 the number of members to be appointed to the Board and modifies the eligibility requirements for such members. The bill allows, despite such modifications to Board membership eligibility requirements, current members of the Board to continue serving for the remainder of the members' current, unexpired terms. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Marsden*

**[F] SB1370 Application of parole statutes for juveniles and persons committed upon felony offenses committed on or after January 1, 1995.** Repeals the abolition of parole. The bill requires the Virginia Parole Board to establish procedures for consideration of parole for persons who were previously ineligible for parole because parole was abolished and to allow for an extension of time for the scheduling of a parole interview for reasonable cause.

*Patron - Edwards*

## Professions and Occupations

### Passed

**[P] HB1737 Nurse practitioners; practice without a practice agreement.** Reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written or electronic practice agreement. The bill has an expiration date of July 1, 2022.

*Patron - Adams, D.M.*

**[P] HB1747 Clinical nurse specialist; licensure; practice.** Changes for clinical nurse specialists the requirement to register with the Board of Nursing as a clinical nurse specialist to licensure by the Boards of Medicine and Nursing to practice as a nurse practitioner in the category of clinical nurse specialist and provides that a nurse practitioner licensed as a clinical nurse specialist shall practice pursuant to a practice agreement between the clinical nurse specialist and a licensed physician and in a manner consistent with the standards of care for the profession and applicable law and regulations. For the transition of registration to licensure, the bill requires the Boards of Medicine and Nursing to jointly issue a license to practice as a nurse practitioner in the category of a clinical nurse specialist to an applicant who is an advance practice registered nurse who has completed an advanced graduate-level education program in the specialty category of clinical nurse specialist and who is registered by the Board of Nursing as a clinical nurse specialist on July 1, 2021.

*Patron - Adams, D.M.*

**[P] HB1817 Practice of certified nurse midwives.** Expands the categories of practitioners with whom a certified nurse midwife may enter into a practice agreement to include other certified nurse midwives who have practiced for at least two years and allows a certified nurse midwife who has practiced at least 1,000 hours to practice without a practice agreement. The bill also provides that certified nurse midwives shall practice in accordance with regulations of the Boards of Medicine and Nursing and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives and shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

*Patron - Adams, D.M.*

**[P] HB1853 Lawyers; client accounts.** Repeals the provision prohibiting the Supreme Court of Virginia from adopting a disciplinary rule requiring that lawyers deposit client funds in an interest-bearing account. The bill provides that any rule promulgated by the Supreme Court of Virginia requiring attorney participation in the Interest on Lawyers Trust Accounts (IOLTA) program clearly state that an attorney or law firm has no responsibility to remit interest earned to the IOLTA program.

*Patron - Sullivan*

**[P] HB1894 Certain employees of the Department of Juvenile Justice; naloxone or other opioid antagonist.** Authorizes employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice.

*Patron - Kory*

**P HB1913 Programs to address career fatigue and wellness in certain health care providers; civil immunity; emergency.** Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed, registered, or certified by the Boards of Medicine, Nursing, or Pharmacy, or in students enrolled in a school of medicine, osteopathic medicine, nursing, or pharmacy located in the Commonwealth. The bill contains an emergency clause and is identical to SB 1205.

*Patron - Hope*

**P HB1953 Licensed certified midwives; licensure; practice.** Defines "practice of licensed certified midwifery," directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife, and requires licensed certified midwives to practice in consultation with a licensed physician in accordance with a practice agreement. The bill also directs the Department of Health Professions to convene a work group to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives to determine the appropriate licensing entity for such professionals. The bill requires the Department to report its findings and conclusions to the Governor and the General Assembly by November 1, 2021. This bill is identical to SB 1320.

*Patron - Gooditis*

**P HB1988 Board of Pharmacy; pharmaceutical processors; processing and dispensing cannabis oil.** Effects numerous changes to the processing and dispensing of cannabis oil by pharmaceutical processors in the Commonwealth. The bill defines the term "designated caregiver facility" and allows any staff member or employee of a designated caregiver facility to assist with the possession, acquisition, delivery, transfer, transportation, and administration of cannabis oil for any patients residing in the designated caregiver facility. The bill allows written certifications for use of cannabis oil to include an authentic electronic practitioner signature. The bill also eliminates the requirement that a pharmacist have oversight of the cultivation and processing areas of a pharmaceutical processor, instead requiring pharmaceutical processors to designate a person to oversee cultivation and production areas; removes the requirement that a cannabis dispensing facility undergo quarterly inspections, instead requiring that inspections occur no more than once annually; and allows pharmaceutical processors to remediate cannabis oil that fails any quality testing standard. The bill requires pharmaceutical processors to maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. The bill directs the Board of Pharmacy to promulgate regulations implementing the provisions of the bill and regulations creating reasonable restrictions on advertising and promotion by pharmaceutical processors by September 1, 2021.

*Patron - Adams, D.M.*

**P HB2007 Prescription drug price transparency.** Directs the Department of Health to enter into a contract or an agreement with a nonprofit data services organization to collect, compile, and make available on its website information about prescription drug pricing and requires every health carrier, pharmacy benefits manager, and drug manufacturer to report information about prescription drug prices to the nonprofit data services organization with which the Department of

Health has entered into a contract for such purpose. The bill provides that in any case in which the Department determines that the data reported by health carriers, pharmacy benefit managers, and drug manufacturers is insufficient, the Department may require wholesale distributors to report certain data about prescription drug costs. The bill has a delayed effective date of January 1, 2022, and directs the Department of Health to adopt emergency regulations to implement the provisions of the bill.

*Patron - Sickles*

**P HB2039 Practice as a physician assistant.** Allows a physician assistant to enter into a practice agreement with more than one patient care team physician or patient care team podiatrist and provides that a patient care team physician or patient care team podiatrist shall not be liable for the actions or inactions of a physician assistant for whom the patient care team physician or patient care team podiatrist provides collaboration and consultation. The bill also makes clear that a student physician assistant shall not be required to be licensed in order to engage in acts that otherwise constitute practice as a physician assistant, provided that the student physician assistant is enrolled in an accredited physician assistant education program.

*Patron - Rasoul*

**P HB2079 Pharmacists; initiation of treatment; certain drugs and devices.** Expands provisions governing the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists to allow the initiation of treatment with and dispensing and administering of drugs, devices, and controlled paraphernalia to persons 18 years of age or older, in accordance with protocols developed by the Board of Pharmacy in collaboration with the Board of Medicine and the Department of Health, and of (i) vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention; (ii) tuberculin purified protein derivative for tuberculosis testing; (iii) controlled substances for the prevention of human immunodeficiency virus, including controlled substances prescribed for pre-exposure and post-exposure prophylaxis pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention; and (iv) drugs, devices, controlled paraphernalia, and other supplies and equipment available over-the-counter, covered by the patient's health carrier when the patient's out-of-pocket cost is lower than the out-of-pocket cost to purchase an over-the-counter equivalent of the same drug, device, controlled paraphernalia, or other supplies or equipment. The bill requires any pharmacist who administers a vaccination pursuant to clause (i) to report such administration to the Virginia Immunization Information System. The bill also (a) requires the Board of Pharmacy, in collaboration with the Board of Medicine and the Department of Health, to establish protocols for the initiation of treatment with and dispensing and administering of drugs, devices, and controlled paraphernalia by pharmacists in accordance with the provisions of the bill by November 1, 2021; (b) requires the Board of Pharmacy, in collaboration with the Board of Medicine, to adopt regulations within 280 days of the bill's enactment to implement the provisions of the bill; and (c) requires the Board of Pharmacy to convene a work group composed of an equal number of representatives of the Boards of Pharmacy and Medicine and other stakeholders to provide recommendations regarding the developing of protocols for the initiation of treatment with and dispensing and administering of certain drugs and devices by pharmacists to persons 18 years of age or older.

*Patron - Rasoul*

**P HB2116 Certain declared states of emergency; priority for personal protective equipment and immunizations; funeral service licensees and funeral service estab-**

**lishment employees; emergency.** Provides that in any case in which the Board of Health or Commissioner of Health has made an emergency order or regulation for the purpose of suppressing nuisances dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health, funeral service licensees and persons employed by a funeral service establishment shall be included in any group afforded priority with regard to (i) access to personal protective equipment and (ii) administration of any vaccination against such communicable disease of public health threat during such emergency. The bill contains an emergency clause.

*Patron - Mugler*

**[P] HB2202 Board for Contractors; exemption from certification as an elevator mechanic or accessibility mechanic.** Provides that an individual is not required to be certified as an elevator mechanic or accessibility mechanic when working under the direct and immediate supervision of an elevator mechanic or certified accessibility mechanic who is certified in the specialty for which work is being performed.

*Patron - Jones*

**[P] HB2218 Pharmaceutical processors; cannabis products.** Permits pharmaceutical processors to produce and distribute cannabis products other than cannabis oil and for that purpose defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill provides that if a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. The bill allows the Board of Pharmacy to assess and collect botanical cannabis regulatory fees to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology. The bill exempts the Board of Pharmacy's acquisition of a commercially available cannabis-specific software product to implement the provisions of the bill from the Virginia Public Procurement Act. This bill is identical to SB 1333.

*Patron - Hayes*

**[P] HB2220 Surgical technologist; certification; use of title.** Provides that no person shall hold himself out to be a surgical technologist or use or assume the title of "surgical technologist" or "certified surgical technologist" unless such person is certified by the Board of Medicine; currently, a person must be registered with the Board of Medicine to use the title "registered surgical technologist." The bill also (i) adds a requirement that an applicant whose certification is based on his holding a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting also demonstrate that he has successfully completed an accredited surgical technologist training program and (ii) provides that the Board of Medicine may certify a person who has practiced as a surgical technologist at any time in the six months prior to July 1, 2021, provided that he registers with the Board of Medicine by December 31, 2021.

*Patron - Hayes*

**[P] SB1178 Genetic counseling; conscience clause.** Repeals the conscience clause for genetic counselors who forgo participating in counseling that conflicts with their deeply held moral or religious beliefs, provided that they inform the patient and offer to direct the patient to the online directory of licensed genetic counselors maintained by the

Board of Medicine. The law being repealed also prohibits the licensing of any genetic counselor from being contingent upon participating in such counseling.

*Patron - Ebbin*

**[P] SB1187 Department of Health Professions; practice of physical therapy.** Extends from 30 days to 60 days the time allowed for a physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization to evaluate and treat patients after an initial evaluation without a referral under certain circumstances. The bill also provides that after discharging a patient a physical therapist shall not perform an initial evaluation of a patient without a referral if the physical therapist has performed an initial evaluation of the patient for the same condition within the immediately preceding 60 days.

*Patron - Hashmi*

**[P] SB1189 Licensure of occupational therapists; Occupational Therapy Interjurisdictional Licensure Compact.** Authorizes Virginia to become a signatory to the Occupational Therapy Interjurisdictional Licensure Compact. The Compact permits eligible licensed occupational therapists and occupational therapy assistants to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2022, and directs the Board of Medicine to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state.

*Patron - Hashmi*

**[P] SB1205 Programs to address career fatigue and wellness in certain health care providers; civil immunity; emergency.** Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed, registered, or certified by the Boards of Medicine, Nursing, or Pharmacy, or in students enrolled in a school of medicine, osteopathic medicine, nursing, or pharmacy located in the Commonwealth. The bill contains an emergency clause and is identical to HB 1913.

*Patron - Barker*

**[P] SB1234 Attorneys; applicants for Virginia Bar examination.** Allows persons who have completed all degree requirements from a law school not approved by the American Bar Association, including a foreign law school, obtained an LL.M. from a law school approved by the American Bar Association, and been admitted to practice law before the court of last resort in any state or territory of the United States or the District of Columbia to sit for the Virginia Bar examination.

*Patron - Petersen*

**[P] SB1320 Licensed certified midwives; licensure; practice.** Defines "practice of licensed certified midwifery," directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife, and requires licensed certified midwives to practice in consultation with a licensed physician in accordance with a practice agreement. The bill also directs the Department of Health Professions to convene a work group to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives to determine the appropriate licensing entity for such professionals. The bill requires the Department to report its findings and conclusions

to the Governor and the General Assembly by November 1, 2021. This bill is identical to HB 1953.

*Patron - Lucas*

**[P] SB1333 Pharmaceutical processors; cannabis products.** Permits pharmaceutical processors to produce and distribute cannabis products other than cannabis oil and for that purpose defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill provides that if a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. The bill allows the Board of Pharmacy to assess and collect botanical cannabis regulatory fees to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology. The bill exempts the Board of Pharmacy's acquisition of a commercially available cannabis-specific software product to implement the provisions of the bill from the Virginia Public Procurement Act. This bill is identical to HB 2218.

*Patron - Lucas*

**[P] SB1464 Drug Control Act; Schedule I.** Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule.

*Patron - Newman*

## Failed

**[F] HB1748 Actions against real estate appraisers or appraisal management companies; statute of limitations.** Provides that no action for damages or other relief alleging that a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser, or an appraisal management company committed malpractice or negligence or an error, mistake, omission, or breach in an appraisal or appraisal report, whether based on contract or tort, shall be brought unless it is filed in a court of competent jurisdiction and proper venue within one year from the date that the alleged malpractice, negligence, error, mistake, omission, or breach is discovered or should have been discovered, and in no case more than five years from the date of the malpractice, negligence, error, mistake, omission, or breach. The bill provides exceptions for actions alleging fraud and proceedings initiated by the Real Estate Appraiser Board. The bill provides that any action for damages or other relief alleging that a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser, or an appraisal management company committed malpractice or negligence or an error, mistake, omission, or breach in an appraisal or appraisal report on or before July 1, 2021, shall be filed in a court of competent jurisdiction and proper venue on or before July 1, 2022, regardless of the date of discovery of the alleged malpractice, negligence, error, mistake, omission, or breach.

*Patron - Ware*

**[F] HB1769 Certain health care providers; licensure or certification by endorsement.** Requires the Board of Medicine to issue a license or certificate by endorsement to an applicant who holds a valid, unrestricted license or certificate under

the laws of another state, the District of Columbia, or a United States territory or possession with which the Commonwealth has not established a reciprocal relationship upon endorsement by the appropriate board or other appropriate authority of such other state, the District of Columbia, or United States territory or possession and a determination by the Board of Medicine that the applicant's credentials are satisfactory to the Board of Medicine and the examinations and passing grades required by such other board or authority are fully equal to those required by the Board of Medicine.

*Patron - Freitas*

**[F] HB1792 Board for Contractors; necessity for license; exemption for work on certain state-owned emergency power generators.** Exempts from licensure and certification requirements persons bidding upon or performing services on a public contract with a unit of state government or a political subdivision of the Commonwealth related to the maintenance or repair of natural gas, propane, gasoline, or diesel-powered engines used as emergency power generators.

*Patron - McNamara*

**[F] HB1795 Board of Counseling; licensure of professional counselors without examination.** Requires the Board of Counseling to issue a license as a licensed professional counselor without examination to a person who has applied for such a license and who satisfies all other education, experience, and fitness to practice requirements set forth in regulation and who, in the judgment of the Board, is qualified to practice professional counseling.

*Patron - Cole, M.L.*

**[F] HB1959 Study; Health Professions Subcommittee of the Committee on Health, Welfare and Institutions; options for reducing rates of medication abandonment and increasing patient medication adherence; report.** Directs the Health Professions Subcommittee of the Committee on Health, Welfare and Institutions to study options for reducing the rates of medication abandonment and increasing patient medication adherence, including the feasibility of permitting health plans and pharmacy benefits managers to make available in real time to enrollees and their health care providers, upon request of such health care provider made at the time a prescription drug is prescribed to an enrollee, information regarding the actual cost and any benefits of the prescription drug and any health insurance coverage related to the prescription drug.

*Patron - Fowler*

**[F] HB1974 Professional regulation; exemptions from license requirements for architects and professional engineers; onsite sewage systems receiving residential wastewater.** Removes certain requirements from the exemption from licensure as an architect or professional engineer for persons who prepare plans, specifications, documents, and designs for conventional and alternative onsite sewage systems receiving residential wastewater. The bill removes the requirement that any such plans, specifications, documents, or designs utilize packaged equipment generally, changes the allowable flow rate from 1,000 to 1,200 gallons per day, and removes stipulations related to the inclusion of pumps.

*Patron - Rush*

**[F] HB2005 Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition of remains.** Establishes an order of priority for persons who have the right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains and establishes processes by which such persons may assert or forfeit their right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his

remains. The bill also provides protections for any funeral service establishment, funeral service establishment manager of record, funeral service licensee, funeral director, embalmer, registered crematory, registered crematory owner, registered crematory manager of record, or certified crematory operator that relies upon a written statement made by a person attesting to his right to make arrangements or otherwise be responsible for a decedent's funeral and sets out rights of funeral service establishments when there is a dispute regarding the arrangements of a decedent's funeral or his remains or the identity of any persons who have the right to make arrangements for the decedent. The bill also adds provisions related to designation of a person to make arrangements for a decedent's funeral or disposition of a decedent's remains, clarification of decision-making authority when next of kin disagrees, and procedures in the absence of next of kin for cemeteries or cemetery companies.

*Patron - Sickles*

**[F] HB2044 Naturopathic doctors; license required.** Requires the Board of Medicine to license and regulate naturopathic doctors. The practice of naturopathic medicine is defined in the bill as (i) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease and (ii) the use of both naturopathic and traditional medical therapies to promote or restore whole patient health. The bill also establishes the Advisory Board on Naturopathic Medicine to assist the Board of Medicine in formulating regulations related to the practice of naturopathic medicine.

*Patron - Rasoul*

**[F] HB2241 Unborn child protection from dismemberment abortion; penalties.** Prohibits the practice of dismemberment abortion, which is defined in the bill as meaning to, with the purpose of causing the death of an unborn child, purposely dismember a living unborn child and extract him one piece at a time from the uterus through the use of clamps, grasping forceps, tongs, scissors, or any other instrument that, through the convergence of two rigid levers, slice, crush, or grasp a portion of the unborn child's body to cut or rip such portion of the unborn child's body. The term does not include an abortion that uses suction to dismember the body of an unborn child by sucking fetal parts into a collection container, but it does include an abortion in which a dismemberment abortion is used to cause the death of an unborn child but suction is subsequently used to extract fetal parts after the death of the unborn child. The bill provides that a person who purposely performs a dismemberment abortion is guilty of a Class 4 felony. A cause of action is also created for injunctive relief and civil damages. An exception is made when a dismemberment abortion is necessary to prevent serious health risk to the unborn child's mother.

*Patron - LaRock*

**[F] HB2259 Professions and occupations; licensure by Governor.** Provides that the Governor may issue a license of the kind granted by a regulatory board under the Department of Professional and Occupational Regulation or the Department of Health Professions to any person whose application for such license to such board has been denied.

*Patron - Scott*

**[F] HB2272 Department of Health Professions; naturopathic doctors.** Directs the Department of Health Professions to amend its regulations to require that a person complete a four-year accredited doctoral program in naturopathy and pass the naturopathy examination administered by the Virginia Naturopathic Doctors Association in order to use the title "Naturopathic Doctor" or "ND." The bill requires the Depart-

ment to collaborate with the Virginia Naturopathic Doctors Association to draft and implement regulations related to the scope of practice of naturopathic doctors in the Commonwealth.

*Patron - Fowler*

**[F] HB2279 Professions and occupations; Board for Contractors; continuing education prohibited.** Prohibits the Board for Contractors from requiring continuing education as a prerequisite to renewal of any certificate or license issued under its authority.

*Patron - Campbell, J.L.*

**[F] SB1167 Board of Nursing; licensure or certification by endorsement for members of the United States military.** Permits the Board of Nursing to issue licenses and certifications by endorsement for registered nurses, licensed practical nurses, and certified nurse aides who hold a similar or equivalent license or certification from the medical corps of a branch of the United States military.

*Patron - Kiggans*

**[F] SB1192 Department of Health Professions; naturopathic doctors.** Directs the Department of Health Professions to amend its regulations to require that a person complete a four-year accredited doctoral program in naturopathy and pass the naturopathy examination administered by the Virginia Naturopathic Doctors Association in order to use the title "Naturopathic Doctor" or "ND." The bill requires the Department to collaborate with the Virginia Naturopathic Doctors Association to draft and implement regulations related to the scope of practice of naturopathic doctors in the Commonwealth.

*Patron - Kiggans*

**[F] SB1218 Naturopathic doctors; license required.** Requires the Board of Medicine to license and regulate naturopathic doctors. The practice of naturopathic medicine is defined in the bill as (i) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease and (ii) the use of both naturopathic and traditional medical therapies to promote or restore whole patient health. The bill also establishes the Advisory Board on Naturopathic Medicine to assist the Board of Medicine in formulating regulations related to the practice of naturopathic medicine.

*Patron - Petersen*

**[F] SB1324 Actions against real estate appraisers or appraisal management companies; statute of limitations.** Provides that no action for damages or other relief alleging that a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser, or an appraisal management company committed malpractice or negligence or an error, mistake, omission, or breach in an appraisal or appraisal report, whether based on contract or tort, shall be brought unless it is filed in a court of competent jurisdiction and proper venue within five years from the date of the malpractice, negligence, error, mistake, omission, or breach. The bill provides exceptions for actions alleging fraud and proceedings initiated by the Real Estate Appraiser Board. The bill provides that any action for damages or other relief alleging that a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser, or an appraisal management company committed malpractice or negligence or an error, mistake, omission, or breach in an appraisal or appraisal report on or before July 1, 2021, shall be filed in a court of competent jurisdiction and proper venue on or before July 1, 2022, regardless of the date

of discovery of the alleged malpractice, negligence, error, mistake, omission, or breach.

*Patron - Dunnivant*

**[F] SB1424 Funeral service establishments; manager of record.** Defines "manager of record" as a person who manages and handles all operations of a licensed funeral service establishment and sets out the conditions under which a funeral service licensee or a funeral director may serve as a manager of record. The bill requires that funeral service establishments employ a full-time manager of record.

*Patron - Cosgrove*

## Property and Conveyances

### Passed

**[P] HB1816 Property Owners' Association Act; Condominium Act; use of electronic means for meetings and voting.** Allows meetings of property owners' associations, boards of directors, unit owners' associations, executive boards, and committees to be held entirely or partially by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for the use of electronic means for such meetings. The bill requires that such guidelines ensure that persons accessing such meetings are authorized to do so and that persons entitled to participate in such meetings have an opportunity to do so. The bill grants authority for determining whether any such meeting may be held entirely or partially by electronic means to the board of directors or executive board, as applicable. Under current law, if a meeting of a board of directors or executive board is conducted by telephone conference or video conference, at least two members of the board of directors or executive board, as applicable, are required to be physically present at the meeting place included in the meeting notice. The bill amends the definition of "electronic means" to provide that a meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods. The bill allows members of property owners' associations or unit owners' associations to vote at meetings of such associations by absentee ballot, and allows such members to vote in person, by proxy, or by absentee ballot by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for such voting. Finally, the bill provides that if a vote, consent, or approval required to be obtained by secret ballot is accomplished through electronic means, the electronic means shall protect the identity of the voter, and provides that if the electronic means cannot protect the identity of the voter, another means of voting shall be used. This bill is identical to SB 1183.

*Patron - Bulova*

**[P] HB1824 Virginia Residential Property Disclosure Act; disclosures for a buyer to beware; mold.** Adds to the provision of the required disclosure statement directing a buyer to beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon a provision advising the buyer to obtain a mold assessment conducted by a business that follows the guidelines provided by the U.S. Environmental Protection Agency.

*Patron - Askew*

**[P] HB1842 Property Owners' Association Act; Condominium Act; rulemaking authority of property owners' associations and unit owners' associations; smoking.** Permits (i) except to the extent that the declaration provides other-

wise, the board of directors of a property owners' association to establish reasonable rules that restrict smoking in the development, including (a) rules that prohibit smoking in the common areas and, (b) for developments that include attached private dwelling units, rules that prohibit smoking within such dwelling units, and (ii) except to the extent that the condominium instruments provide otherwise, the executive board of a condominium unit owners' association to establish reasonable rules that restrict smoking in the condominium, including rules that prohibit smoking in the common elements and within units. The bill clarifies the authority of executive boards of condominium unit owners' associations to establish, adopt, and enforce rules and regulations with respect to the use of the common elements of the condominium and with respect to such other areas of responsibility assigned to the unit owners' association by the condominium instruments, except where expressly reserved by the condominium instruments to the unit owners. The bill also permits unit owners, by a majority of votes cast at a meeting of the unit owners' association, to repeal or amend any rule or regulation adopted by the executive board. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Keam*

**[P] HB1882 Deeds of trust; amendment to loan document; statement of interest rate of a refinance mortgage.** Provides that a deed of trust that has been recorded and that states that it secures indebtedness or other obligations under a loan document and that it also secures indebtedness or other obligations under such loan document as it may be amended, modified, supplemented, or restated shall secure such loan document as amended, modified, supplemented, or restated from time to time, without the necessity of recording an amendment to such deed of trust. The bill further requires that the interest rate of a prior mortgage be stated on the first page of a refinance mortgage.

*Patron - Heretick*

**[P] HB1889 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan; extend sunset.** Extends the sunset date from July 1, 2021, to July 1, 2022, of certain provisions enacted during the 2020 Special Session related to the Virginia Residential Landlord and Tenant Act. Such provisions (i) changed from five to 14 days the amount of time that a landlord who owns four or fewer rental dwelling units must wait after serving written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement; (ii) required a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, before terminating a rental agreement due to nonpayment of rent, to serve upon such tenant a written notice informing the tenant of the total amount due and owed and offer the tenant a payment plan under which the tenant must pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement; (iii) outlined the remedies a landlord has if a tenant fails to pay the total amount due and owed or enter into a payment arrangement within 14 days of receiving notice or if the tenant enters into a payment arrangement but fails to pay within 14 days of the due date any rent that becomes due under the payment plan or arrangement after such plan or arrangement becomes effective; and (iv) clarified that a tenant is not precluded from participating in any other rent relief programs available to the tenant through a non-profit organization or under the provisions of a federal, state, or local law, regulation, or action.

*Patron - Price*



**P HB1900 Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit, interruption of services, or actions taken to make premises unsafe.** Provides that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit, resume any such interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition and upon proper evidence presented, the tenant shall recover actual damages, the greater of \$5,000 or four months' rent, and reasonable attorney fees. This bill is identical to SB 1215.

*Patron - Hudson*

**P HB1981 Virginia Residential Landlord and Tenant Act; access to dwelling unit during certain declared states of emergency.** Provides that a tenant shall be deemed to have reasonable justification for declining to permit a landlord or managing agent to exhibit the tenant's dwelling unit for sale or lease if the tenant has reasonable concern for his own health, or the health of any authorized occupant, during a state of emergency declared by the Governor in response to a communicable disease of public health threat and the tenant has provided written notice to the landlord informing the landlord of such concern. The bill requires the tenant in such circumstances to provide to the landlord or managing agent a video tour of the dwelling unit or other acceptable substitute for exhibiting the dwelling unit for sale or lease. The bill also provides that during a state of emergency declared by the Governor in response to a communicable disease of public health threat a tenant may provide written notice to the landlord requesting that one or more nonemergency property conditions in the dwelling unit not be addressed in the normal course of business of the landlord due to such communicable disease of public health threat. The bill provides that in such case the tenant shall be deemed to have waived any and all claims and rights under the Virginia Residential Landlord and Tenant Act against the landlord for failure to address such nonemergency property conditions. Lastly, the bill provides that in the case of a tenant who has provided notice that he does not want non-emergency repairs made during the state of emergency due to a communicable disease of public health threat, the landlord may nonetheless enter the dwelling unit, provided that the employees and agents sent by the landlord are wearing all appropriate and reasonable personal protective equipment as required by state law, (i) to do nonemergency repairs and maintenance with at least seven days' written notice to the tenant and at a time consented to by the tenant, no more than once every six months, and (ii) if the landlord is required to conduct maintenance or an inspection pursuant to the agreement for the loan or insurance policy that covers the dwelling units.

*Patron - Carr*

**P HB2009 Deed from the Commonwealth to the United States; Chamberlin Hotel at Fort Monroe.** Provides that the property upon which a hotel known as the Chamberlin Hotel at Fort Monroe, Virginia, is located and that is leased to an operator for use as a senior living facility with an assisted living component shall revert to the Commonwealth subject to

such lease or with such lease being assigned or otherwise conveyed to the Commonwealth by the United States. The bill also repeals provisions of the Acts of Assembly suspending the provision of the deed from the Commonwealth to the United States by which such site would revert and revest in the Commonwealth.

*Patron - Mugler*

**P HB2014 Virginia Residential Landlord and Tenant Act; landlord remedies; landlord's acceptance of rent with reservation; tenant's right of redemption.** Prohibits a landlord from accepting full payment of rent, as well as any damages, money judgment, award of attorney fees, and court costs, from a tenant and receiving an order of possession pursuant to an unlawful detainer action and proceeding with eviction, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the unlawful detainer action filed by the landlord. Under current law, a landlord may accept full or partial payment of all rent and receive an order of possession pursuant to an unlawful detainer action and proceed with eviction, provided that he has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill provides specific language that must be included within such notice, and requires a landlord who elects to seek possession of the dwelling unit to provide a copy of the notice to the court for service to the tenant along with the summons for unlawful detainer. The bill also allows tenants to exercise the right of redemption in unlawful detainer actions an unlimited number of times except that a landlord with four or fewer rental dwelling units, or up to a 10 percent interest in four or fewer rental dwelling units, may limit a tenant's use of the right of redemption to once per lease period, provided that the landlord provides written notice of such limitation to the tenant. Under current law, tenants may only exercise the right of redemption once during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term of the rental agreement. The bill directs the Director of the Department of Housing and Community Development (Director) to develop a sample termination notice to be maintained on the Department of Housing and Community Development's (Department) website that includes language referencing acceptance of rent with reservation by a landlord following a breach of a lease by a tenant, and requires the Department to convene a stakeholder group to provide input to the Director regarding the development of such sample termination notice.

*Patron - Price*

**P HB2175 Housing Bill of Rights; housing protections; foreclosures; manufactured housing.** Provides for various protections for homeowners and tenants of manufactured home parks, including (i) restricting the circumstances under which a court may order a person's primary residence to be sold to enforce a judgment lien; (ii) requiring localities to incorporate into their comprehensive plans strategies to promote manufactured housing as a source of affordable housing; (iii) requiring the Director of Housing and Community Development to develop a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Manufactured Home Lot Rental Act; (iv) in the case of a deed of trust conveying owner-occupied residential real estate, prohibiting a trustee of such deed of trust from selling such property in a foreclosure sale without receiving an affidavit signed by the party that provided notice of the sale to the owner confirming that such notice was sent to the owner, with a copy of such notice attached to the affidavit;

(v) in the case of a deed of trust conveying owner-occupied residential real estate, increasing the notice period for a foreclosure sale from 14 to 60 days and requiring such notice to provide the grantor with information regarding housing counseling; and (vi) requiring the landlord of a manufactured home park to provide tenants who own their manufactured home information about housing assistance and legal aid organizations. The bill also requires the Department of Housing and Community Development to convene a stakeholder group to assist in the development of the statement of tenant rights and responsibilities. The provisions of the bill related to the specifics of the notice that is required before a trustee can sell a property in a foreclosure sale have a delayed effective date of October 1, 2021. This bill is identical to SB 1327.

*Patron - Torian*

**P HB2229 Virginia Residential Landlord and Tenant Act; responsibilities of real estate brokers; foreclosure of single-family residential dwelling units.** Provides that if a dwelling unit used as a single-family residence is foreclosed upon and there is a tenant in such dwelling unit on the date of the foreclosure sale, if the successor in interest acquires the dwelling unit for the purpose of occupying such unit as his primary residence, the rental agreement terminates and the tenant is required to vacate the dwelling unit on a date not less than 90 days after receiving written notice. The bill also provides that if the successor in interest acquires the dwelling unit for any other purpose, the successor in interest acquires the dwelling unit subject to the rental agreement and is required to permit the tenant to occupy the dwelling unit for the remaining term of the lease. Under current law, the foreclosure sale acts as a termination of the rental agreement by the owner, but the tenant is permitted to remain in possession of the dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of the month-to-month tenancy. The bill contains technical amendments.

*Patron - Simon*

**P HB2249 Virginia Residential Landlord and Tenant Act; landlord charges for security deposits, insurance premiums for damage insurance, and insurance premiums for renter's insurance; filing of information regarding resident agent appointed by nonresident property owner.** Prohibits a landlord from requiring a tenant to pay a security deposit, insurance premiums for damage insurance, and insurance premiums for renter's insurance prior to the commencement of the tenancy that exceed the amount of two months' periodic rent. The bill permits a landlord, however, to add a monthly amount as additional rent to recover additional costs of such renter's insurance premiums. Finally, the bill requires nonresident property owners to file the name and office address of the agent appointed by such nonresident property owner in the office of the clerk of the State Corporation Commission. Under current law, such information must be filed in the office of the clerk of the court in which deeds are recorded in the county or city in which the property lies.

*Patron - McQuinn*

**P HB2320 Virginia Residential Property Disclosure Act; required disclosures; repetitive risk loss structure; flood risk information form.** Requires the Real Estate Board to make available on its website a flood risk information form, the details of which are outlined in the bill. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure, as defined in the bill, shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed

effective date of January 1, 2022. This bill is identical to SB 1389.

*Patron - Convirs-Fowler*

**P SB1110 Property; duties of real estate settlement agents.** Provides that the State Corporation Commission may share information collected from a settlement agent or agency regarding any errors and omissions or malpractice insurance policy or surety bond with any party to the real estate transaction in connection with the actions of such agent or agency arising out of a settlement.

*Patron - Spruill*

**P SB1183 Property Owners' Association Act; Condominium Act; use of electronic means for meetings and voting.** Allows meetings of property owners' associations, boards of directors, unit owners' associations, executive boards, and committees to be held entirely or partially by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for the use of electronic means for such meetings. The bill requires that such guidelines ensure that persons accessing such meetings are authorized to do so and that persons entitled to participate in such meetings have an opportunity to do so. The bill grants authority for determining whether any such meeting may be held entirely or partially by electronic means to the board of directors or executive board, as applicable. Under current law, if a meeting of a board of directors or executive board is conducted by telephone conference or video conference, at least two members of the board of directors or executive board, as applicable, are required to be physically present at the meeting place included in the meeting notice. The bill amends the definition of "electronic means" to provide that a meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods. The bill allows members of property owners' associations or unit owners' associations to vote at meetings of such associations by absentee ballot, and allows such members to vote in person, by proxy, or by absentee ballot by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for such voting. Finally, the bill provides that if a vote, consent, or approval required to be obtained by secret ballot is accomplished through electronic means, the electronic means shall protect the identity of the voter, and provides that if the electronic means cannot protect the identity of the voter, another means of voting shall be used. This bill is identical to HB 1816.

*Patron - Dunnivant*

**P SB1215 Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit, interruption of services, or actions taken to make premises unsafe.** Provides that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit, resume any such interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition and upon proper evidence presented, the tenant shall recover actual damages, the

greater of \$5,000 or four months' rent, and reasonable attorney fees. This bill is identical to HB 1900.

*Patron - Ebbin*

**[P] SB1327 Housing Bill of Rights; housing protections; foreclosures; manufactured housing.** Provides for various protections for homeowners and tenants of manufactured home parks, including (i) restricting the circumstances under which a court may order a person's primary residence to be sold to enforce a judgment lien; (ii) requiring localities to incorporate into their comprehensive plans strategies to promote manufactured housing as a source of affordable housing; (iii) requiring the Director of Housing and Community Development to develop a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Manufactured Home Lot Rental Act; (iv) in the case of a deed of trust conveying owner-occupied residential real estate, prohibiting a trustee of such deed of trust from selling such property in a foreclosure sale without receiving an affidavit signed by the party that provided notice of the sale to the owner confirming that such notice was sent to the owner, with a copy of such notice attached to the affidavit; (v) in the case of a deed of trust conveying owner-occupied residential real estate, increasing the notice period for a foreclosure sale from 14 to 60 days and requiring such notice to provide the grantor with information regarding housing counseling; and (vi) requiring the landlord of a manufactured home park to provide tenants who own their manufactured home information about housing assistance and legal aid organizations. The bill also requires the Department of Housing and Community Development to convene a stakeholder group to assist in the development of the statement of tenant rights and responsibilities. The provisions of the bill related to the specifics of the notice that is required before a trustee can sell a property in a foreclosure sale have a delayed effective date of October 1, 2021. This bill is identical to HB 2175.

*Patron - McClellan*

**[P] SB1389 Virginia Residential Property Disclosure Act; required disclosures; repetitive risk loss structure; flood risk information form.** Requires the Real Estate Board to make available on its website a flood risk information form, the details of which are outlined in the bill. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure, as defined in the bill, shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed effective date of January 1, 2022. This bill is identical to HB 2320.

*Patron - Lewis*

## Failed

**[F] HB1908 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; prohibition on using negative credit information that arose during a closure of the United States Government against certain applicants for tenancy; penalty.** Prohibits a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth from taking any adverse action against an applicant for tenancy based solely on payment history or an eviction for nonpayment of rent that occurred during a closure of the United States government when such applicant was a directly affected individual, defined as an individual who was furloughed or otherwise did not receive payments as a result of a closure of the United States government and was (i) an employee of the United States government, (ii) an independent

contractor of the United States government, or (iii) an employee of a company under contract with the United States government. If such a landlord denies an applicant for tenancy, the bill requires the landlord to provide the applicant written notice of the denial and of the applicant's right to assert that his failure to qualify was based solely on payment history or an eviction based on nonpayment of rent that occurred during the proscribed period when such applicant was a directly affected individual. If a landlord does receive a response from the applicant asserting such a right, and the landlord relied upon a consumer or tenant screening report, the landlord must make a good faith effort to contact the generator of the report to ascertain whether such determination was due solely to the applicant for tenancy's payment history or an eviction for nonpayment that occurred during the proscribed period and that such applicant was a directly affected individual. The bill permits an applicant for tenancy to recover damages of up to \$1,000, along with attorney fees, from landlords who do not comply with these requirements.

*Patron - Helmer*

**[F] SB1140 Gifts of real estate; requirements.** Prohibits a clerk of court from recording a deed of gift conveying real estate unless it is accompanied by a certified copy of the existing deed showing the name of the current owner of the property.

*Patron - Cosgrove*

## Public Service Companies

### Passed

**[P] HB1832 Virginia Highway Corporation Act; alteration of certificate of authority; powers and duties of the State Corporation Commission.** Requires any application for a transfer, extension, or amendment of a certificate of authority issued under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt. This bill is identical to SB 1259.

*Patron - Subramanyam*

**[P] HB1834 Electric utilities; closure of carbon-emitting generating units.** Requires each owner of a large carbon-emitting power plant to provide notice to relevant localities and state agencies about the decision to close the plant within 30 days of making such decision. The bill requires localities in which such facilities are located, and planning district commissions in such localities, to conduct public hearings regarding the impending closure within six months of receipt of such notice. The bill requires the Division of Energy to maintain a public website listing the facilities subject to the requirements of the bill and their anticipated closure dates. As part of an integrated resource plan, the bill requires each utility to submit a facility retirement study for its carbon-emitting facilities and

disclose the study to relevant localities and state agencies. This bill is identical to SB 1247.

*Patron - Subramanyam*

**P HB1907 Electric utilities; advanced renewable energy buyers.** Provides that certain accelerated renewable energy buyers that are customers of Dominion Energy Virginia and had subscribed to, as of March 1, 2020, a voluntary companion experimental tariff offering for the purchase of renewable attributes from renewable energy facilities that requires a renewable facilities agreement and the purchase of a minimum of 2,000 renewable attributes annually is exempt from the allocation of the net costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities, by Dominion Energy Virginia. The exemption is based on the amount of Renewable Energy Certificates associated with the customer's renewable facilities agreements associated with the tariff offering in proportion to the customer's total electric energy consumption, on an annual basis.

*Patron - Sullivan*

**P HB1923 Electric utilities; broadband capacity pilot program.** Expands an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide or make available broadband capacity to Internet service providers in areas of the Commonwealth that are unserved by broadband to include municipal Internet service providers. The current program is restricted to nongovernmental Internet service providers. This bill is identical to SB 1334.

*Patron - Ayala*

**P HB1994 Small agricultural generators; definition.** Expands the definition of "small agricultural generator" to include any business operating a small agricultural generating facility that has been granted a manufacturer license as a distillery, limited distillery, brewery, limited brewery, winery, or farm winery. Under current law, small agricultural generators include only those businesses operating a small agricultural generating facility as part of an agricultural business. The bill requires the State Corporation Commission to initiate a rulemaking, after August 1, 2021, but prior to January 1, 2022, to promulgate regulations to implement the provisions of the bill. This bill incorporates HB 2215.

*Patron - Murphy*

**P HB2034 Electric utilities; nonjurisdictional customers; third party power purchase agreements.** Provides that for pilot programs under which an owner or operator of a renewable energy generation facility sells electricity to an eligible customer-generator through a third party power purchase agreement, both jurisdictional and nonjurisdictional customers may participate on a first-come, first-serve basis. This bill is identical to SB 1420.

*Patron - Hurst*

**P HB2282 State Corporation Commission; transportation electrification; utility recovery of certain costs; report.** Directs the State Corporation Commission (the Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. The bill requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The bill requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Transportation, and appropriate

stakeholders participate. The bill requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; and (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (1) reduce total ratepayer rates and costs; (2) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (3) utilize increased generation from renewable energy resources; and (4) reduce fueling costs for vehicles. The bill requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy recommendations.

Additionally, the bill requires, beginning July 1, 2021, that any approved costs of any investor-owned electric utility associated with investment in transportation electrification be recovered only through the utility's rates for generation and distribution, prohibits recovery of such costs through a rate adjustment clause, and provides that such costs are not eligible for a customer credit reinvestment offset.

*Patron - Sullivan*

**P HB2304 Provision of broadband capacity by Phase I or Phase II electric utilities.** Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing. This bill is identical to SB 1413.

*Patron - Tyler*

**P HB2330 Electric utilities; Percentage of Income Payment Program.** Requires the Department of Social Services (the Department), in consultation with, as it deems necessary, the Department of Housing and Community Development, to adopt rules or establish guidelines for the adoption, implementation, and general administration of the Percentage of Income Payment Program (PIPP) and the Percentage of Income Payment Fund (Fund). The bill requires the PIPP to commence no later than one year after the Department publishes such rules or guidelines. The bill establishes the Fund for the purposes of implementing and administering the PIPP. The State Corporation Commission is required to pro-

mulgate any rules necessary to ensure that funds collected from the universal service fee of both American Electric Power and Dominion Energy Virginia are directed to the Fund. The bill limits the total annual cost of the energy reduction programs to \$25 million for American Electric Power and \$100 million for Dominion Energy Virginia. The bill requires the Commission to initiate proceedings to provide for an annual true-up of the universal service fee within 60 days of the commencement of the PIPP and on an annual or semiannual basis thereafter. The bill provides that the PIPP-eligible customers may utilize existing energy efficiency or related programs approved by the Commission and that the Department may review the needs of PIPP-eligible customers and whether gaps remain in serving such customers that are not already served by existing and available federal, state, local, or nonprofit programs to meet the required energy reduction obligations. The bill requires the Department to report the results of such analysis and review to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 1, 2022. The bill requires the Commission to issue an order providing for the non-bypassable universal service fee as soon as practicable following the bill's effective date and requires the Department and Dominion Energy Virginia, in the event the PIPP commences prior to July 1, 2023, to enter into a memorandum of understanding regarding payments rendered on behalf of PIPP-eligible customers.

*Patron - Kory*

**[P] SB1247 Electric utilities; closure of carbon-emitting generating units.** Requires each owner of a large carbon-emitting power plant to provide notice to relevant localities and state agencies about the decision to close the plant within 30 days of making such decision. The bill requires localities in which such facilities are located, and planning district commissions in such localities, to conduct public hearings regarding the impending closure within six months of receipt of such notice. The bill requires the Division of Energy to maintain a public website listing the facilities subject to the requirements of the bill and their anticipated closure dates. As part of an integrated resource plan, the bill requires each utility to submit a facility retirement study for its carbon-emitting facilities and disclose the study to relevant localities and state agencies. This bill is identical to HB 1834.

*Patron - Deeds*

**[P] SB1259 Virginia Highway Corporation Act; alteration of certificate of authority; powers and duties of the State Corporation Commission.** Requires any application for a transfer, extension, or amendment of a certificate of authority issued under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt. This bill is identical to HB 1832.

*Patron - Bell*

**[P] SB1295 Electric utilities; procurement.** Requires a utility, in the construction of certain onshore wind, solar, and energy storage facilities, to procure, subject to a competitive process, equipment from a Virginia-based or United States-based manufacturer using materials or product components

made in Virginia or the United States, if reasonably available and competitively priced. Additionally, the bill requires a utility, in the construction of certain offshore wind projects, to develop and submit a plan for review to the State Corporation Commission that includes considerations for the procurement of equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced.

*Patron - DeSteph*

**[P] SB1302 Crisis call center; Crisis Call Center Fund established.** Provides that the crisis call center, which under current law is administered by the Department of Behavioral Health and Developmental Services (the Department), shall provide crisis intervention services and crisis care coordination to individuals accessing the National Suicide Prevention Lifeline from any jurisdiction in the Commonwealth 24 hours a day, seven days a week. The bill directs the Department, in its development of the crisis call center, community care teams, and mobile crisis teams, to comply with any applicable requirements of the National Suicide Hotline Designation Act of 2020 and to provide for consistency with federal guidelines promulgated under such law. The bill contains immunity provisions for any originating service provider and its employees and agents acting pursuant to the act.

The bill creates a \$0.12 surcharge on postpaid wireless charges and a \$0.08 surcharge on prepaid wireless charges to be collected by the Department of Taxation and distributed to the Crisis Call Center Fund, established by the bill, to be used for establishing and administering the crisis call center. The bill also increases the wireless E-911 surcharge from \$0.75 to \$0.82 and the prepaid wireless E-911 charge from \$0.50 to \$0.55. The increased revenue shall be dedicated to public safety answering points.

*Patron - McPike*

**[P] SB1334 Electric utilities; broadband capacity pilot program.** Expands an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide or make available broadband capacity to Internet service providers in areas of the Commonwealth that are unserved by broadband to include municipal Internet service providers. The current program is restricted to nongovernmental Internet service providers. This bill is identical to HB 1923.

*Patron - Edwards*

**[P] SB1413 Provision of broadband capacity by Phase I or Phase II electric utilities.** Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing. This bill is identical to HB 2304.

*Patron - Boysko*

**[P] SB1420 Electric utilities; nonjurisdictional customers; third party power purchase agreements.** Provides that for pilot programs under which an owner or operator of a renewable energy generation facility sells electricity to an eligible customer-generator through a third party power purchase agreement, both jurisdictional and nonjurisdictional customers

may participate on a first-come, first-serve basis. This bill is identical to HB 2034.

*Patron - Edwards*

## Failed

**[F] HB1835 Electric utilities; rate reductions.** Eliminates provisions that limit any rate reduction ordered by the State Corporation Commission in the first triennial review of Dominion Energy Virginia after January 1, 2021, to \$50 million in annual revenues and provides that in any triennial review, regardless of whether the Commission has ordered bill credits, the utility earned above its authorized rate of return during the test period under review, or the utility has made a request regarding any customer credit reinvestment offsets, the Commission may order any rate reduction it deems necessary and appropriate unless it finds that the resulting rates will not provide the utility with the opportunity to (i) fully recover its costs of providing its services and (ii) earn not less than a fair combined rate of return on its generation and distribution services. This bill was incorporated into HB 1914.

*Patron - Subramanyam*

**[F] HB1914 Electric utilities; period costs.** Provides that in a triennial review proceeding, certain utility generation and distribution costs that are not proposed for recovery under various cost recovery mechanisms, at the State Corporation Commission's discretion, may be attributed to the test periods under review and deemed fully recovered or, if the utility has earned below a certain threshold, may be deferred for recovery over future periods. Under current law, such attribution is required unless the utility has earned below a certain threshold, in which case deferred recovery of the costs is required. The bill also eliminates provisions that limit any rate reduction ordered by the State Corporation Commission in the first triennial review of Dominion Energy Virginia after January 1, 2021, to \$50 million in annual revenues and provides that in any triennial review, regardless of whether the Commission has ordered bill credits, the utility earned above its authorized rate of return during the test period under review, or the utility has made a request regarding any customer credit reinvestment offsets, the Commission may order any rate reduction it deems necessary and appropriate unless it finds that the resulting rates will not provide the utility with the opportunity to (i) fully recover its costs of providing its services and (ii) earn not less than a fair combined rate of return on its generation and distribution services. The provisions of the bill apply to the first triennial review of Dominion Energy Virginia conducted after January 1, 2021. This bill incorporates HB 1835.

*Patron - Helmer*

**[F] HB1934 Public utilities; gas pipelines in residential subdivisions.** Prohibits a public service corporation or other utility from constructing or installing a gas pipeline greater than 12 inches in diameter under any public road or state highway within a residential subdivision including under the median or any sidewalk running parallel to any such public road or state highway without prior written application and approval by the board of supervisors or other governing body of the locality in which such public road or state highway is located. Violations of the prohibitions are subject to a penalty of \$10,000 per each day of noncompliance. The bill also provides that any land use permit or other permit or any grant of use of right-of-way issued prior to July 1, 2021, by any agency or department of the Commonwealth, including the Department of Transportation, or of any locality, in connection with the construction or installation of any pipeline subject to the

provisions of this bill, shall be void until the public service company or other utility has met the requirements of this bill.

*Patron - Simon*

**[F] HB1984 Electric utilities; triennial review; rates of return.** Provides that the State Corporation Commission, in any triennial review proceeding, including the first triennial review proceeding conducted after January 1, 2021, for Dominion Energy Virginia, may use any methodology it finds consistent with the public interest to determine fair rates of return on common equity for the utility's generation and distribution services. In any such triennial review, regardless of whether the utility earned above or below its authorized rate of return during the test period under review, the Commission also may order any increases or decreases to the utility's rates for generation and distribution that it deems necessary and appropriate, as long as the resulting rates provide the utility with the opportunity to (i) fully recover its costs of providing its services and (ii) earn an authorized rate of return.

*Patron - Hudson*

**[F] HB2048 Electric utility regulation; purchasing from competitive suppliers.** Authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier of electric energy, including any incumbent electric utility. Currently, such customers may purchase electric power from such suppliers, other than an incumbent electric utility that is not the incumbent electric utility serving the exclusive territory in which the customer is located, only if their incumbent electric utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy. The measure also provides that a cooperative utility customer eligible to take service under a tariff for electric energy provided 100 percent from renewable energy is prohibited from purchasing electric energy provided 100 percent from renewable energy from a licensed supplier, except such customer is authorized to continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date the cooperative serving it filed with the State Corporation Commission such tariff for electric energy provided 100 percent from renewable energy for the duration of such agreement.

The measure requires that within three months after the enactment of this measure or within three months after beginning to offer a 100 percent renewable energy product to residential customers, whichever is later, licensed competitive suppliers that offer 100 percent renewable energy to residential customers in the service territory of Dominion Energy Virginia or Appalachian Power submit a proposal to the State Corporation Commission for consideration and approval to offer discounted service to low-income customers. The measure requires such proposal to include a 100 percent renewable product to be offered to a minimum number of low-income customers at a rate 10 percent lower than the incumbent electric utility's standard residential rate for non-renewable supply service for a minimum initial term of 12 months.

*Patron - Bourne*

**[F] HB2049 Electric utilities; customer credit reinvestment offsets.** Eliminates customer credit reinvestment offsets under which a utility is allowed, upon request, to reduce or eliminate amounts of overearnings that otherwise would be required to be credited to customers by applying a customer credit reinvestment offset for expenses on new solar and wind generation facilities and electric distribution grid transformation projects.

*Patron - Bourne*

**[F] HB2057 Electric utilities; triennial review.** Makes various changes to procedures under which the State Corporation Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill requires the Commission, in determining a fair rate of return on common equity for an investor-owned utility, to consider the average of either (i) the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data is available by not less than a majority of a selected peer group of the utility or (ii) the authorized returns on common equity that are set by the applicable regulatory commissions for the same selected peer group. Under current law, the Commission is required to set such return not lower than either such average.

The bill provides that in a triennial review proceeding, certain utility generation and distribution costs that are not proposed for recovery under various cost recovery mechanisms, at the Commission's discretion, may be attributed to the test periods under review and deemed fully recovered or, if the utility has earned below a certain threshold, may be deferred for recovery over future periods. Under current law, such attribution is required unless the utility has earned below a certain threshold, in which case deferred recovery of the costs is required. The bill requires the Commission to direct that 100 percent of the amount of a utility's earnings above a certain threshold be credited to customers' bills. Under current law, the Commission is required to direct that 70 percent of such overearnings be credited to customers' bills.

The bill provides that if revenue reductions related to energy efficiency measures or other programs cause a utility to earn below a certain threshold, or if for reasons other than revenue reductions the utility earns below a certain threshold, the Commission may order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions. Under current law, the Commission is required to order such an increase. The bill eliminates provisions that limit any rate reduction ordered by the Commission in the first triennial review of Dominion Energy Virginia after January 1, 2021, to \$50 million in annual revenues. The bill provides that the Commission may determine that certain capital investment amounts by a utility may offset any customer bill credit amounts. Under current law, the Commission is required to determine that such investments offset customer bill credit amounts. The bill provides that in any triennial review the Commission may order any rate increase or decrease to a utility's rates for generation and distribution services it deems necessary and appropriate, so long as the resulting rates provide the utility with the opportunity to fully recover its costs and earn an authorized rate of return on its generation and distribution services. The provisions of the bill apply to all triennial reviews, including the first triennial review of Dominion Energy Virginia conducted after January 1, 2021. This bill was incorporated into HB 2200.

*Patron - Ware*

**[F] HB2104 Repeal of the Virginia Highway Corporation Act of 1988; roadways operating under the Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995.** Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such road-

way to operate under the authority and requirements provided by the PPTA and to cease to operate pursuant to the HCA. The bill provides for the repeal of the HCA upon the execution of a comprehensive agreement between the Department of Transportation and the operator of the Dulles Greenway for the Dulles Greenway to operate pursuant to the PPTA.

*Patron - Reid*

**[F] HB2160 Electric utilities; fair rate of return; customer bill credits.** Provides that the State Corporation Commission may, in any triennial review, establish a range above or below the authorized rate of return such that if the combined rate of return on common equity earned by the generation and distribution services is within that range, such combined return is not to be considered either excessive or insufficient, respectively. The bill provides that during a triennial review period, if a utility's earned return on its generation and distribution services falls below that range due to certain costs, the Commission is required to authorize deferred recovery for such costs. Additionally, if during a triennial review period a utility's earned return on its generation and distribution services falls below that range due to revenue reductions related to energy efficiency measures or other programs, the Commission is required to order an increase to the utility's rates. The bill requires that the Commission direct 100 percent of the amount that a utility earns over its fair rate of return to customers' bills. Under current law, the Commission is required to direct 70 percent of any earnings that were more than a certain percentage above the utility's fair rate of return to customers' bills. The bill provides that if, during a triennial review period, a utility has earned above its fair combined rate of return, the Commission is required to order reductions to the utility's rates it finds appropriate. Under current law, the Commission is only required to order reductions to the utility's rates if the utility earned more than a certain percentage above its fair combined rate of return. The provisions of the bill apply to all triennial reviews, including the first triennial review of Dominion Energy Virginia conducted after January 1, 2021.

*Patron - Tran*

**[F] HB2200 Electric utilities; triennial review.** Makes various changes to procedures under which the State Corporation Commission reviews the earnings and sets the rates of investor-owned incumbent electric utilities. The bill requires the Commission, in determining a fair rate of return on common equity for an investor-owned utility, to consider the average of either (i) the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data is available by not less than a majority of a selected peer group of the utility or (ii) the authorized returns on common equity that are set by the applicable regulatory commissions for the same selected peer group. Under current law, the Commission is required to set such return not lower than either such average.

The bill provides that in a triennial review proceeding, certain utility generation and distribution costs that are not proposed for recovery under various cost recovery mechanisms, at the Commission's discretion, may be attributed to the test periods under review and deemed fully recovered or, if the utility has earned below a certain threshold, may be deferred for recovery over future periods. Under current law, such attribution is required unless the utility has earned below a certain threshold, in which case deferred recovery of the costs is required. The bill requires the Commission to direct that 100 percent of the amount of a utility's earnings above a certain threshold be credited to customers' bills. Under current law, the Commission is required to direct that 70 percent of such overearnings be credited to customers' bills.

The bill provides that if revenue reductions related to energy efficiency measures or other programs cause a utility to earn



below a certain threshold, or if for reasons other than revenue reductions the utility earns below a certain threshold, the Commission may order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions. Under current law, the Commission is required to order such an increase. The bill eliminates provisions that limit any rate reduction ordered by the Commission in the first triennial review of Dominion Energy Virginia after January 1, 2021, to \$50 million in annual revenues. The bill provides that the Commission may determine that certain capital investment amounts by a utility may offset any customer bill credit amounts. Under current law, the Commission is required to determine that such investments offset customer bill credit amounts. The bill provides that in any triennial review the Commission may order any rate increase or decrease to a utility's rates for generation and distribution services it deems necessary and appropriate, so long as the resulting rates provide the utility with the opportunity to fully recover its costs and earn an authorized rate of return on its generation and distribution services. The provisions of the bill apply to all triennial reviews, including the first triennial review of Dominion Energy Virginia conducted after January 1, 2021. This bill incorporates HB 2057.

*Patron - Jones*

**[F] HB2215 Small agricultural generators; manufacturer licensees.** Includes in the definition of "small agricultural generator" a customer that operates a small agricultural generating facility as part of a business that (i) is located within the certificated service territory of an electric cooperative and (ii) has been granted a distiller's, limited distiller's, brewery, or limited brewery manufacturer license by the Board of Directors of the Virginia Alcoholic Beverage Control Authority. This bill was incorporated into HB 1994.

*Patron - Runion*

**[F] HB2224 Broadband service providers; fiber optic broadband lines; railroad crossings.** Establishes a procedure by which a broadband service provider may obtain approval to place its fiber optic broadband lines across a railroad right-of-way. The measure provides that a broadband service provider may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a standard crossing fee of \$750; if the railroad does not claim within 35 days that special circumstances exist or that the required specification exhibit is inadequate or incomplete, the broadband service provider is deemed to have authorization to commence placing the fiber optic broadband line across the railroad's right-of-way. The measure provides that a railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing.

*Patron - Head*

**[F] HB2265 Regulation of electric utilities; development of renewable energy facilities; powers of State Air Pollution Control Board; powers of State Corporation Commission.** Repeals provisions (i) requiring the State Air Pollution Control Board to adopt regulations to reduce carbon dioxide emissions from any electricity generating unit in the Commonwealth and authorizing the Board to establish an auction program for energy allowances; (ii) prohibiting the State Corporation Commission from approving any new utility-owned generation facilities that emit carbon dioxide as a by-product of energy generation, in certain circumstances; (iii) declaring that statutory allowances for energy derived from sunlight, onshore wind, offshore wind, and storage facilities are in the public interest; and (iv) relating to the development of solar and wind generation and energy storage capacity,

development of offshore wind capacity, and generation of electricity from renewable and zero carbon sources. The bill provides that planning and development activities for new nuclear generation facilities are in the public interest.

*Patron - Freitas*

**[F] HB2281 Virginia Clean Economy Act; non-bypassable charges; energy-intensive trade-exposed (EITE) industries.** Defines EITE industries as companies that are constrained in their ability to pass through carbon costs due to international competition, companies that engage in importation of products that cause emission leakage, and critical infrastructure facilities identified by certain federal agencies. The bill directs the State Corporation Commission to establish an EITE customer exemption program for non-bypassable charges in certain provisions of the Virginia Clean Economy Act related to generation of electricity from renewable and zero carbon sources and development of offshore wind capacity.

*Patron - Ware*

**[F] HB2283 Railroads; crew size; civil penalty.** Requires a train or light engine used in connection with the movement of railroad freight in the Commonwealth to operate with a crew of at least two individuals, unless such movement involves hostler service or utility employees in yard service. The State Corporation Commission shall have discretion to fine a person willfully violating this requirement an amount not to exceed \$500 for a first offense and an amount not to exceed \$1,000 for a second or subsequent offense. The measure has a delayed effective date of October 1, 2021.

*Patron - Ward*

**[F] SB1292 Electric utilities; overearnings; customer bill credits.** Requires the State Corporation Commission to direct that 100 percent of the amount of a utility's earnings above a certain threshold be credited to customers' bills. Under current law, the Commission is required to direct that 70 percent of such overearnings be credited to customers' bills. The provisions of the bill apply to the first triennial review of Dominion Energy Virginia conducted after January 1, 2021.

*Patron - McClellan*

**[F] SB1380 Electric utilities; electric school bus projects; report.** Authorizes electric utilities to partner with school divisions to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak-shaving resources. The bill provides that if an electric school bus project meets the requirements in the bill, then it is in the public interest and may constitute an energy storage resource. The bill requires an electric school bus project and its corresponding agreement to include a provision to compensate a participating school division for the use of the school bus battery by the electric utility as a grid stabilizing or peak-shaving resource and a provision that the electric school buses shall be titled under the participating school division, but the utility shall own the associated batteries and charging stations. The bill also provides a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

*Patron - Lucas*

## Religious and Charitable Matters; Cemeteries

### Passed

**P HB2308 Religious and charitable matters; quantity of land certain associations may hold.** Increases from 75 to 200 the number of acres of land that any association or post of the Veterans of Foreign Wars, American Legion, Spanish War Veterans, Disabled American Veterans, or any similar association of veterans of the Armed Forces of the United States chartered by an act of Congress may hold. However, the bill provides that any such property in excess of 75 acres shall not be exempt from taxation unless an ordinance to that effect is adopted by the governing body of the locality in which the property is located.

*Patron - Brewer*

### Failed

**F HB1809 Religious and charitable matters; charitable or civic organization contracts; report.** Requires the Commissioner of Agriculture and Consumer Services to submit an annual written report to the Governor and the General Assembly, by October 1 of each year, on (i) the number of charitable or civic organizations, professional fund-raising counsel, and professional solicitors registered in Virginia; (ii) the number of contracts or agreements between such registered professional fund-raising counsel or professional solicitors and such registered charitable or civic organizations; and (iii) compensation paid, in relation to funds raised and administrative costs, to any professional fund-raising counsel or professional solicitor registered in Virginia by a charitable or civic organization registered in Virginia.

*Patron - VanValkenburg*

## Taxation

### Passed

**P HB1751 Excise tax on peanuts.** Extends from July 1, 2021, to July 1, 2026, the sunset date of the excise tax on all peanuts grown in Virginia and reduces from \$0.30 per 100 pounds to \$0.25 per 100 pounds the excise tax rate. The proceeds from this tax are used for promoting the sales and use of Virginia peanuts. This bill is identical to SB 1411.

*Patron - Brewer*

**P HB1763 Tax credit; agricultural best management practices.** Creates an enhanced individual and corporate income tax credit for taxable years 2021 through 2024 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 50 percent of the first \$100,000 expended in implementing certain agricultural best management practices, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Agricultural Best Management Practices Cost-Share Program. The bill retains a tax credit for 25 percent of expenses made for all other agricultural best management practices that are not eligible for the enhanced credit rate but increases the maximum amount of expenses to which one can apply the 25 percent credit from \$70,000 to \$100,000.

A taxpayer may not claim credit for the same practice in the same management area under both the 25 percent and enhanced 75 percent credits. The aggregate amount of credit claimed per taxpayer shall not exceed \$75,000 per year, and the aggregate amount of individual and corporate credits claimed among all taxpayers and credits shall not exceed \$2 million per year. The bill sunsets the existing agricultural best management practices tax credits after taxable year 2024. This bill is identical to SB 1162.

*Patron - Wilt*

**P HB1774 Tangible personal property taxes; classification of certain motor vehicles, trailers, and semitrailers.** Provides that the separate class of property for rate purposes that includes motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used by a motor carrier engaged in interstate commerce on a for-hire basis shall also include such vehicles used to transport passengers. Under current law, this class of property only includes such vehicles if they are used to transport property.

*Patron - Walker*

**P HB1812 Casino gaming; technical amendments.** Makes technical amendments to the casino gaming law related to its interaction with sports betting law, the capital investment required of an applicant for a license, authorized closed meetings under the Virginia Freedom of Information Act, and the frequency of the distribution of tax revenues to cities. The bill also requires applicants for operator's licenses to submit (i) a minority investment plan disclosing any equity interest owed by a minority individual or minority-owned business or the applicant's efforts to seek equity investment from minority individuals or minority-owned businesses and (ii) a plan for the participation of minority individuals or minority-owned businesses in the applicant's purchase of goods and services related to the casino gaming establishment.

*Patron - Krizek*

**P HB1847 Sports betting.** Directs the Virginia Lottery (the Lottery) in issuing permits to operate sports betting platforms to give substantial and preferred consideration to any applicant that provides any of the following: (i) a description of any equity interest owned by minority individuals or minority-owned businesses, (ii) a detailed plan to achieve increased minority equity investment, (iii) a description of all efforts made to seek equity investment from minority individuals or minority-owned businesses, or (iv) a plan detailing efforts made to solicit participation of minority individuals or minority-owned businesses in the applicant's purchase of goods and services related to the sports betting platform or to provide assistance to a historically disadvantaged community or historically black colleges and universities located within the Commonwealth.

The bill clarifies the types of events on which sports betting is allowed and provides that a permit issued to a casino operator shall not count toward the maximum of 12 permits that the Director of the Lottery can issue. The bill makes technical amendments related to the interaction between sports betting law and casino gaming law. This bill is identical to SB 1254.

*Patron - Sickles*

**P HB1884 Facilitated enrollment program.** Directs the Department of Taxation to include space on the appropriate individual income tax forms for voluntary inclusion of personal and contact information. Such information may be shared with the Department of Medical Assistance Services, the Department of Social Services, or the Virginia Health Benefit Exchange, as applicable, for use in determining eligibility for certain programs. Beginning with tax year 2022, the Department of Taxation shall also include a checkoff box for taxpayer-

ers to indicate their consent to the sharing of tax information with the Department of Medical Assistance Services and the Department of Social Services. Beginning with tax year 2023, there shall also be included a checkoff box for taxpayers to indicate their consent to the sharing of tax information with the Virginia Health Benefit Exchange. The bill contains provisions allowing disclosure of such information in accordance with the act. The bill also directs the Virginia Health Benefit Exchange to, in consultation with other government agencies and stakeholders, identify systems, policies, and practices to facilitate eligibility determinations and enrollment.

*Patron - Sickles*

**P HB1899 Sunset of coal tax credits.** Sunsets the Coal Employment and Production Incentive Tax Credit and Coalfield Employment Enhancement Tax Credit after tax year 2021 and prohibits the allocation of such credits on and after January 1, 2022. The bill provides that if Coal Employment and Production Incentive tax credits were earned prior to January 1, 2022, the credit holder may claim the credits in subsequent tax years pursuant to the applicable carryover requirements of current law; however, such credit holders would be limited to claiming \$1 million in carryover credits per taxable year. The bill directs the Department of Mines, Minerals and Energy to convene a stakeholder process to report by December 1, 2021, on recommendations for how the Commonwealth can provide economic transition support to the coalfield region. This bill is identical to SB 1252. This bill received Governor's recommendations.

*Patron - Hudson*

**P HB1916 Research and development tax credits.** Provides that the research and development expenses tax credit and the major research and development expenses tax credit shall be available against the bank franchise tax for taxable years beginning on and after January 1, 2021. Under current law, the credits are available only against the individual and corporate income tax. This bill is identical to SB 1112.

*Patron - Mugler*

**P HB1935 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; emergency.** Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill deconforms from the suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and from the provisions of the 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. The bill provides an individual and corporate income tax deduction or subtraction, as applicable, of up to \$100,000 for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans. The bill contains an emergency clause and is identical to SB 1146.

*Patron - Watts*

**P HB1944 Casino gaming; requirements for issuance of operator's license; human trafficking training.** Requires applicants for operator's licenses to have established a policy requiring all license and permit holders who interact directly with the public in the casino gaming establishment to complete a training course acceptable to the Virginia Lottery Department in how to recognize and report suspected human trafficking in order to be eligible for the issuance of an operator's license.

*Patron - Simonds*

**P HB1969 Administration of blighted and derelict properties in certain localities.** Modifies the definition of "qualifying locality" to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017. Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill adds qualifying localities to the list of localities that have different requirements for having a special commissioner appointed to convey tax-delinquent real estate to the locality in lieu of a public sale at auction.

*Patron - Carr*

**P HB1979 Electric vehicle rebate program; creation and funding; report.** Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of a new or used electric vehicle would receive a \$2,500 rebate applied toward payment for the purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate for a new electric vehicle and \$500 for a used electric vehicle beginning in taxable year 2022. The bill also establishes an Electric Vehicle Rebate Program Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation and the Electric Vehicle Rebate Program Fund created by the bill. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the program. The program expires on January 1, 2027.

*Patron - Reid*

**P HB1999 Tax Commissioner; waiver of accrual of interest in the event that the Governor declares a state of emergency.** Authorizes the Tax Commissioner to waive interest for any class of taxpayers when he finds that imposing interest has caused, or would cause, undue hardship to such class of taxpayers because of a natural disaster or other reason. The bill allows the Tax Commissioner to grant such waiver only if the Governor declares a state of emergency in the Commonwealth with respect to such natural disaster or other reason. This bill received Governor's recommendations.

*Patron - Murphy*

**P HB2006 Tax exemptions for energy storage systems.** Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.

The bill also allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a

solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission. This bill is identical to SB 1201.

*Patron - Heretick*

**P HB2059 Delinquent returns; enforcement; when approval required.** Requires the Department of Taxation to request taxpayers who have failed to file tax returns when due to prepare and file such returns except where there is an indication that the taxpayer willfully failed to file the required returns or if there is an indication of fraud. All delinquent returns submitted by the taxpayer shall be enforced pursuant to factors outlined in the bill and through delinquency procedures for not more than six years of the taxpayer's returns. The approval of a manager designated by the Tax Commissioner is required if the enforcement activity exceeds the six-year period.

*Patron - Coyner*

**P HB2060 Online portal for tax practitioners analysis.** Directs the Department of Taxation to analyze the prospect of establishing an online portal allowing access to taxpayer information for tax practitioners who possess a valid Power of Attorney and Declaration of Representative form for each client for whom such tax practitioner seeks to access such taxpayer information. The Department shall examine similar systems from the Internal Revenue Service or other states and also analyze cybersecurity concerns in such systems. The bill requires a report to the General Assembly no later than December 1, 2021.

*Patron - Coyner*

**P HB2165 Sale of land for delinquent taxes.** Extends from 36 to 60 months the time period for which a local tax official may suspend an action for the sale of tax delinquent property, which under current law is authorized if the owner enters into an agreement with the official to pay delinquent taxes in installments. The bill also authorizes an official to suspend an action if a person who is not a party to the action gives notice asserting ownership rights, by virtue of testate or intestate succession, in the property subject to the action. If a court determines such person has ownership rights in the property, such person may enter into an installment plan similar to what is authorized under current law.

The bill provides that a final court order confirming sale of tax delinquent property shall not be entered sooner than the later of (i) 90 days after the official gives notice of the action or (ii) 90 days after the official receives notice from a person who is not a party to the action asserting ownership rights.

*Patron - Hope*

**P HB2185 Sales tax; exemption for personal protective equipment; emergency.** Establishes a retail sales and use tax exemption for personal protective equipment, defined in the bill. The exemption is available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. The exemption sunsets on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board. The bill contains an emergency clause and is identical to SB 1403.

*Patron - Byron*

**P HB2269 Revenue share for solar energy projects and energy storage systems.** Allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on certain solar energy projects and energy storage systems shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021.

*Patron - Heretick*

**P HB2273 Sales and use tax exemption for data centers.** Reduces the job creation requirement to qualify for the sales and use tax exemption for data centers in a distressed locality from 25 to 10 jobs and reduces the required capital investment from \$150 million to \$70 million for such data centers. The bill also redefines what criteria are used to identify a distressed locality; under the bill, a locality qualifies as distressed if it has an unemployment rate that is greater than the statewide unemployment rate and a poverty rate that exceeds the statewide poverty rate. The bill requires all data centers claiming the exemption to report certain information to the Virginia Economic Development Partnership Authority (the Authority) and the Department of Taxation, in collaboration with the Authority, to aggregate and publish such information biennially. This bill is identical to SB 1423.

*Patron - Morefield*

**P HB2293 Local gas severance tax; sunset date.** Extends the sunset date from January 1, 2022, to January 1, 2024, for authority to impose an additional local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund; (ii) the Virginia Coalfield Economic Development Fund; and (iii) water, sewer, and natural gas systems and lines.

*Patron - Morefield*

**P SB1112 Research and development tax credits.** Provides that the research and development expenses tax credit and the major research and development expenses tax credit shall be available against the bank franchise tax for taxable years beginning on and after January 1, 2021. Under current law, the credits are available only against the individual and corporate income tax. This bill is identical to HB 1916.

*Patron - Locke*

**P SB1130 Personal property tax exemption; motor vehicle of a disabled veteran.** Provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from local taxes. This bill is the enabling legislation for a constitutional amendment ratified by the voters of the Commonwealth at the November 2020 general election.

*Patron - Reeves*

**P SB1146 Conformity of the Commonwealth's taxation system with the Internal Revenue Code.** Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill deconforms from the suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and from the provisions of the 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 for-

givenness and other business financial assistance. The bill provides an individual and corporate income tax deduction or subtraction, as applicable, of up to \$100,000 for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans. The bill contains an emergency clause and is identical to HB 1935.

*Patron - Howell*

**P SB1158 Port of Virginia tax credits; sunset.** Extends the sunset for the international trade facility tax credit, the barge and rail usage tax credit, and the port volume increase tax credit from taxable years before January 1, 2022, to taxable years before January 1, 2025.

*Patron - Spruill*

**P SB1162 Tax credit; agricultural best management practices.** Creates an enhanced individual and corporate income tax credit for taxable years 2021 through 2024 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 50 percent of the first \$100,000 expended in implementing certain agricultural best management practices, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Agricultural Best Management Practices Cost-Share Program. The bill retains a tax credit for 25 percent of expenses made for all other agricultural best management practices that are not eligible for the enhanced credit rate but increases the maximum amount of expenses to which one can apply the 25 percent credit from \$70,000 to \$100,000. A taxpayer may not claim credit for the same practice in the same management area under both the 25 percent and enhanced 75 percent credits. The aggregate amount of credit claimed per taxpayer shall not exceed \$75,000 per year, and the aggregate amount of individual and corporate credits claimed among all taxpayers and credits shall not exceed \$2 million per year. The bill sunsets the existing agricultural best management practices tax credits after taxable year 2024. This bill is identical to HB 1763.

*Patron - Hanger*

**P SB1163 Tax credits of agricultural equipment.** Establishes for taxable years 2021 through 2025 a refundable individual and corporate income tax credit for 25 percent of expenditures, up to a maximum of \$17,500, made for the purchase of conservation tillage and precision agriculture equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or improving precision of pesticide and fertilizer application or injection. The bill expires the existing individual and corporate income tax credits for conservation tillage equipment and purchase of advanced technology pesticide and fertilizer application equipment after taxable year 2020. Under current law, an individual or corporate taxpayer is allowed nonrefundable credits of up to \$4,000 for conservation tillage equipment purchases and up to \$3,750 for advanced technology pesticide and fertilizer application equipment purchases, which credits may be carried over for five years.

*Patron - Hanger*

**P SB1197 Virginia housing opportunity tax credit.** Establishes, for taxable years 2021 through 2025, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years. No more than \$15 million in credits shall be granted per calendar year.

*Patron - Locke*

**P SB1201 Tax exemptions for energy storage systems.** Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.

The bill also allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission. This bill is identical to HB 2006.

*Patron - Petersen*

**P SB1252 Sunset of coal tax credits.** Sunsets the Coal Employment and Production Incentive Tax Credit and Coalfield Employment Enhancement Tax Credit after tax year 2021 and prohibits the allocation of such credits on and after January 1, 2022. The bill provides that if Coal Employment and Production Incentive tax credits were earned prior to January 1, 2022, the credit holder may claim the credits in subsequent tax years pursuant to the applicable carryover requirements of current law; however, such credit holders would be limited to claiming \$1 million in carryover credits per taxable year. The bill directs the Department of Mines, Minerals and Energy to convene a stakeholder process to report by December 1, 2021, on recommendations for how the Commonwealth can provide economic transition support to the coalfield region. This bill is identical to HB 1899. This bill received Governor's recommendations.

*Patron - McPike*

**P SB1254 Sports betting.** Directs the Virginia Lottery (the Lottery) in issuing permits to operate sports betting platforms to give substantial and preferred consideration to any applicant that provides any of the following: (i) a description of any equity interest owned by minority individuals or minority-owned businesses, (ii) a detailed plan to achieve increased minority equity investment, (iii) a description of all efforts made to seek equity investment from minority individuals or minority-owned businesses, or (iv) a plan detailing efforts made to solicit participation of minority individuals or minority-owned businesses in the applicant's purchase of goods and services related to the sports betting platform or to provide assistance to a historically disadvantaged community or historically black colleges and universities located within the Commonwealth.

The bill clarifies the types of events on which sports betting is allowed and provides that a permit issued to a casino operator shall not count toward the maximum of 12 permits that the Director of the Lottery can issue. The bill makes technical amendments related to the interaction between sports betting law and casino gaming law. This bill is identical to HB 1847.

*Patron - McPike*

**P SB1326 Local cigarette taxes; regional cigarette tax boards.** States that it is the policy of the Commonwealth, where practical, to encourage local cigarette stamping and tax

collection to be accomplished through regional cigarette tax boards, defined in the bill. The bill directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and provide assistance as appropriate to localities seeking to form new regional cigarette tax boards.

*Patron - Hanger*

**[P] SB1398 Retail sales and transient occupancy taxes on room rentals.** Provides that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill requires an amount equal to the estimated state sales tax revenue generated from the tax on accommodations fees to be appropriated to the Virginia Tourism Authority each fiscal year to be used for promoting tourism.

*Patron - Norment*

**[P] SB1403 Sales tax; exemption for personal protective equipment; emergency.** Establishes a retail sales and use tax exemption for personal protective equipment, defined in the bill. The exemption is available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. The exemption sunsets on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board. The bill contains an emergency clause and is identical to HB 2185.

*Patron - Pillion*

**[P] SB1411 Excise tax on peanuts.** Extends from July 1, 2021, to July 1, 2026, the sunset date of the excise tax on all peanuts grown in Virginia and reduces from \$0.30 per 100 pounds to \$0.25 per 100 pounds the excise tax rate. The proceeds from this tax are used for promoting the sales and use of Virginia peanuts. This bill is identical to HB 1751.

*Patron - Lucas*

**[P] SB1423 Sales and use tax exemption for data centers.** Reduces the job creation requirement to qualify for the sales and use tax exemption for data centers in a distressed locality from 25 to 10 jobs and reduces the required capital investment from \$150 million to \$70 million for such data centers. The bill also redefines what criteria are used to identify a distressed locality; under the bill, a locality qualifies as distressed if it has an unemployment rate that is greater than the statewide unemployment rate and a poverty rate that exceeds the statewide poverty rate. The bill requires all data centers claiming the exemption to report certain information to the Virginia Economic Development Partnership Authority (the Authority) and the Department of Taxation, in collaboration with the Authority, to aggregate and publish such information biennially. This bill is identical to HB 2273.

*Patron - McPike*

**[P] SB1438 Combined transient occupancy and food and beverage tax; technical amendments.** Provides that, for purposes of the combined transient occupancy and food and beverage tax that is currently authorized for Rappahannock and

Madison Counties, the rate limit for such tax shall be the same as if the two taxes were imposed separately. The bill also eliminates the referendum requirement for the food and beverage component of the combined tax, consistent with Chapters 1214 and 1263 of the Acts of Assembly of 2020, which eliminated the referendum requirement for the food and beverage tax generally.

*Patron - Hanger*

## Failed

**[F] HB1771 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members.** Provides for taxable years 2021 through 2025 a nonrefundable tax credit against individual and corporate income taxes for (i) wages paid by an employer to an employee who is a Virginia National Guard member or (ii) income of a self-employed Virginia National Guard member attributable to his business. The amount of the credit shall be 25 percent if such member was in a military pay status for 65 days or more during such taxable year or 15 percent if such member was in a military pay status for 45 days or more during such taxable year. The credit shall not be allowed if such member was in a military pay status for fewer than 45 days during such taxable year.

*Patron - Freitas*

**[F] HB1787 Income tax exclusion for Paycheck Protection Plan loan forgiveness.** Establishes an income tax exclusion for forgiveness of indebtedness on a loan received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act through the Paycheck Protection Plan. The exclusion would be available starting in taxable year 2020.

*Patron - McNamara*

**[F] HB1788 Income tax; rolling conformity with the Internal Revenue Code.** Provides that, beginning with taxable year 2021, Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. However, the bill provides that, unless subsequently adopted by the General Assembly, Virginia shall not conform to any amendments to the Internal Revenue Code that have an impact of more than 0.25 percent on general fund revenues in the fiscal year in which the amendment was enacted or any of the next four fiscal years. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and Appropriations and the House Committees on Appropriations and Finance, shall be responsible for determining when an amendment meets these criteria. The Secretary of Finance shall also provide an annual report to such chairmen on the fiscal impact of amendments to the Internal Revenue Code.

*Patron - McNamara*

**[F] HB1803 Local credits for approved local volunteer activities.** Enables localities, by ordinance, to provide a credit against taxes and fees imposed by the locality to an individual who provides approved volunteer services in the locality. As defined in the bill, "approved volunteer services" includes (i) volunteer first responders or (ii) individuals who perform volunteer services on behalf of a nonprofit organization or in the locality, if such services are approved by the locality. The bill specifies that the credit may not be used against any property taxes or payments in lieu of property taxes. The bill gives localities discretion to determine which taxes or fees are permissible uses of the credit and which services qualify for the credit.

*Patron - Orrock*

**[F] HB1939 Food and beverage tax; single-serving salads.** Defines the term "single-serving" for purposes of local meals or food and beverage taxes as having the same meaning as "serving" or "serving size" as those terms are defined in the Code of Federal Regulations.

*Patron - Wyatt*

**[F] HB1955 Income tax deduction; multigenerational households.** Creates a \$1,000 deduction from Virginia adjusted gross income for taxable years on and after January 1, 2021, for the head of household taxpayer or married taxpayers filing jointly of a multigenerational residence in the Commonwealth comprised of no less than two adult parent-child generations who are living together for the duration of the taxable year in which the deduction is claimed.

*Patron - Avoli*

**[F] HB1956 Individual income tax; late payment penalty.** Provides that the Department of Taxation shall not assess a late payment penalty to the entire tax or to any unpaid balance of the income tax owed by an individual unless and until the taxpayer fails to file his return by the time fixed by law for filing a return or by the time prescribed pursuant to a filing extension, as applicable. Under current law, the late payment penalty is assessed at the time a return is received by the Department if payment is not made in full when due.

*Patron - Avoli*

**[F] HB1966 Sports betting; mandatory permit issuance to certain casino operators.** Requires the Director of the Virginia Lottery to issue a permit to operate a sports betting platform to a casino operator that meets certain criteria.

*Patron - Bagby*

**[F] HB2050 Virginia housing opportunity tax credit.** Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.

*Patron - Bourne*

**[F] HB2076 Motor vehicle sales and use tax; definition of sale price.** Excludes from the sale price for determining motor vehicle sales and use tax the amount of any credit given by the seller for any motor vehicle taken as a trade-in.

*Patron - Marshall*

**[F] HB2142 Child care tax credit.** Establishes an individual nonrefundable income tax credit for taxable years 2020 and 2021 of up to \$1,000 per taxable year for eligible child care expenses incurred and paid between September 1, 2020, and July 1, 2021, due to the closure of Virginia child care facilities or primary or secondary schools as a result of the COVID-19 pandemic. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year in which the child care expenses were incurred and paid, such excess may be carried over for five years. The taxpayer must verify their eligible child-care expenses when claiming the credit in each taxable year pursuant to guidelines promulgated by the Department of Taxation.

*Patron - Miyares*

**[F] HB2157 Reinstatement of the estate tax.** Reinstates the estate tax for persons dying on and after July 1, 2021. The bill provides that no estate tax shall be imposed on a gross estate if the majority of the assets of the estate are an interest in

a closely held business or a working farm. The bill designates revenues from the estate tax to be used for health care purposes.

*Patron - Watts*

**[F] HB2158 Retail sales and transient occupancy taxes on room rentals; Destination Marketing Fund created.** Provides that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill provides that tax revenue attributable to the charge for the service provided by the intermediary, whether accruing to the state or a locality, shall be dedicated to destination marketing. The funds accruing to the state shall be deposited into the Destination Marketing Fund, created in the bill. Half of such funds shall be distributed by the Virginia Tourism Authority in the form of grants to local tourism authorities and the other half shall be expended by the Authority.

*Patron - Watts*

**[F] HB2199 Tax credit for parents of stillborn child.** Establishes a refundable income tax credit for individual filers or married persons filing jointly for taxable years on and after January 1, 2021, in an amount equal to \$2,000 for each birth for which a Virginia certificate of birth resulting in stillbirth has been issued. The credit may be claimed only in the taxable year in which the stillbirth occurred and only if the child would have become a dependent of the taxpayer.

*Patron - Head*

**[F] HB2243 Home instruction and private school tax credit.** Creates an individual, nonrefundable income tax credit for taxable years beginning on or after January 1, 2021, but before January 1, 2026, for amounts paid by the parent or legal guardian of a child for the child's home instruction expenses or tuition for attending an accredited private school in Virginia. The credit shall equal the lesser of the amount actually paid in the taxable year for such costs or half of the average state standards of quality funding per student per year. The credit may be taken for instruction-related materials, courses, or programs used in home instruction or for private school tuition. The credit is available only to the parents and legal guardians of children who did not attend private school or were not home schooled in the previous year in Virginia. The credit is available for two years per child and can be carried forward for five taxable years.

*Patron - LaRock*

**[F] HB2337 Income tax; subtraction for low-income military veterans with a permanent service-connected disability.** Provides an income tax subtraction for the military retirement income received by a veteran who has been rated with a 100 percent service-connected, permanent, and total disability for taxable years on and after January 1, 2021. The bill provides that the subtraction is available only to those taxpayers whose federal adjusted gross income is not greater than 150 percent of the federal poverty level for a four-person household.

*Patron - Wiley*

**[F] SB1151 Income tax subtraction; veteran retirement income.** Provides an income tax subtraction for the military retirement income received by certain veterans for their



service of \$2,500 for veterans under the age of 65 and \$5,000 for veterans 65 years of age and older, who earn no more than \$82,000 in annual military retirement income.

*Patron - Kiggans*

**[F] SB1166 Nursing professional tax credit.** Establishes a nonrefundable individual income tax credit of \$500 for certified nurse aides, licensed practical nurses, and registered nurses who work for at least 42 weeks during a taxable year in a licensed nursing home or certified nursing facility in the Commonwealth for taxable years 2021 through 2025. The credit may be carried over for five taxable years, and the Department of Taxation is directed to work with the Virginia Department of Health's Office of Licensure and Certification to determine the eligibility of taxpayers claiming the credit.

*Patron - Kiggans*

**[F] SB1170 Additional local sales and use tax to support schools.** Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

*Patron - Norment*

**[F] SB1286 Income tax; rate increase; funding for schools and law-enforcement officer salaries.** Increases from 5.75 percent to 5.9 percent the income tax rate on income over \$150,000. Under current law, the top marginal rate of 5.75 percent applies to income over \$17,000. The rate change applies starting with taxable year 2021. The bill requires revenue from the increase to be appropriated for nonrecurring capital expenditures of school divisions and salary increases for state and state-supported law-enforcement officers.

*Patron - Deeds*

**[F] SB1353 Corporate income tax; combined reporting requirements.** Requires, for taxable years beginning on or after January 1, 2022, unitary combined reporting for Virginia corporate income tax purposes. The bill also sets an expiration date for the minimum tax on telecommunications companies beginning in taxable year 2022.

*Patron - Marsden*

**[F] SB1394 Income tax exclusion for Paycheck Protection Plan loan forgiveness; deductibility.** Establishes an income tax exclusion for forgiveness of indebtedness on a loan received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act through the Paycheck Protection Program. The exclusion would be available starting in taxable year 2020. No taxpayer shall be denied an otherwise allowable deduction by reason of the exclusion.

*Patron - Petersen*

**[F] SB1407 Regulating electronic gaming devices; penalties.** Authorizes the manufacturing, distributing, operating, servicing, hosting, and playing of electronic gaming devices in the Commonwealth, to be regulated by the Virginia Lottery Board, which the bill renames as the Virginia Lottery and Gaming Oversight Board. The bill specifies the licensing requirements for the manufacture, distribution, operating, servicing, and hosting of electronic gaming devices, requires employees of such licensees to be registered with the Virginia Lottery, which the bill renames as the Virginia Lottery and Gaming Department, and imposes criminal and civil penalties for violations of the law and regulations related to electronic gaming devices. The bill imposes a 34 percent tax on all gross profits from the play of electronic gaming devices and provides for how the tax proceeds are disbursed; most are deposited into the Virginia Electronic Gaming Device Education Support

Fund, created by the bill. The bill also renames the Virginia Lottery Law as the Virginia Lottery and Gaming Law and changes the title of the Director of the Virginia Lottery to the Director of the Virginia Lottery and Gaming Department.

*Patron - Bell*

**[F] SB1425 Sales and use tax exemption for data centers.** Provides that if a data center operator qualifies for the exemption in one locality and seeks to qualify in another, it shall be required to meet a reduced job creation requirement of 25 jobs for purposes of qualifying in the other locality. Under current law, the reduced threshold only applies to data center operators seeking to qualify in a distressed locality.

*Patron - Ruff*

**[F] SB1448 Income tax; subtraction for military retirement income and survivor benefits.** Establishes starting in taxable year 2021 an income tax subtraction for all military retirement income and military benefits paid to the surviving spouse of a veteran.

*Patron - Chase*

## Trade and Commerce

### Passed

**[P] HB1877 Legal service plans; seller registration.** Provides that a legal services plans seller may offer, advertise, or execute, or cause to be executed by the subscriber, any subscription contract in the Commonwealth if the seller has submitted the seller's information and fees to the legal services organization for which the seller offers subscription contracts. The bill requires the legal services organization to submit the information and fees to the Commissioner of the Department of Agriculture and Consumer Services within 30 days of receiving such information and fees.

*Patron - Jenkins*

**[P] HB1881 Enterprise zone job creation grants.** Provides that, for purposes of wage requirements for the enterprise zone job creation grant program, the minimum wage shall be the higher of the state minimum wage or the federal minimum wage. The bill also reduces the percentage of the minimum wage that grant eligible jobs must meet. The bill has a delayed effective date of January 1, 2022.

*Patron - Heretick*

**[P] HB2062 Food delivery platforms; agreements required; penalty.** Prohibits a food delivery platform, as defined in the bill, from submitting orders on behalf of a consumer or arranging for the delivery of an order from a restaurant, as defined in the bill, without first obtaining an agreement with the restaurant expressly authorizing the food delivery platform to take orders and deliver food prepared by the restaurant. The bill provides that a violation of such agreement requirement is a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Willett*

**[P] HB2250 Humane Cosmetics Act; civil penalties.** Prohibits a cosmetics manufacturer from: (i) conducting or contracting for cosmetic animal testing that occurs in the Commonwealth on or after January 1, 2022; (ii) manufacturing or importing for profit into the Commonwealth any cosmetic or ingredient thereof, if the cosmetics manufacturer knew or reasonably should have known that the cosmetic or any component thereof was developed or manufactured using cosmetic

animal testing that was conducted on or after January 1, 2022; or (iii) beginning July 1, 2022, selling or offering for sale within the Commonwealth any cosmetic, if the cosmetics manufacturer knows or reasonably should know that the cosmetic or any component thereof was developed or manufactured using cosmetic animal testing that was conducted on or after January 1, 2022. Violations are subject to a civil penalty of up to \$5,000 and an additional \$1,000 for each day the violation continues. The bill preempts any local regulation on cosmetic animal testing. This bill is identical to SB 1379.

*Patron - Kory*

**P HB2307 Consumer Data Protection Act.** Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for purposes of targeted advertising, the sale of personal data, or profiling of the consumer. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill directs the Joint Commission on Technology and Science to establish a work group to review the provisions of this act and issues related to its implementation, and to report on its findings by November 1, 2021. The bill has a delayed effective date of January 1, 2023. This bill is identical to SB 1392.

*Patron - Hayes*

**P HB5001 Shipping and Logistics Headquarters Grant Program.** Establishes the Shipping and Logistics Headquarters Grant Program to provide grants to a qualified shipping and logistics company that retains its North American headquarters in the City of Norfolk, makes a capital investment of at least \$36 million, creates and maintains at least 415 new jobs, and establishes and operates a research and development center. The qualified company would be eligible for an aggregate of \$9.5 million in grants, payable in installments and contingent upon the qualified company's meeting performance parameters.

*Patron - Torian*

**P SB1156 Technology Development Grant Fund created.** Creates the Technology Development Grant Fund to make grant payments to a qualified technology company that makes a capital investment of at least \$64 million at a facility in Fairfax County and creates at least 1,500 new full-time jobs at the facility. A qualified technology company would be eligible for an aggregate of \$22.5 million in grants paid over four years if it meets performance parameters and complies with the terms of a memorandum of understanding agreed upon by the company, the Commonwealth, and the Virginia Economic Development Partnership Authority.

*Patron - Howell*

**P SB1379 Humane Cosmetics Act; civil penalties.** Prohibits a cosmetics manufacturer from: (i) conducting or contracting for cosmetic animal testing that occurs in the Commonwealth on or after January 1, 2022; (ii) manufacturing or importing for profit into the Commonwealth any cosmetic or ingredient thereof, if the cosmetics manufacturer knew or reasonably should have known that the cosmetic or any compo-

nent thereof was developed or manufactured using cosmetic animal testing that was conducted on or after January 1, 2022; or (iii) beginning July 1, 2022, selling or offering for sale within the Commonwealth any cosmetic, if the cosmetics manufacturer knows or reasonably should know that the cosmetic or any component thereof was developed or manufactured using cosmetic animal testing that was conducted on or after January 1, 2022. Violations are subject to a civil penalty of up to \$5,000 and an additional \$1,000 for each day the violation continues. The bill preempts any local regulation on cosmetic animal testing. This bill is identical to HB 2250.

*Patron - Boysko*

**P SB1392 Consumer Data Protection Act.** Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for purposes of targeted advertising, the sale of personal data, or profiling of the consumer. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill directs the Joint Commission on Technology and Science to establish a work group to review the provisions of this act and issues related to its implementation, and to report on its findings by November 1, 2021. The bill has a delayed effective date of January 1, 2023. This bill is identical to HB 2307.

*Patron - Marsden*

## Failed

**F HB2003 Consumer Protection Act; prohibited practices; certain advertising related to school quality.** Adds as a prohibited practice under the Consumer Protection Act the use in any advertising any information regarding the quality of any public or private elementary or secondary school other than information derived from the school quality indicators contained in the School Quality Profiles established by the Department of Education or information derived from the school's website or the website of the school's district, unless such advertising contains a statement, displayed on its face in a conspicuous manner, that such school quality information is not derived from the school quality indicators contained in the School Quality Profiles established by the Department of Education or endorsed by the Department of Education. The bill provides that such provisions shall not become effective unless reenacted by the 2022 Session of the General Assembly.

The bill requires the Department of Law's Division of Consumer Counsel (the Division) to make recommendations to the Governor and the General Assembly for any legislation that the Division deems necessary to prevent the misleading or deceiving of consumers by the use of information in advertising regarding the quality of any public or private elementary or secondary school other than information derived from the school quality indicators contained in the School Quality Profiles established by the Department of Education or information derived from the school's website or the website of the school's district. The bill requires the Division to make its rec-

ommendations to the Governor and the General Assembly by November 1, 2021.

*Patron - Samirah*

## Unemployment Compensation

### Passed

**[P] HB2036 Virginia Employment Commission; communications with parties; report.** Authorizes the Virginia Employment Commission to send notices and other communications related to claims brought under the Virginia Unemployment Compensation Act through email or other electronic means in lieu of mail if a party to the claim so elects. The bill requires the Commission, if an electronic communication fails to be transmitted successfully, to send a new notice by first-class mail to the party's alternative address on record. The bill directs the Commission to report the number of unemployment insurance claimants who elect to receive communications electronically, and the effect of this change on Commission operations, by December 31, 2022.

*Patron - Tran*

**[P] HB2040 Unemployment compensation; failure to respond; continuation of benefits; repayment of overpayments.** Provides that when a claimant has had a determination of initial eligibility for unemployment benefits, as determined by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility, until a determination is made that provides the claimant notice and an opportunity to be heard.

The bill requires the Virginia Employment Commission to waive the obligation to repay any overpayment if (i) the overpayment was made without fault on the part of the individual and (ii) requiring repayment would be contrary to equity and good conscience. Overpayments shall not be considered "without fault on the part of the individual" if the overpayment was the result of (a) a reversal in the appeals process, unless the employer failed to respond timely or adequately; (b) a programming, technological, or automated system error that results in erroneous payments to a group of individuals; or (c) fraud.

The bill also provides that the Commission shall notify each person with an unpaid overpayment of benefits that he may be entitled to a waiver of repayment and provide 30 days to request such a waiver. The bill applies to overpayments established for the week commencing March 15, 2020, through the week commencing June 26, 2021, and only to those overpayments that remain outstanding as of July 1, 2021. Amounts already paid or collected against such overpayments shall not be reimbursed to the claimant, except for benefits paid under the Pandemic Unemployment Assistance program. The bill allows the Commission to suspend or forgo referring any overpayment to the collections process. The bill provides that all costs to the Unemployment Compensation Fund (the Fund) resulting from the provisions of the bill for overpayments of benefits shall be reimbursed to the Fund from the general fund in the general appropriation act and that employers are not responsible for reimbursing benefits or benefits charges except when the employer failed to respond timely or adequately. The provisions of the bill expire on July 1, 2022. This bill received Governor's recommendations.

*Patron - Hudson*

### Failed

**[F] HB1977 Unemployment compensation; overpayments due to administrative error.** Provides that if an individual receives an overpayment of unemployment benefits under the state program that occurred due to an administrative error, the individual is not required to repay the overpayments.

*Patron - Askew*

**[F] HB2016 Paid family and medical leave program.** Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2024. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2023. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program.

*Patron - Ayala*

**[F] HB2037 Unemployment compensation; benefits; suitable work; benefits charges.** Provides that under specific conditions related to the COVID-19 virus work will not be deemed suitable and benefits will not be denied to any otherwise eligible individual for refusing to accept new work if (i) the individual presents satisfactory evidence that such individual (a) has tested positive for COVID-19, (b) has been otherwise directed by a physician to quarantine due to COVID-19, or (c) is providing care for an immediate family member who has tested positive for COVID-19 or (ii) the individual has a reasonable belief, based on satisfactory evidence, that the workplace is unsafe because it does not meet governmental-mandated COVID-19 health and safety standards for the workplace, including standards issued by the U.S. Occupational Safety and Health Administration, the Department of Labor and Industry, or the Department of Health, or through an executive order or directive issued by the Governor. The bill provides that for individuals who refuse to accept an offer of work based on such conditions no benefits charges will be deemed to be the responsibility of the previous employer, unless the individual has refused an offer to return to work to his previous employer because the individual has a reasonable belief that the workplace is not in compliance with the Department of Labor and Industry's standards for the prevention of COVID-19. The provisions of the bill expire 30 days after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

*Patron - Tran*

**[F] SB1330 Paid family and medical leave program.** Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2024. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2023. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program.

*Patron - Boyko*

# Waters of the State, Ports and Harbors

## Passed

**[P] HB1982 Nutrient credits; use by facility with certain stormwater discharge permit.** Authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

*Patron - Bulova*

**[P] HB1983 Wetland and stream mitigation banks; proximity of impacted site.** Provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements.

*Patron - Bulova*

**[P] SB1258 Solar projects; erosion and sediment control plan review.** Requires any locality that does not operate a regulated municipal separate storm sewer system and for which the Department of Environmental Quality did not administer a Virginia Stormwater Management Program as of July 1, 2020, to notify the Department if it decides to have the Department provide the locality with (i) review of a required erosion and sediment control plan and (ii) a recommendation on the plan's compliance with the requirements of the Erosion and Sediment Control Law and the State Water Control Board's regulations for any solar project and its associated infrastructure with a rated electrical generation capacity exceeding five megawatts. The bill provides certain procedural steps for the Department and the Virginia Erosion and Sediment Control Program authority for a locality to take in reviewing the plan and making recommendations and decisions. The Department shall adopt a fee schedule and charge fees for conducting such reviews.

*Patron - Marsden*

**[P] SB1265 Natural gas pipelines; stop work instructions.** Authorizes the Department of Environmental Quality to conduct inspections of the land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections only if such inside diameter is greater than 36 inches. The bill also specifies certain instances that may give rise to such inspection and authorizes the Department to issue a stop work instruction for every work area in Virginia in the event that substantial adverse impacts or likely adverse impacts are found on a repeated, frequent, and widespread basis.

*Patron - Deeds*

**[P] SB1291 Virginia Water Protection Permit; withdrawal of surface water or ground water; plans for water**

**auditing and leak detection and repair.** Requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and a leak detection and repair plan that comply with regulations adopted by the State Water Control Board pursuant to the provisions of the bill. The provisions of the bill shall not become effective until 30 days after the adoption by the Board of such regulations.

*Patron - Mason*

**[P] SB1311 Water quality standards; approval of permits and certifications.** Requires an applicant for a natural gas transmission pipeline greater than 36 inches inside diameter to submit in the application a detailed erosion and sediment control plan and stormwater management plan subject to Department of Environmental Quality (the Department) review and approval. After receipt of such application, the bill directs the Department to issue a request for information about how the erosion and sediment control plan and stormwater management plan will address activities in or related to upland areas, and requires the applicant to respond. The bill directs the Department to consider such information in developing a draft certification or denial, and to take certain additional public notice steps.

The bill prohibits the Department and the State Water Control Board from expressly waiving certification of a natural gas transmission pipeline of greater than 36 inches inside diameter under § 401 of the federal Clean Water Act and requires the Department or Board to act on any certification request within a reasonable period of time pursuant to federal law.

*Patron - McClellan*

**[P] SB1396 Sewage; Onsite Sewage Indemnification Fund; Wastewater Infrastructure Policy Working Group; report.** Authorizes the State Board of Health to use the Onsite Sewage Indemnification Fund to provide grants and loans to property owners with income at or below 200 percent of the federal poverty guidelines to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal. The bill provides that no expenses shall be paid from the Fund to support the program for training and recognition of onsite soil evaluators, or to provide grants or loans to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal in lieu of payment to any owner or owners qualified to receive payment from the Fund. The bill also directs the Board to adopt regulations that include consideration of the impacts of climate change on proposed treatment works.

The bill sets out the policy of the Commonwealth regarding wastewater infrastructure and establishes the four-member Wastewater Infrastructure Policy Working Group as an advisory board in the executive branch of state government to continually assess wastewater infrastructure needs and develop policy recommendations. The bill provides that the Working Group shall expire in 2030. The bill also directs the Department of Environmental Quality, in partnership with the Virginia Department of Health and in consultation with stakeholders, to estimate and report every four years the amount of wastewater infrastructure funding that is necessary to meet policy goals but is not eligible to be covered by grant funding pursuant to the Virginia Water Quality Improvement Act of 1997.

*Patron - Hashmi*

**[P] SB1404 Stormwater Local Assistance Fund; grant requirements.** Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as

reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.

*Patron - Lewis*

## Welfare (Social Services)

### Passed

**P HB1820 Temporary Assistance for Needy Families; food stamp program; eligibility; postsecondary education.** Adds participation in educational activities that lead to a post-secondary credential from an accredited 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 to the list of activities to which a participant in the Virginia Initiative for Education and Work may be enrolled and directs the Board of Social Services to amend the Supplemental Nutrition Assistance Program (SNAP) benefits program to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, (iii) not impose an asset limit for eligibility, and (iv) increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program participants to satisfy applicable employment and training requirements through enrollment 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.

*Patron - Helmer*

**P HB1957 Adult adoption; investigation and report.** Removes the requirement that an investigation and report be conducted when a petition is filed for the adoption of a person 18 years of age or older on the basis of good cause shown and after a showing that the person to be adopted is at least 15 years younger than the petitioner and the petitioner and the person to be adopted have known each other for at least one year prior to the filing of the petition for adoption.

*Patron - Avoli*

**P HB1962 Foster care; termination of parental rights; relatives and fictive kin.** Requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin. This bill received Governor's recommendations.

*Patron - Gooditis*

**P HB2018 Emergency order for adult protective services; acts of violence, force, or threat or financial exploitation; penalty.** Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such

other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator. This bill is identical to SB 1297.

*Patron - Mullin*

**P HB2035 Virginia Initiative for Education and Work; Full Employment Program.** Modifies the Full Employment Program (FEP) for Virginia Initiative for Education and Work participants by (i) allowing FEP participants to continue receiving Temporary Assistance for Needy Families (TANF); (ii) disregarding wages received through FEP for purposes of calculating TANF; (iii) removing the requirement that a person be unable to find unsubsidized employment in order to participate in FEP; and (iv) allowing employers participating in FEP to receive a subsidy of up to \$1,000 per month for each FEP employee for a period not to exceed six months.

*Patron - Tran*

**P HB2065 Produce Rx Program established; report.** Directs the Department of Social Services, in cooperation with the Department of Medical Assistance Services, to convene a work group to develop a plan for a three-year pilot Produce Rx Program to incentivize consumption of qualifying fruits and vegetables by eligible individuals for whom increased consumption of fruits and vegetables is recommended by a qualified care provider. The bill requires the Department of Social Services to report on the activities of the work group and the elements of the plan to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by October 1, 2021.

*Patron - McQuinn*

**P HB2191 Local departments of social services; investigations and family assessments; disclosure of child's location.** Requires local departments of social services, when conducting investigations or family assessments, to disclose to the child's parent or guardian, upon request, the location of the child, provided that (i) the investigation or family assessment has not been completed and a report has not been transmitted; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department of social services any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compro-

mise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

*Patron - Leftwich*

**[P] HB2206 Child Care Subsidy Program; emergency.** Provides that regulations governing the Child Care Subsidy Program (the Program) shall be amended to provide that (i) a family shall be eligible for assistance through the Program if the family's income does not exceed 85 percent of the state median income, the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the Program and (ii) job search activities shall be considered eligible activities for the purposes of the Program. The bill provides that a family determined to be eligible for assistance through the Program shall be eligible to receive assistance for a period of 12 months or until the family's household income exceeds 85 percent of the state median income, whichever occurs sooner. The Department of Social Services shall administer the program, as amended by the bill, in cooperation with the Department of Education. The bill contains an emergency clause and provides that the provisions of the bill shall be applicable to applications for assistance through the Program received prior to August 1, 2021.

*Patron - Filler-Corn*

**[P] SB1297 Emergency order for adult protective services; acts of violence, force, or threat or financial exploitation; penalty.** Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator. This bill is identical to HB 2018.

*Patron - Obenshain*

**[P] SB1321 Confirmatory adoption.** Expands the stepparent adoption provisions to allow a person who is not the child's stepparent but has a legitimate interest in the child to file a joint petition for adoption with the child's birth parent or parent by adoption.

*Patron - Boysko*

**[P] SB1328 State-Funded Kinship Guardianship Assistance program.** Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and

ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.

*Patron - Mason*

## Failed

**[F] HB1932 Child-placing agencies; conscience clause; repeal.** Repeals provisions that allow child-placing agencies to refuse to perform, assist with, counsel, recommend, consent to, refer, or participate in any child placements when the proposed placement violates the agency's written religious or moral convictions or policies. The bill provides that any child-placing agency that operates pursuant to the provisions of the conscience clause prior to February 1, 2021, may continue to do so until January 1, 2022, but only with regard to placements made prior to February 1, 2022.

*Patron - Levine*

**[F] HB2301 Department of Medical Assistance Services; therapeutic day treatment.** Directs the Department of Medical Assistance Services (the Department) to (i) develop and implement a plan that directs and guides Medicaid managed care organizations' decisions regarding authorization of school-based therapeutic day treatment for children and adolescents during the transition to the full implementation of redesigned school-based services to minimize gaps in therapeutic day treatment coverage during the transition period and (ii) implement a process for reviewing such decisions of managed care organizations. The bill directs the Department to report quarterly beginning October 1, 2021, to the Secretary of Health and Human Resources and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations regarding the plan and process developed and the data and information collected pursuant to the bill.

*Patron - Bell*

**[F] SB1462 Virginia Digital Equity Pilot Program and Fund.** Requires the Department of Social Services to establish a pilot program to provide a fixed reimbursement for the costs of broadband services to households currently participating in the Supplemental Nutrition Assistance Program. The bill has an expiration date of July 1, 2024. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Mason*

## Wills, Trusts, and Fiduciaries

## Failed

**[F] HB1856 Electronic execution of estate planning documents; Uniform Electronic Wills Act.** Permits trusts, advance medical directives, and refusals to make anatomical gifts to be signed and notarized, as appropriate, by electronic means. The bill also codifies the Uniform Electronic Wills Act, which permits a testator to execute a will by electronic means. The Act requires that the will be signed by two witnesses who are in the physical or electronic presence of the testator and acknowledged by the testator and attesting witnesses in the physical or electronic presence of a notary public.

*Patron - Sullivan*

**[F] SB1123 Will contest; presumption of undue influence.** Provides that in any case contesting the validity of a decedent's will where a presumption of undue influence arises, the burden of producing evidence and the burden of persuasion as to the factual issue that undue influence was exerted over the testator shall be on the party against whom the presumption operates.

*Patron - Obenshain*

**[F] SB1124 Execution of wills; witnesses.** Requires the witnesses to a will to be disinterested, a term defined in the bill.

*Patron - Obenshain*

**[F] SB1435 Electronic execution of estate planning documents; Uniform Electronic Wills Act.** Permits trusts, advance medical directives, and refusals to make anatomical gifts to be signed and notarized, as appropriate, by electronic means. The bill also codifies the Uniform Electronic Wills Act, which permits a testator to execute a will by electronic means. The Act requires that the will be signed by two witnesses who are in the physical or electronic presence of the testator and acknowledged by the testator and attesting witnesses in the physical or electronic presence of a notary public.

*Patron - Hanger*

## Workers' Compensation

### Passed

**[P] HB1818 Workers' compensation; presumption of compensability for certain diseases.** Provides that the occupational disease presumption for death caused by hypertension or heart disease will apply for salaried or volunteer emergency medical services personnel who have at least five years of service and are operating in a locality that has legally adopted a resolution declaring that it will provide one or more of such presumptions. The provisions of the bill do not apply to any individual who was diagnosed with hypertension or heart disease before July 1, 2021. This bill incorporates HB 2080 and is identical to SB 1275.

*Patron - Heretick*

**[P] HB1985 Workers' compensation; presumption of compensability for COVID-19.** Establishes a presumption that COVID-19 causing the death or disability of health care providers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19 and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to July 1, 2020, either of the following criteria must be met, and on or after July 1, 2020, and prior to December 31, 2021, both of the following criteria must be met: (i) the claimant received a positive diagnosis of COVID-19 from a licensed physician, nurse practitioner, or physician assistant after either a presumptive positive test or a laboratory-confirmed test for COVID-19 and (ii) the claimant presented with signs and symptoms of COVID-19 that required medical treatment. The bill provides that such presumptions do not apply to any person offered by his employer a vaccine for the prevention of COVID-19 unless the person is immunized

or the person's physician determines in writing that immunization would pose a significant risk to the person's health.

*Patron - Hurst*

**[P] HB2207 Workers' compensation; presumption of compensability for COVID-19.** Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, correctional officers, and regional jail officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that such presumption applies to any death or disability occurring on or after September 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after September 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. This bill is identical to SB 1375. This bill received Governor's recommendations.

*Patron - Jones*

**[P] SB1275 Workers' compensation; presumption of compensability for certain diseases.** Provides that the occupational disease presumption for death caused by hypertension or heart disease will apply for salaried or volunteer emergency medical services personnel who have at least five years of service and are operating in a locality that has legally adopted a resolution declaring that it will provide one or more of such presumptions. The provisions of the bill do not apply to any individual who was diagnosed with hypertension or heart disease before July 1, 2021. This bill is identical to HB 1818.

*Patron - Marsden*

**[P] SB1351 Workers' compensation; claims not barred.** Provides that an order issued by the Workers' Compensation Commission awarding or denying benefits shall not bar by res judicata any claim by an employee or cause a waiver, abandonment, or dismissal of any claim by an employee if the order does not expressly adjudicate such claim.

*Patron - Lewis*

**[P] SB1375 Workers' compensation; presumption of compensability for COVID-19.** Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, correctional officers, and regional jail officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that such presumption applies to any death or disability occurring on or after September 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after September 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. This bill incorporates SB 1342 and is identical to HB 2207. This bill received Governor's recommendations.

*Patron - Saslaw*

### Failed

**[F] HB1754 Employment; retaliatory discharge of employee; Workers' Compensation.** Prohibits an employer or other person from discharging or taking other retaliatory action against an employee if such action is motivated by the knowledge or belief that the employee has filed a claim or



taken or intends to take certain actions under the Virginia Workers' Compensation Act. Currently, retaliatory discharges are prohibited only if the employer discharges an employee solely because the employee has taken or intends to take such an action.

*Patron - Carter*

**[F] HB2080 Workers' compensation; presumption of compensability for certain diseases; local authority to apply to certain emergency services personnel.** Adds full-time, salaried emergency medical services personnel employed by any locality that has authorized such presumption by ordinance to the list of persons to whom, after five years of service, the occupational disease presumption for death caused by hypertension or heart disease applies. This bill was incorporated into HB 1818.

*Patron - Convis-Fowler*

**[F] HB2228 Workers' compensation; injuries caused by repetitive and sustained physical stressors.** Provides that, for the purposes of the Virginia Workers' Compensation Act, "occupational disease" includes injuries from conditions resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stress, contact stresses, vibration, or noise. The bill provides that such injuries are covered under the Act. Such coverage does not require that the injuries occurred over a particular period, provided that such a period can be reasonably identified and documented and further provided that the employment is shown to have primarily caused the injury, considering all causes.

*Patron - Guzman*

**[F] SB1342 Workers' compensation; presumption of compensability for COVID-19.** Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. This bill was incorporated into SB 1375.

*Patron - Vogel*

## Virginia Energy Plan

### Passed

**[P] HB1925 Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; handbook.** Establishes the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program (the Fund and Program). The bill provides that no allocation of funds shall be made to the Fund or Program unless federal funds are available to cover the cost of such allocation. The Fund and Program shall be administered by the Department of Mines, Minerals and Energy for the purpose of awarding grants to renewable energy projects

that are located on brownfields or previously coal mined lands, both defined in the bill. Grants are to be awarded on a basis of \$500 per kilowatt of nameplate capacity from renewable energy sources that are located on previously coal mined lands and \$100 per kilowatt of nameplate capacity from renewable energy sources that are located on brownfields.

No more than \$10 million shall be awarded to any previously coal mined lands project and no more than \$5 million to any single brownfield project. No more than \$35 million shall be allocated per year by the grant program. Of the \$35 million, \$20 million shall be reserved for previously coal mined lands projects. If less than \$20 million is distributed to such projects, the remaining funds may be reallocated to brownfield projects. The bill also provides that the Department shall, in consultation with stakeholders, develop a handbook for renewable energy and energy storage development on brownfields and previously coal mined lands. Finally, the bill requires the Department to submit an annual report regarding administration of the Fund and Program to the General Assembly. However, the annual report shall not be required if the Fund and Program are not funded.

*Patron - Kilgore*

**[P] SB1223 Transportation electrification; Virginia Energy Plan.** Amends the Virginia Energy Plan to include an analysis of electric vehicle charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector.

*Patron - Boysko*

**[P] SB1284 Commonwealth Clean Energy Policy.** Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

*Patron - Favola*

### Failed

**[F] HB1937 Green New Deal Act.** Establishes a moratorium, effective January 1, 2022, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that require the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires that at least 80 percent of the electricity sold by a retail electric supplier in calendar years 2028 through 2035 be generated from clean energy resources. In calendar

year 2036 and every calendar year thereafter, 100 percent of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or generates not less than 1,000 megawatt hours of electric energy for use by the person. The Director of the Department of Mines, Minerals and Energy is authorized to bring actions for injunctions to enforce these requirements. The measure requires the Department to adopt a Climate Action Plan that addresses all aspects of climate change, including mitigation, adaptation, resiliency, and assistance in the transition from current energy sources to clean renewable energy. The measure provides that any retail electric supplier that fails to meet any goal or benchmark is liable for a civil penalty equal to twice the cost of the financial investment necessary to meet such goal or mandate that was not achieved, or three times the cost of the financial investment necessary to meet such goal or benchmark that was not achieved if not met in an environmental justice community.

The measure provides that it is the goal of the Commonwealth to achieve a 36 percent reduction in electric energy consumption in buildings by 2036. The measure requires the Department, in coordination with the Virginia Council on Environmental Justice (Council) to establish performance benchmarks for environmental justice communities and to establish programs for jobs for people in environmental justice communities. The measure requires the Council to develop and make available to each state agency training modules designed to facilitate the promotion of environmental justice.

The measure requires the Department to establish the Transitioning Workers Program (the Program) to provide support for workers in the fossil fuel industry and affected communities and provide such workers job training, relocation support, income and benefit support, and early retirement benefits. The measure provides for funding such program by 20 percent of the revenue generated by the allowance auction established by the Director of the Department of Environmental Quality. The measure prohibits the State Corporation Commission from approving construction of any new utility-owned generating facilities that emit carbon dioxide as a by-product of combusting fuel to generate electricity. The measure requires that all utility costs associated with the construction of, acquisition of, or agreements to purchase the energy, capacity, and environmental attributes of certain required generation and storage facilities are recovered through the utility's rates for generation and distribution services.

The measure requires that under the renewable energy portfolio standard program, Dominion Energy Virginia and American Electric Power be required to produce their electricity from 80 percent renewable sources by 2028 and 100 percent by 2036. The measure increases the incremental energy efficiency savings that each investor-owned incumbent electric utility is required to achieve that start in 2022 at 2.4 percent for American Electric Power and Dominion Energy Virginia of the average annual energy retail sales by that utility in 2020 and increases those savings annually.

*Patron - Rasoul*

**[F] SB1463 Covenants regarding solar power; planned unit developments.** Provides that existing provisions prohibiting a community association from prohibiting a property owner from installing a solar energy collection device on that owner's property do not apply to the architectural review committee of a planned unit development, provided that the recorded declaration for that property establishes that the architectural review committee has general authority over design and development standards for properties located within the planned unit development.

*Patron - Cosgrove*

## Constitutional Amendments

### Passed

**[P] HJ555 Constitutional amendment (first reference); qualifications of voters and the right to vote; persons not entitled to vote.** Provides that every person who meets the qualifications of voters set forth in the Constitution shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, he shall be invested with all political rights, including the right to vote. A person who has been adjudicated to lack the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. This resolution incorporates HJ 546 and is identical to SJ 272.

*Patron - Herring*

**[P] HJ582 Constitutional amendment (first reference); marriage; repeal of same-sex marriage prohibition; affirmative right to marry.** Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage. This resolution incorporates HJ 539 and HJ 557.

*Patron - Sickles*

**[P] SJ270 Constitutional amendment (first reference); marriage; repeal of same-sex marriage prohibition; affirmative right to marry.** Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

*Patron - Ebbin*

**[P] SJ272 Constitutional amendment (first reference); qualifications of voters and the right to vote; persons not entitled to vote.** Provides that every person who meets the qualifications of voters set forth in the Constitution shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be enti-

tled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, he shall be invested with all political rights, including the right to vote. A person who has been adjudicated to lack the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law. This resolution is identical to HJ 555.

*Patron - Locke*

## Failed

**[F] HJ513** Constitutional amendment (first reference); **executive power; state of emergency; special session.** Limits the authority of the Governor to issue an executive order declaring a state of emergency that restricts, limits, or prohibits otherwise lawful action by a private business, non-profit entity, or individual for a period more than 45 days in duration without approval by the General Assembly. The Governor is required to convene a special session for the purpose of the General Assembly approving the extension of such executive order beyond the forty-fifth day after its original issuance and if the General Assembly does not approve such extension, the Governor is prohibited from issuing a subsequent executive order in the same form for the same declared emergency. The General Assembly is permitted to extend the executive order to a date requested by the Governor or to a date of the General Assembly's choosing, but it shall not approve the extension to a date beyond the first full week of the next regular session of the General Assembly, unless such date is requested by the Governor.

*Patron - Wilt*

**[F] HJ514** Constitutional amendment (first reference); **special sessions; required in certain states of emergency.** Requires the Governor to convene a special session whenever declaring a state of emergency for a period that exceeds 90 days or whenever extending a state of emergency for a period that exceeds 90 days in the aggregate.

*Patron - Webert*

**[F] HJ515** Constitutional amendment (first reference); **right of parents.** Adds to the Constitution of Virginia the fundamental right of parents to direct the upbringing, education, and care of their children. The amendment prohibits the Commonwealth from infringing these rights without demonstrating that the governmental interest as applied to the person is of the highest order and not otherwise served. The amendment shall not be construed to apply to a parental action or decision that would physically harm or end the life of the child.

*Patron - Cole, M.L.*

**[F] HJ539** Constitutional amendment (first reference); **marriage; repeal of same-sex marriage prohibition; recognition of same-sex marriages.** Repeals the constitutional provision defining marriage as only a union between one man and one woman, as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the Commonwealth and its political subdivisions and its agents are required to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the gender of the two parties to the marriage. The amendment further provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage. This bill was incorporated into HJ 582.

*Patron - Levine*

**[F] HJ546** Constitutional amendment (first reference); **franchise and officers; felon disenfranchisement; automatic restoration of political rights.** Provides that no person who has been convicted of a felony shall be qualified to vote until the completion of his sentence of imprisonment or active supervision, at which time, without further action required of him, his political rights, including the right to vote, shall be restored. A person convicted of a felony may also have his civil rights restored by the Governor or other appropriate authority. This bill was incorporated into HJ 555.

*Patron - Jones*

**[F] HJ548** Constitutional amendment (first reference); **education; public schools; standards of quality.** Provides that it is the responsibility of the Commonwealth, rather than the General Assembly, to provide for a system of free public elementary and secondary schools and to ensure a high-quality educational program is established and maintained. The amendment also removes the authority of the General Assembly to revise the standards of quality that are determined and prescribed by the Board of Education for school divisions.

*Patron - Hurst*

**[F] HJ551** Constitutional amendment (first reference); **qualifications of voters; 16-year-olds permitted to vote.** Provides that, notwithstanding the requirement that a voter shall be 18 years of age, any person who is 16 years of age or older and is otherwise qualified to vote shall be permitted to register to vote and to vote in local elections.

*Patron - Rasoul*

**[F] HJ556** Constitutional amendment (first reference); **environmental justice.** Establishes that it is the policy of the Commonwealth to follow the principles of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies and to ensure that no population, especially minority, low-income, or historically economically disadvantaged communities, faces higher levels or greater impacts of pollution and climate change than other populations.

*Patron - Lopez*

**[F] HJ557** Constitutional amendment (first reference); **marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). This bill was incorporated into HJ 582.

*Patron - Lopez*

**[F] HJ614** Constitutional amendment (first reference); **real property tax exemption; surviving spouses of service members who died while serving or from a service-connected injury or illness.** Provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of (i) a member of the armed services who died while serving or (ii) a veteran who died from a service-connected disability or illness. Under a current constitu-

tional provision, only the surviving spouse of a member of the armed forces who was killed in action is eligible for the real property tax exemption.

*Patron - Mundon King*

**[F] HJ616 Constitutional amendment (first reference); real property tax exemption; affordable housing.** Provides that the General Assembly may authorize a locality to fully or partially exempt affordable housing, as such term may be defined by statute, from local real property taxation.

*Patron - Bourne*

**[F] SJ271 Constitutional amendment (first reference); Governor's term of office.** Permits a Governor elected in 2025 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Ebbin*

**[F] SJ274 Constitutional amendment (first reference); immunity of legislators.** Limits the immunity of legislators by allowing the arrest of a member of the General Assembly during the sessions of the respective houses upon issuance of process for arrest by a judge with authorization of the attorney for the Commonwealth or the law-enforcement agency having jurisdiction over the offense.

*Patron - Reeves*

**[F] SJ275 Constitutional amendment (first reference); public schools in the Commonwealth; equitable educational opportunities.** Requires the General Assembly to provide for a system of public schools in the Commonwealth with equitable educational opportunities for all children and to ensure that all school-age children are provided with equitable educational opportunities.

*Patron - Stanley*

**[F] SJ289 Constitutional amendment (first reference); local government; sale of property; authority to grant perpetual easements to units of government.** Allows easements on public property to be granted in perpetuity to a public body, political subdivision, or authority of the Commonwealth or to the United States of America or any of its departments or agencies. The requirement to advertise and publicly receive bids does not apply to easements conveyed to any such governmental entity.

*Patron - Mason*

**[F] SJ290 Constitutional amendment (first reference); legislative compensation; Legislative Compensation Commission.** Establishes the Legislative Compensation Commission, charged with determining the salaries, allowances, and retirement benefits of the members of the General Assembly. Members would receive no compensation from the Commonwealth other than the compensation determined by the Commission. The Commission is established by appointment of the General Assembly every four years beginning July 1, 2026.

*Patron - McPike*

**[F] SJ297 Constitutional amendment (first reference); authority of General Assembly to exempt property owned by certain veterans' and service members' services organizations from taxation.** Provides that the General Assembly may by general law exempt from taxation the property of a nonprofit organization whose purpose is to provide

services to veterans or service members of the Armed Forces of the United States.

*Patron - Bell*

**[F] SJ309 Constitutional amendment (first reference); General Assembly; term limits.** Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. The limits apply to terms of service beginning on and after the start of the 2024 Regular Session of the General Assembly.

*Patron - Chase*

**[F] SJ310 Constitutional amendment; length of regular sessions convened in odd-numbered years.** Amends the Constitution of Virginia to provide that a regular session of the General Assembly convened in an odd-numbered year shall continue for no longer than 46 days and may be extended for a period not exceeding 14 days. Under the current constitution, a regular session convened in an odd-numbered year shall continue for no longer than 30 days and may be extended for a period not exceeding 30 days.

*Patron - Saslaw*

## Other Resolutions

### Passed

**[P] HJ525 National Statuary Hall Collection at the United States Capitol; Barbara Rose Johns.** Authorizes, and directs the submission to the Joint Committee of Congress on the Library, that the vacant spot of the Commonwealth in the National Statuary Hall Collection at the United States Capitol be filled with a statue to commemorate Barbara Rose Johns. The request is subject to written approval by the Governor and is made in accordance with the recommendation by the Commission for Historical Statues in the United States Capitol. This resolution is identical to SJ 288.

*Patron - Ward*

**[P] HJ537 Racism; public health crisis.** Recognizes that racism is a public health crisis in Virginia.

*Patron - Aird*

**[P] HJ538 Access to water; human right.** Recognizing that access to clean, potable, and affordable water is a necessary human right.

*Patron - Aird*

**[P] HJ562 International Overdose Awareness Day.** Designates August 31, in 2021 and in each succeeding year, as International Overdose Awareness Day in Virginia and directs that flags be lowered to half-mast on August 31 in memory of those who have lost their lives to addiction.

*Patron - Miyares*

**[P] HJ583 Liberty Amendments Month.** Designates June 19 through the third Monday in July, in 2021 and in each succeeding year, as Liberty Amendments Month in Virginia. This resolution is identical to SJ 323.

*Patron - Bagby*

**[P] HJ596 Brain Aneurysm Awareness Month.** Designates September, in 2021 and in each succeeding year, as Brain

Aneurysm Awareness Month in Virginia. This resolution is identical to SJ 276.

*Patron - Gooditis*

**[P] HJ605 Victims of COVID-19 Remembrance Day.** Designating March 14, in 2021 and in each succeeding year, as Victims of COVID-19 Remembrance Day in Virginia.

*Patron - McQuinn*

**[P] HJ606 Equal Citizens Month.** Designates November, in 2021 and in each succeeding year, as Equal Citizens Month in Virginia.

*Patron - Convirs-Fowler*

**[P] HJ629 Appointment; Chairman of the Virginia Criminal Sentencing Commission.** Confirms the appointment by the Chief Justice of the Supreme Court of Virginia of the Honorable Edward L. Hogshire as Chairman of the Virginia Criminal Sentencing Commission.

*Patron - Herring*

**[P] SJ276 Brain Aneurysm Awareness Month.** Designates September, in 2021 and in each succeeding year, as Brain Aneurysm Awareness Month in Virginia. This resolution is identical to HJ 596.

*Patron - Favola*

**[P] SJ286 Emergency Management Professionals Week.** Designates the third week in March, in 2021 and in each succeeding year, as Emergency Management Professionals Week in Virginia.

*Patron - McPike*

**[P] SJ288 National Statuary Hall Collection at the United States Capitol; Barbara Rose Johns.** Authorizes, and directs the submission to the Joint Committee of Congress on the Library, that the vacant spot of the Commonwealth in the National Statuary Hall Collection at the United States Capitol be filled with a statue to commemorate Barbara Rose Johns. The request is subject to written approval by the Governor and is made in accordance with the recommendation by the Commission for Historical Statues in the United States Capitol. This resolution is identical to HJ 525.

*Patron - Lucas*

**[P] SJ292 Women's Suffrage Month.** Designates August, in 2021 and in each succeeding year, as Women's Suffrage Month in Virginia.

*Patron - Vogel*

**[P] SJ323 Liberty Amendments Month.** Designates June 19 through the third Monday in July, in 2021 and in each succeeding year, as Liberty Amendments Month in Virginia. This resolution is identical to HJ 583.

*Patron - Locke*

**[P] SR95 Commemorative commission; Old Senate Chamber; statue of Booker T. Washington.** Expresses the Senate of Virginia's support for and calls upon the Chairman of the Senate Committee on Rules to establish a commemorative commission to honor Booker T. Washington with a statue in the Old Senate Chamber.

*Patron - Suetterlein*

## Failed

**[F] HJ511 Gospel Music Heritage Month.** Designates September, in 2021 and in each succeeding year, as Gospel Music Heritage Month in Virginia.

*Patron - Ward*

**[F] HJ523 Voting Rights for Women Month.** Designates November, in 2021 and in each succeeding year, as Voting Rights for Women Month in Virginia.

*Patron - Fowler*

**[F] HJ524 Abolition Day.** Designating December 6, in 2021 and in each succeeding year, as Abolition Day in Virginia.

*Patron - Davis*

**[F] HJ528 Uyghur American Friendship Day.** Designates November 12, in 2021 and in each succeeding year, as Uyghur American Friendship Day in Virginia.

*Patron - Delaney*

**[F] HJ550 Memorializing Congress; Glass-Steagall Act; infrastructure bank.** Urges the Congress of the United States to reinstate the Glass-Steagall Act and develop an infrastructure bank.

*Patron - Rasoul*

**[F] HJ559 Recognizing that global warming caused by human activity has resulted in a climate and ecological emergency.** Expresses the sense of the General Assembly in recognizing that global warming caused by human activity that increases emissions of greenhouse gases has resulted in a climate and ecological emergency.

*Patron - Guzman*

**[F] HJ566 Republic of India; Citizenship Amendment Act.** Memorializes the Congress of the United States to call on the Republic of India to repeal the Citizenship Amendment Act, to stop expansion of the National Register of Citizens, and to become a signatory to United Nations conventions on refugees.

*Patron - Samirah*

**[F] HJ569 Department of Forestry; stakeholder advisory group to study and evaluate enabling statutes for local ordinances related to the preservation, planting, and replacement of trees during the land development process; report.** Requests the Department of Forestry to convene a stakeholder advisory group for the purposes of studying and evaluating Virginia's current enabling statutes for local ordinances related to the preservation, planting, and replacement of trees during the land development process.

*Patron - Jones*

**[F] HJ572 Recognition of the Wolf Creek Cherokee Tribe of Virginia.** Extends state recognition to the Wolf Creek Cherokee Tribe of Virginia within the Commonwealth.

*Patron - McQuinn*

**[F] HJ573 COVID-19 vaccination; voluntary.** Expresses the sense of the General Assembly that any vaccination for the COVID-19 virus shall be voluntary within the Commonwealth of Virginia and that it fully supports the practice of medical informed consent.

*Patron - LaRock*

**[F] HJ607 Cystic Fibrosis Awareness Month.** Designates May, in 2021 and in each succeeding year, as Cystic Fibrosis Awareness Month in Virginia.

*Patron - Subramanyam*

**[F] HJ618 Denouncing racism and racist ideologies.** Condemns all forms of racism, hate, bigotry, and discrimination, including physical or verbal attacks that target people on the basis of racial or ethnic origin, religion, sexual orientation, or gender identity.

*Patron - Levine*

**[F] HJ626 Clarence Clemons Day.** Designates January 11, in 2022 and in each succeeding year, as Clarence Clemons Day in Virginia.

*Patron - Jones*

**[F] HR225 Memorializing Congress; H.R. 6422; National Infrastructure Bank.** Urges the Congress of the United States to pass H.R. 6422 and create a National Infrastructure Bank to finance urgently needed infrastructure projects.

*Patron - Guzman*

**[F] HR227 Racism; public health crisis.** Recognizes that racism is a public health crisis in Virginia.

*Patron - Jones*

**[F] HR239 Police; affirming support.** Expresses the sense of the House of Delegates in affirming its support and appreciation for the service and sacrifice of law-enforcement officers in the Commonwealth.

*Patron - Miyares*

**[F] SJ291 Commemorative commission; State Capitol; statue of Booker T. Washington.** Expresses the General Assembly's support for and calls upon the Governor to establish a commemorative commission to honor Booker T. Washington with a statue in the State Capitol.

*Patron - Suetterlein*

## Miscellaneous (Including Budget and Bonds)

### Passed

**[P] HB1768 Lynchburg Parking Authority.** Shortens from five years to three years the term of office of appointees to the Lynchburg Parking Authority, beginning with appointments made on or after July 1, 2021. This bill passed during the regular session.

*Patron - Walker*

**[P] HB1800 Budget Bill.** Amends Chapter 56 of the Acts of Assembly of 2020, Special Session I. This bill received Governor's recommendations.

*Patron - Torian*

**[P] HB1927 Economic development authorities; Fairfax County.** Allows Fairfax County to appoint nine, rather than seven, commissioners to the economic development authority. This bill passed during the regular session.

*Patron - Sickles*

**[P] HB2177 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially

from general fund-supported resources. This bill is identical to SB 1155.

*Patron - Torian*

**[P] HB2179 Refunding bonds; emergency.** Alters the principal and interest requirements, maturity date, and allowable discount for previously issued refunding bonds. The bill contains an emergency clause and has an expiration date of June 30, 2023. This bill is identical to SB 1134.

*Patron - Torian*

**[P] HB2187 Commonwealth Center for Recurrent Flooding Resiliency; development of Flood Resiliency Clearinghouse Program.** Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to evaluate the development of a Flood Resiliency Clearinghouse Program and to work with the Department of Conservation and Recreation to evaluate solutions that manage both water quality and flooding and emphasize nature-based solutions. The bill requires the Center to report its findings by November 1, 2021.

*Patron - Hodges*

**[P] HB2257 Hampton Roads Sanitation District.** Makes numerous changes to the enabling act for the Hampton Roads Sanitation District related to the addition of Northampton and Accomack Counties to the district, including realignment of the residency requirements for Commissioners. Other changes include (i) defining the term "associated water system" and inserting it as appropriate throughout the bill; (ii) amending certain eminent domain powers related to procurement of lands contiguous to the site of an existing sewage disposal system for construction and operation of an expanded sewage disposal system to meet new regulatory requirements, including nutrient removal technology; (iii) altering authority related to rates; and (iv) making various technical and clarifying updates.

*Patron - Bloxom*

**[P] SB1134 Refunding bonds; emergency.** Alters the principal and interest requirements, maturity date, and allowable discount for previously issued refunding bonds. The bill contains an emergency clause and has an expiration date of June 30, 2023. This bill is identical to HB 2179.

*Patron - Howell*

**[P] SB1155 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. This bill is identical to HB 2177.

*Patron - Howell*

### Failed

**[F] HB2043 Virginia Beach Tourism Authority.** Establishes the Virginia Beach Tourism Authority as a public body corporate and as a political subdivision of the Commonwealth. The Authority, governed by a 13-member board of directors, shall encourage, stimulate, and support tourism in the City of Virginia Beach by promoting, marketing, and advertising the City's many tourist attractions and locations.

*Patron - Guy*

**[F] SB1100 Budget Bill.** Amends Chapter 56 of the Acts of Assembly, 2020 Special Session I.

*Patron - Howell*

**[F] SB1109 Voter referendum; issuance of state general obligation bonds for school facility modernization.** Provides for a statewide referendum on the question of whether

the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the issuance of such bonds. The bill provides that the referendum be held at the November 2022 general election.

*Patron - Stanley*

## Charters

### Passed

**P HB1749** **Charter; Town of Nassawadox.** Updates the charter for the Town of Nassawadox to reflect the town's shift of municipal elections from May to November.

*Patron - Bloxom*

**P HB1764** **Charter; Town of Crewe; town council; elections and powers.** Makes various changes to the charter for the Town of Crewe in Nottoway County, including (i) staggering town council elections; (ii) changing from three to two the number of town council members required to call a special meeting; and (iii) transferring from the town council to the town manager the authority to appoint, suspend, or terminate the chief of police with majority approval by the town council. The bill also repeals provisions related to the establishment of a municipal court. This bill is identical to SB 1216.

*Patron - Wright*

**P HB1783** **Charter; Town of Glasgow.** Establishes a new charter for the Town of Glasgow in Rockbridge County and repeals the current charter, which was created in 1892. The proposed charter sets out the organization of the town's government and contains powers typically granted to towns.

*Patron - Campbell, R.R.*

**P HB1858** **Charter; Town of Appomattox.** Shifts local elections for the Town of Appomattox from May to November and staggers the election of members of the town council. The bill makes organizational changes to provisions related to the election and appointment of town officers. This bill is identical to SB 1152.

*Patron - Fariss*

**P HB2091** **Charter; City of Covington; consolidated school division; salaries.** Amends the charter for the City of Covington to help facilitate the consolidation of the school divisions of the City of Covington and Alleghany County. The bill sets out the salary of a school board member of such consolidated school district and shall become effective on July 1, 2022, provided that the consolidation of the City of Covington and Alleghany County school divisions is approved by the Board of Education prior to that date. This bill is identical to SB 1267.

*Patron - Austin*

**P HB2095** **Charter; City of Bristol; powers and organization.** Makes changes to various provisions of the charter for the City of Bristol, including: (i) removing the city's authority to adopt ordinances to provide for the prevention of immorality and for the suppression of gambling places and to authorize the appointment of law-enforcement officers in exchange with the City of Bristol, Tennessee; (ii) changing from city council to the city attorney the authority to appoint assistant city attorneys; (iii) removing the requirement that a

citizen own real property to serve on the planning commission; (iv) aligning the requirements for appropriations outside of the appropriations ordinance with provisions of the Code of Virginia; (v) authorizing the city council to re-appropriate unexpended funds at the end of the fiscal year, regardless of whether obligated to an ongoing project; and (vi) authorizing the city attorney to make investigations into city affairs and removing such authority from other officers of boards and commissions. The bill contains technical amendments.

*Patron - O'Quinn*

**P HB2180** **Charter; City of Lynchburg.** Provides that salaries of members of the Lynchburg City Council shall be determined in accordance with general law.

*Patron - Walker*

**P SB1128** **Charter; City of Norfolk; general updates.** Changes from a judge or justice of the peace to the city clerk the person to whom newly elected or appointed officials, other than members of the city council, take their oaths of office. The bill also repeals a section related to the establishment of a home guard militia in times of war or insurrection, and it removes references to payment of poll taxes in relation to whether a signature is valid on a petition for the nomination of councilmen or in connection with an initiative, referendum, or recall.

*Patron - Spruill*

**P SB1152** **Charter; Town of Appomattox.** Shifts local elections for the Town of Appomattox from May to November and staggers the election of members of the town council. The bill makes organizational changes to provisions related to the election and appointment of town officers. This bill is identical to HB 1858.

*Patron - Peake*

**P SB1216** **Charter; Town of Crewe; town council; elections and powers.** Makes various changes to the charter for the Town of Crewe in Nottoway County, including (i) staggering town council elections; (ii) changing from three to two the number of town council members required to call a special meeting; and (iii) transferring from the town council to the town manager the authority to appoint, suspend, or terminate the chief of police with majority approval by the town council. The bill also repeals provisions related to the establishment of a municipal court. This bill is identical to HB 1764.

*Patron - Ruff*

**P SB1267** **Charter; City of Covington; consolidated school division; salaries.** Amends the charter for the City of Covington to help facilitate the consolidation of the school divisions of the City of Covington and Alleghany County. The bill sets out the salary of a school board member of such consolidated school district and shall become effective on July 1, 2022, provided that the consolidation of the City of Covington and Alleghany County school divisions is approved by the Board of Education prior to that date. This bill is identical to HB 2091.

*Patron - Deeds*

### Failed

**F HB1863** **Charter; Town of Blacksburg.** Provides that the Blacksburg Town Council is authorized to accept, as part of residential re-zonings, voluntary proffered conditions that would limit or prohibit occupancy by undergraduate students or persons under the age of 23, unless such persons are part of a family. For such proffered conditions to be accepted, the Town of Blacksburg would be required to designate areas



in its comprehensive plan where student housing is encouraged, as well as areas intended for housing of long-term residents where such proffered conditions could be accepted.

*Patron - Hurst*

## Study Resolutions

### Passed

**[P] HJ522 Study; staffing levels, employment conditions, and compensation at the Virginia Department of Corrections; report.** Continues the joint committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services established by House Joint Resolution 29 (2020) to study staffing levels, employment conditions, and compensation at the Virginia Department of Corrections. The resolution directs the joint committee to conclude its work by November 30, 2021, and to report its findings and recommendations no later than the first day of the 2022 Regular Session of the General Assembly.

*Patron - Tyler*

**[P] HJ526 Study; joint subcommittee to study comprehensive campaign finance reform; report.** Establishes a joint subcommittee to study comprehensive campaign finance reform in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining the costs of campaigning in the Commonwealth, the effectiveness of the Commonwealth's present disclosure laws and their enforcement, the constitutional options available to regulate campaign finances, and the desirability of specific revisions in the Commonwealth's laws, including the implementation of contribution limits, all with the aim of promoting the integrity of, and public confidence in, the Commonwealth's campaign finance system.

*Patron - Bulova*

**[P] HJ527 Study; Department of Conservation and Recreation and Virginia Department of Agriculture and Consumer Services; invasive plant species work group; report.** Requests the Department of Conservation and Recreation, jointly with the Department of Agriculture and Consumer Services, to establish a work group to study the sale and use of invasive plant species. The resolution requests that the departments work with several state agencies, conservation nonprofits, plant industry and agriculture groups, local government associations, and other stakeholders to develop recommendations regarding statutory and regulatory changes intended to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.

*Patron - Bulova*

**[P] HJ542 Study; Department of Rail and Public Transportation; transit equity and modernization; report.** Requests the Department of Rail and Public Transportation to conduct a two-year study of transit equity and modernization in the Commonwealth, with emphasis on transit services and engagement opportunities for underserved and underrepresented communities.

*Patron - McQuinn*

**[P] HJ563 Work group; feasibility of transitioning to a unitary combined reporting system for corporate income tax purposes.** Directs the Division of Legislative Services, in conjunction with the Department of Taxation, to establish a

work group to assess the feasibility of transitioning to a unitary combined reporting system for corporate income tax purposes.

*Patron - Watts*

**[P] HJ567 Study; JLARC; increasing the progressivity of Virginia's individual income tax system; report.** Directs the Joint Legislative Audit and Review Commission to study increasing the progressivity of Virginia's individual income tax system to make it more progressive and fair in response to economic dynamics.

*Patron - Watts*

**[P] HJ578 Study; Department of Behavioral Health and Developmental Services; database of criminal justice, behavioral health, and other human services records; report.** Requests the Department of Behavioral Health and Developmental Services to establish a work group to study the feasibility of developing a secure, de-identified, renewable, and relational database of criminal justice, behavioral health, and other human services records to facilitate development of more effective interventions.

*Patron - Price*

**[P] SJ293 Study; Joint Commission on Health Care; assisted living and auxiliary grants; report.** Requests the Joint Commission on Health Care to study available data regarding assisted living and auxiliary grants and develop a blueprint for implementing recommendations that will allow the Commonwealth to provide a more realistic system of addressing housing and care needs.

*Patron - Spruill*

**[P] SJ294 Study; JLARC; costs of education; report.** Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

*Patron - Lewis*

**[P] SJ308 Study; JLARC; impact of COVID-19 on Virginia's public schools, students, and school employees; report.** Directs the Joint Legislative Audit and Review Commission to study the impact of COVID-19 on Virginia's public schools, students, and school employees, including (i) examining and determining reasons for barriers to student success in virtual and hybrid models as well as the overall impact of COVID-19 face-to-face learning restrictions on previously existing student achievement gaps, student achievement, and student well-being, including any disproportionate impact on at-risk populations; (ii) determining the impact of the COVID-19 pandemic on staffing levels, including the impact of teacher and school employee retirements and resignations on delivery of instruction and the ability of local school boards to fully staff their needs, employment levels, and local budgets; (iii) determining the short-term and projected long-term changes in student enrollment in response to the COVID-19 pandemic and the impact of such changes on funding levels; (iv) determining the impact of implementing COVID-19 health and safety measures in public schools; (v) evaluating public schools' level of emergency preparedness to face another pandemic or statewide crisis and making recommendations to help guide planning for such events; and (vi) examining programs that can address learning loss and identifying barriers to implementing those programs, including resource gaps.

*Patron - Lucas*

## Failed

**[F] HJ529 Study; Department of Labor and Industry; apprenticeship programs; report.** Requests the Department of Labor and Industry to study the need for apprenticeship training programs in Virginia, including (i) the future workforce needs of the construction industry; (ii) the economic impacts of a lack of highly skilled, well-trained craft personnel; (iii) construction industry workforce needs in the Commonwealth in response to potential large-scale investments in infrastructure by the federal government; (iv) what role apprenticeship programs will play in the development and acceleration of new industries, such as renewable energy; (v) whether the expansion of apprenticeships would contribute to greater diversity in construction workforce participation from women and people of color; and (vi) how expanding apprenticeship training programs would affect job security and workplace safety in the Commonwealth. In addition, the Department is requested to undertake an in-depth study of best practices used by state governments and convene a stakeholder advisory group to discuss expansion of critically needed apprenticeship training programs in the Commonwealth's construction industry.

*Patron - Simonds*

**[F] HJ530 Study; Virginia State Crime Commission; alternative approaches to the Commonwealth's enforcement scheme for the possession of controlled substances, including decriminalization; report.** Directs the Virginia State Crime Commission to study the propriety and effectiveness of alternative approaches to the Commonwealth's enforcement scheme for the possession of controlled substances, including decriminalization of the possession of such substances.

*Patron - Hudson*

**[F] HJ531 Study; Joint Commission on Health Care; advisability of the Commonwealth's joining the Interstate Medical Licensure Compact; report.** Directs the Joint Commission on Health Care to study the advisability of the Commonwealth's joining the Interstate Medical Licensure Compact (the Compact), including the legal effects of joining the Compact in the Commonwealth and possible positive and negative outcomes resulting from the adoption of the Compact, and develop recommendations as to whether the Commonwealth should join the Compact. The Joint Commission on Health Care shall complete its work by November 30, 2021, and submit an executive report of its findings and conclusions no later than the first day of the 2022 Regular Session of the General Assembly.

*Patron - Helmer*

**[F] HJ536 Study; JLARC; remote sales and use tax distribution to localities; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the distribution of remote sales and use taxes to localities. JLARC shall determine whether current practices are distributing the proper amount of revenue to each locality and recommend to the General Assembly any changes needed to improve the system.

*Patron - Mugler*

**[F] HJ541 Study; Secretary of Commerce and Trade; effects of daylight saving time on the Commonwealth; report.** Requests the Secretary of Commerce and Trade to study the effects of the Commonwealth's continued observance of daylight saving time under the federal Uniform Time Act of 1966 and the potential consequences of a decision to use either

standard time or daylight saving time year-round in the Commonwealth.

*Patron - McNamara*

**[F] HJ543 Study; Department of Social Services; ways to increase participation in national service; report.** Requests the Department of Social Services to study ways to increase participation in national service. In conducting its study, the Department of Social Services shall consider (i) promoting participation in national service via advertising of service opportunities through social media and traditional media outlets, (ii) identifying ways to increase funding for service opportunities, (iii) creating a Secretary of Service position within the Governor's Cabinet to advise the Governor and other members of his Cabinet on strategies to integrate national service opportunities into state initiatives and programming, (iv) strengthening hiring preferences in state government for individuals who have completed a year of service in a national service program, (v) offering retirement service credits for individuals who have completed a year of service in a national service program, (vi) providing in-state tuition for those serving in national service programs in the Commonwealth, and (vii) identifying other strategies for increasing participation in national service.

*Patron - Helmer*

**[F] HJ545 Study; insurance coverage for infertility treatment and fertility preservation; report.** Directs the Health Insurance Reform Commission to study mandating insurance coverage for infertility treatment including in vitro fertilization and standard fertility preservation procedures that are medically necessary to preserve the fertility of a covered individual due to the covered individual receiving cancer treatment that may directly or indirectly cause iatrogenic infertility. The Commission is required to complete its meetings by November 30, 2021, and the chairman shall submit an executive summary of its findings and recommendations no later than the first day of the 2022 Regular Session of the General Assembly.

*Patron - Helmer*

**[F] HJ549 Study; JLARC; impact of COVID-19 on Virginia's public schools, students, and school employees; report.** Directs the Joint Legislative Audit and Review Commission to study the impact of COVID-19 on Virginia's public schools, students, and school employees, including (i) examining and determining reasons for barriers to student success in virtual and hybrid models as well as the overall impact of COVID-19 face-to-face learning restrictions on previously existing student achievement gaps, student achievement, and student well-being, including any disproportionate impact on at-risk populations; (ii) determining the impact of the COVID-19 pandemic on staffing levels, including the impact of teacher and school employee retirements and resignations on delivery of instruction and the ability of local school boards to fully staff their needs, employment levels, and local budgets; (iii) determining the short-term and projected long-term changes in student enrollment in response to the COVID-19 pandemic and the impact of such changes on funding levels; (iv) determining the impact of implementing COVID-19 health and safety measures in public schools; (v) evaluating public schools' level of emergency preparedness to face another pandemic or statewide crisis and making recommendations to help guide planning for such events; and (vi) examining programs that can address learning loss and identifying barriers to implementing those programs, including resource gaps.

*Patron - Guy*

**[F] HJ552 Study; joint subcommittee to study recurrent inland and urban flooding across the Commonwealth;**

**report.** Establishes a two-year joint subcommittee, consisting of eight legislative members and five nonlegislative citizen members, to study the development of a comprehensive and coordinated planning effort to address recurrent flooding in inland and urban areas across the Commonwealth. The joint subcommittee shall complete its work by November 30, 2022, and submit its findings and recommendations by the first day of the 2023 Session of the General Assembly.

*Patron - Levine*

**F HJ560 Study; Secretary of Health and Human Resources; pharmaceutical distribution payment system; report.** Requests the Secretary of Health and Human Resources to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of prescription drugs to Virginians at the point of sale.

*Patron - Guzman*

**F HJ561 Study; efficacy of the Commonwealth's occupational licensing laws; construction trades; report.** Establishes a joint subcommittee to (i) determine whether more requirements are necessary to ensure all workers in relevant crafts are licensed, (ii) determine whether greater occupational licensing enforcement is necessary, (iii) determine whether the Commonwealth's occupational licensing laws should apply to a broader scope of construction trades, and (iv) make recommendations for new laws or policies that would enhance the Commonwealth's occupational licensing regulations. The joint subcommittee is required to complete its meetings by November 30, 2021, and to submit an executive summary of its findings and recommendations no later than the first day of the 2022 Regular Session of the General Assembly.

*Patron - Guzman*

**F HJ564 Study; Virginia Freedom of Information Advisory Council; charges for the production of public records; report.** Directs the Virginia Freedom of Information Advisory Council (FOIA Council) to study whether the provisions of the Virginia Freedom of Information Act (FOIA) allowing public bodies to charge requesters for the production of public records should be amended to make access to public records easier for requesters. The study further directs the FOIA Council to examine the current FOIA provisions on charges and make recommendations on ways to amend such provisions to make the assessment of charges by public bodies for the production of public records more uniform, more transparent, easier to understand, and less costly. The study directs the FOIA Council to consider comments from and seek participation in the study by citizens of the Commonwealth, representatives of state and local government entities, broadcast, print, and electronic media sources, open government organizations, and other interested parties.

*Patron - Mullin*

**F HJ568 Study; Virginia State Crime Commission; prevention of girls who are victims of violence from entering the juvenile justice system; report.** Directs the Virginia State Crime Commission to study methods and solutions to prevent girls who are victims of violence from entering the juvenile justice system. The Commission shall collect and disaggregate data that assists the Commission in developing recommendations for policies to ensure that girls are provided with the services and support needed for healing from violence when such girls come into contact with the juvenile justice system and policies that prevent girls who experience violence from coming into contact with the juvenile justice system.

*Patron - Delaney*

**F HJ577 Study; joint subcommittee; oversight of Medicaid managed care organizations and provider networks in the Commonwealth; report.** Establishes a joint subcommittee to study oversight of Medicaid managed care organizations and provider networks in the Commonwealth, including (i) the current process by which the Department of Medical Assistance Services enters into contracts with managed care organizations for the delivery of services to Medicaid enrollees and the requirements of such contracts; (ii) the process by which managed care organizations enter into and terminate contracts with providers in the Commonwealth, including any procedural requirements that must be met before a provider agreement is terminated and any opportunity for communication and correction by the provider; (iii) managed care organizations' provider networks, including demographic information about enrolled providers and recent changes in managed care organizations' provider networks, including demographic information about providers that have been added to or removed from provider networks in recent years; and (iv) whether changes should be made to contracts between the Department of Medical Assistance Services and managed care organizations to ensure providers are able to meet agreements set forth in provider agreements while ensuring the safety and well-being of Medicaid enrollees, and to develop recommendations for improving the process by which providers of Medicaid services are recruited, enrolled in, participate in, and are terminated from provider networks to ensure access to a diverse array of services and providers for all Medicaid enrollees in the Commonwealth. The joint subcommittee shall complete its meetings by November 30, 2021, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2022 Regular Session of the General Assembly.

*Patron - Price*

**F SJ322 Study; Secretary of Administration; State Board of Elections; electronic return of voted military-overseas ballots; pilot program; report.** Requests the Secretary of Administration to oversee and develop a charter and directives for the State Board of Elections to form a working group to study implementation of electronic return of voted military-overseas ballots. In conducting its study, the State Board of Elections with the working group shall study and develop initial instructions and procedures that (i) consider issues related to accessibility, auditability, authentication, verification, and security through encryption, in order to ensure that any process implemented would guarantee the accuracy and integrity of voted military-overseas ballots, and (ii) recommend (a) security measures necessary to reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access; (b) methods for verifying and authenticating the identity of the voter electronically when registering to vote and when requesting a ballot from and returning a ballot to the voter's jurisdiction; (c) methods for the encryption of voted ballots; and (d) a procedure for security reviews after an election. The study shall focus on implementation of electronic return of voted military-overseas ballots first as a limited pilot program in 2022, and later on a statewide basis.

*Patron - DeSteph*

## Appendix A: Session Statistics

# 2021

## REGULAR SESSION STATISTICS

	Continued	Introduced	Passed	Failed
House Bills	242	604	7	463
House Joint Resolutions	5	277	67	44
House Resolutions	0	128	124	4
House Total	247	1,009	198	511
Senate Bills	123	379	1	236
Senate Joint Resolutions	15	129	104	24
Senate Resolutions	0	38	38	0
Senate Total	138	546	143	260
General Assembly Total	385	1,555	341	771

# 2021

## SPECIAL SESSION I STATISTICS

	Continued	Introduced	Passed	Failed
<b>House Bills</b>	375	378	334	44
<b>House Joint Resolutions</b>	171	174	172	2
<b>House Resolutions</b>	0	141	141	0
<b>House Total</b>	546	693	647	46
<b>Senate Bills</b>	265	265	218	47
<b>Senate Joint Resolutions</b>	16	17	13	4
<b>Senate Resolutions</b>	0	58	56	2
<b>Senate Total</b>	281	340	287	53
<b>General Assembly Total</b>	827	1033	934	99

# Appendix B: 2021 Session Highlights

The *2021 Session Highlights* summarizes significant legislation considered by the 2021 Regular Session and 2021 Special Session I of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview covers legislative actions through sine die on Monday, March 1, 2021. Bills are differentiated as Passed or Failed. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law.

## Agriculture/Natural Resources

### **Passed**

**HB 1902 Expanded polystyrene food service containers; prohibition; civil penalty.** Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints.

**HB 2129/SB 1354 Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program.** Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program. The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms. The bill provides that the ENRC Program shall be deemed to implement through January 1,

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2026, the Chesapeake Bay Phase III Watershed Implementation Plan. The bill provides that if, after July 1, 2026, Virginia has not achieved its nitrogen pollution reduction commitments in the Phase III Watershed Implementation Plan, the Secretary of Natural Resources may develop an additional watershed implementation plan.

**HB 2213 Work group; gold mining; report.** Directs the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Commerce and Trade to establish a work group to study the mining of gold in the Commonwealth. The bill requires that the study be conducted in consultation with the Virginia Council on Environmental Justice and appropriate stakeholders, including experts in mining, hydrology, toxicology, and other fields; environmental organizations; representatives of potentially affected communities in localities with significant deposits of gold; and residents of Native American communities in such localities. The bill provides that the work group shall evaluate the impacts of gold mining on public health, safety, and welfare; evaluate whether existing air and water quality regulations are sufficient to protect air and water quality from the mining and processing of gold; evaluate whether existing bonding, reclamation, closure, and long-term monitoring of sites for such mining or processing are sufficient; and report its findings to the General Assembly by December 1, 2022.

**SB 1453 Revision of Titles 45.1 and 67.** Creates proposed Title 45.2 (Mines, Minerals, and Energy) as a revision of existing Title 45.1 (Mines and Mining) and existing Title 67 (Virginia Energy Plan). Proposed Title 45.2 consists of 21 chapters divided into five subtitles: Subtitle I (Administration), Subtitle II (Coal Mining), Subtitle III (Mineral Mines), Subtitle IV (Gas and Oil), and Subtitle V (Other Sources of Energy; Energy Policy). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to the administration of the Department of Mines, Minerals and Energy, underground and surface coal mining, underground and surface mineral mines, the Virginia Gas and Oil Act, energy from wind, solar, geothermal, and nuclear sources, and energy policy. The bill moves the remaining provisions of Title 67 that are not appropriate for inclusion in proposed Title 45.2 into other existing titles of the Code. The bill has a delayed effective date of October 1, 2021, and is a recommendation of the Virginia Code Commission.

#### Failed

**HB 2074 Environmental justice; interagency working group.** Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group

to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031. The bill directs each state agency to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action. Finally, the bill requires each local government adopting or reviewing a comprehensive plan to consider identifying certain environmental justice communities, objectives, and policies.

### Alcoholic Beverage Control

#### Passed

**HB 1879/SB 1299 Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption.** Allows distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority (the Authority), mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. The bill directs the Authority to convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021. The provisions of this bill sunset on July 1, 2022.

### Constitutional Amendments

#### Passed

**HJ 555/SJ 272 Constitutional amendment (first reference); qualifications of voters and the right to vote; persons not entitled to vote.** Provides that every person who meets the qualifications of voters set forth in the Constitution shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release



from incarceration for that felony conviction and without further action required of him, he shall be invested with all political rights, including the right to vote. A person who has been adjudicated to lack the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law.

**HJ 582/SJ 270 Constitutional amendment (first reference); marriage; repeal of same-sex marriage prohibition; affirmative right to marry.** Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

#### Failed

**SJ 310 Constitutional amendment; length of regular sessions convened in odd-numbered years.** Amends the Constitution of Virginia to provide that a regular session of the General Assembly convened in an odd-numbered year shall continue for no longer than 46 days and may be extended for a period not exceeding 14 days. Under the current constitution, a regular session convened in an odd-numbered year shall continue for no longer than 30 days and may be extended for a period not exceeding 30 days.

#### Corrections

#### Passed

**HB 2167 Parole; notice and certification; monthly reports; discretionary early consideration.** Provides that the Department of Corrections shall set the release date for an inmate granted discretionary parole or conditional release no sooner than 30 business days from the date that the Department of Corrections receives notification from the Chairman of the Parole Board of the Board's decision to grant discretionary parole or conditional release, except that the Department of Corrections may set an earlier release date in the case of a terminally ill inmate granted conditional release. The bill provides that in the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release or (ii) by telephone or other electronic means prior to release that a terminally ill inmate has been granted conditional release where

death is imminent. The bill requires that the monthly reports issued by the Board regarding actions taken on the parole of prisoners (a) be published on the fifteenth day of the month and (b) include the name of each prisoner considered for parole, the offense of which the prisoner was convicted, the jurisdiction in which such offense was committed, the amount of time the prisoner has served, whether the prisoner was granted or denied parole, and the basis for the grant or denial of parole. However, in the case of a prisoner granted parole, the bill provides that such information shall be included in the statement published in the month immediately succeeding the month in which notification of such decision was given to the attorney for the Commonwealth and any victim. The bill also provides that if additional victim research is necessary, electronic notification shall be sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of the jurisdiction in which the offense occurred. The bill provides that the provisions regarding the monthly reports issued by the Board shall become effective on July 1, 2022.

#### Failed

**SB 1301 Correctional facilities; use of isolated confinement.** Prohibits the use of isolated confinement in state correctional facilities and juvenile correctional centers, subject to certain exceptions. "Isolated confinement" is defined in the bill as confinement of a prisoner or juvenile to a cell, alone or with another prisoner or juvenile, for 20 hours or more per day for an adult or for 17 hours or more per day for a juvenile, other than for the purpose of providing medical or mental health treatment. The bill has a delayed effective date of July 1, 2022. The provisions of the bill are contingent on funding in a general appropriation act.

#### Courts/Civil Law

#### Passed

**HB 1911 No-fault divorce; corroboration requirement.** Removes the corroborating witness requirement for no-fault divorces.

**SB 1108 General district courts; jurisdictional limits.** Increases from \$25,000 to \$50,000 the maximum civil jurisdictional limit of general district courts for civil actions for personal injury and wrongful death.

**SB 1261 Court of Appeals; jurisdiction; number of judges.** Expands the jurisdiction of the Court of Appeals of Virginia by providing for an appeal of right in every civil case and provides that the granting of further appeal to the Supreme Court of Virginia shall be within the discretion of the Supreme Court. The bill provides for an appeal of right in criminal cases by a defendant, but leaves unchanged the current requirement that in criminal cases the Commonwealth must petition the Court of Appeals for granting of an appeal. The bill increases from 11 to 17 the number of judges on

the Court of Appeals. The bill also (i) provides jurisdiction to the Court of Appeals over interlocutory appeals and petitions for review of injunctions; (ii) allows for oral arguments to be dispensed with if the panel of judges makes a unanimous decision that the appeal is wholly without merit or that the dispositive issues on appeal have already been authoritatively decided and the appellant has not argued that the case law should be overturned, extended, or reversed; (iii) provides that the Attorney General shall represent the Commonwealth in criminal appeals unless, and with the consent of the Attorney General, the attorney for the Commonwealth who prosecuted the case files a notice of appearance; (iv) eliminates the requirement for an appeal bond in criminal appeals; (v) requires all criminal cases in a court of record to be recorded and requires the clerk of the circuit court to prepare a transcript of any trial for which an appeal is noticed to him; and (vi) requires an expedited review of appeals of permanent protective orders and of bond validation proceedings. The bill has a delayed effective date of January 1, 2022, which is applicable to all provisions of the bill except for those increasing the number of judges on the Court of Appeals.

#### Failed

**HB 2045 Civil action for deprivation of rights; duties and liabilities of certain employers in employing or contracting for the services of law-enforcement officers.** Creates a civil action for the deprivation of a person's rights by a law-enforcement officer and provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief as well as reasonable attorney fees and costs. The bill provides that sovereign immunity and limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights. Finally, the bill provides that any public or private entity that employs or contracts for the services of a law-enforcement officer owes a duty of reasonable care to third parties in its hiring, supervision, training, retention, and use of such officers under its employment or contract.

**SB 1180 Civil actions filed on behalf of multiple persons.** Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2021, governing such actions. The bill has a delayed effective date of July 1, 2022.

#### Courts/Criminal Justice

#### Passed

**HB 2038 Probation, revocation, and suspension of sentence; limitations.** Limits the amount of active incarceration a court can impose as a result of a revocation hearing for a probation violation. The bill provides that if the court finds the basis of a violation of the terms and conditions of a suspended sentence or probation is that the defendant was convicted of a criminal offense or violated another condition other than a technical violation, the court may pronounce whatever sentence might have been originally imposed. The bill defines "technical violation" and provides specific limitations on the sentence a court may impose depending on whether the violation is a first, second, or third or subsequent technical violation. The bill also provides that a court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration. The bill also provides that a court must measure any period of suspension of sentence from the date of entry of the original sentencing order.

**HB 2047/SB 1315 Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities.** Permits the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant and is not evidence concerning an ultimate issue of fact and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill provides that to establish a mental condition for such purposes, the defendant must show that his condition existed at the time of the offense and that such condition satisfies the diagnostic criteria for (a) a mental illness, as defined in the bill, (b) an intellectual or developmental disability, as defined in the bill, or (c) an autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. If a defendant intends to present such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth within specified time periods. The bill also clarifies that a court, in addition to a magistrate, may enter a temporary detention order in such cases if the criteria required under current law for temporary detention orders are met. The bill clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnosis of an intellectual or developmental disability. The bill also adds to the requirements to be met for qualification as a court-appointed attorney two hours of continuing legal education, which shall cover the representation of individuals with behavioral or

mental health disorders and individuals with intellectual or developmental disabilities. Finally, the bill requires the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use the evidence made permissible in the bill and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century to study and make recommendations about the standard of danger to self or others that may be appropriately applied for such persons found not guilty under the provisions of the bill in the issuance of emergency custody orders, involuntary temporary detention orders, or the ordering of other mandatory mental health treatments.

**HB 2113/SB 1339 Sealing of criminal records; penalties.** Establishes a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill.

**HB 2263/SB 1165 Abolition of the death penalty.** Abolishes the death penalty, including for those persons currently under a death sentence. The bill provides that no person may be sentenced to death or put to death on or after its effective date for any violation of law.

**SB 1266 Admission to bail; rebuttable presumptions against bail.** Eliminates provisions regarding the rebuttable presumptions against being admitted to bail. The bill also provides that in making a bail determination, a judicial officer shall consider all relevant information including a number of factors specified in the bill.

## Failed

**HB 2331 Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses.** Eliminates mandatory minimum sentences of confinement for certain crimes. The bill also provides a petition process for a person who was convicted or adjudicated delinquent of certain felony offenses committed prior to July 1, 2021, sentenced to a mandatory minimum term of confinement for any such felony offense, and remains incarcerated in a state or local correctional facility serving the mandatory minimum term of confinement for any such felony offense to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such mandatory minimum sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. The bill provides that such petition shall be filed by July 1, 2024.

## Education

### Passed

**HB 1930 Public institutions of higher education; admissions applications; criminal history.** Prohibits each public institution of higher education, with the exception of the Virginia Military Institute and a law school of a public institution of higher education that is accredited by the American Bar Association, from (i) utilizing an institution-specific admissions application that contains questions about the criminal history of the applicant or (ii) denying admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution. The bill permits each public institution of higher education to inquire into the criminal history of any individual who has been admitted to but has yet to enroll at the institution and withdraw an offer of admission to any individual whom the institution subsequently determines to have a criminal history that poses a threat to the institution's community. The bill has a delayed effective date of January 1, 2022.

**HB 2027/SB 1357 Standards of Learning assessments; reading and mathematics; grades three through eight; individual student growth.** Requires the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. The bill requires such through-year growth assessment system to include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, provided that the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The bill requires the Department of Education to ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. The bill provides that with such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary. The bill requires full implementation of such system no later than the 2022–2023 school year and partial implementation during the 2021–2022 school year consisting of one beginning-of-year assessment and one end-of-year assessment.

**HB 2123/SB 1387 Public institutions of higher education; certain students; financial assistance programs.** Provides that students who meet the criteria to be deemed eligible for in-state tuition regardless of their citizenship or immigration status shall be

afforded the same educational benefits, including financial assistance programs administered by the State Council of Higher Education for Virginia, the State Board for Community Colleges, or a public institution of higher education, as any other individual who is eligible for in-state tuition. The bill directs the State Council of Higher Education for Virginia, in coordination with institutions of higher education in the Commonwealth, to promulgate regulations to implement the provisions of the bill. The bill has a delayed effective date of August 1, 2022.

**HB 2204/SB 1405 Get Skilled, Get a Job, Give Back (G3) Fund and Program established.** Establishes the Get Skilled, Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a certain high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting.

**HB 2299/SB 1288 Department of Education and Board of Education; special education.** Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth.

**SB 1303 School boards; in-person instruction.** Requires each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required 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 bill contains certain exceptions to such requirement. The bill requires each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. The bill requires the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such students back to in-person instruction. The bill also requires all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The bill has an expiration date of August 1, 2022.

## Failed

**HB 2305 Board of Education; guidance on the governance of academic year Governor's Schools.** Requires the Board of Education to issue guidance on the governance of academic year Governor's Schools, including communication and outreach practices, admissions policies, and guidelines on diversity, equity, and inclusion training. The bill requires such guidance to focus on the importance of increasing access to Governor's Schools for historically underserved students and to include best practices on (i) conducting information sessions about the school and the availability of gifted, advanced, and specialty education program opportunities for feeder public middle schools; (ii) strengthening the student pipeline in feeder public middle schools, prioritizing the most underserved and underrepresented students and public middle schools; and (iii) conducting programs related to and evaluations of diversity, equity, and inclusion. The bill requires the Board of Education, in developing such guidance, to collaborate with relevant stakeholders representing the geographical areas served by the Regional Governor's Schools, including local school boards representing the geographical areas served by the Regional Governor's Schools, Regional Governor's School boards, and Governor's School directors.

**SB 1401 Standards of Learning assessments; reduction; report.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than the first day of each Regular Session of the General Assembly. The bill also requires that such amount be included in the total for Direct Aid to Public Education in any general appropriation act.

## Elections

### Passed

**HB 1888 Absentee voting; procedural and process reforms; availability and accessibility reforms; penalty.** Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional.

On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.

**HB 1890/SB 1395 Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action.** Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current

provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

**SB 1157 Shifting municipal elections to November.** Shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022.

**Failed**

**SB 1153 Elections; absentee voting; ballots to be sorted and results to be reported by precinct.** Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.

Firearms

**Passed**

**HB 1992 Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties.** Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. The prohibition expires three years after the date of conviction, at which point the person's firearms rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the bill is guilty of a Class 1 misdemeanor.

**HB 2295/SB 1381 Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty.** Makes it a Class 1 misdemeanor for a person to carry any firearm or explosive material within (i) the Capitol of Virginia, (ii) Capitol Square and the surrounding area, (iii) any building owned or leased by the Commonwealth or any agency thereof, or (iv) any office where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The bill provides exceptions for the following individuals while acting in the conduct of such person's official duties: any law-enforcement officer, any authorized security personnel, any active military personnel, any fire marshal when such fire marshal has been granted police powers, or any member of a cadet corps while such member is participating in an official ceremonial event for the Commonwealth. The prohibitions of the bill that apply to any building owned or leased by the Commonwealth or any office where state employees are performing official duties do not apply to retired law-enforcement officials visiting a gun range owned or leased by the Commonwealth or any of the following while acting in the conduct of official duties: a bail bondsman, an employee of the Department of Corrections or a state juvenile correctional

facility, an employee of the Department of Conservation and Recreation, or an employee of the Department of Wildlife Resources. Such prohibitions also do not apply to an individual carrying a weapon into a courthouse who is statutorily exempt, any property owned or operated by a public institution of higher education, or any state park. The bill requires that notice of the provisions prohibiting the carrying of such firearms or explosive material be posted at each of the public entrances to Capitol Square and the other locations where such firearms and explosive material are prohibited in the bill. The bill provides that any firearm or explosive material carried in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth.

### **Failed**

**HB 2276 Manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames or receivers and unserialized firearms; penalties.** Creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. The bill also creates several Class 1 misdemeanors, which are punishable as a Class 4 felony for a second or subsequent offense, making it unlawful (i) for any person to possess, sell, offer to sell, transfer, purchase, transport, or receive an unfinished frame or receiver or firearm, unless the party possessing or receiving the unfinished frame or receiver or firearm is a federal firearms importer or manufacturer or the unfinished frame or receiver or firearm is imprinted with a serial number issued by a federal firearms importer or manufacturer and (ii) for any person to manufacture, cause to be manufactured, assemble, or cause to be assembled a firearm that is not imprinted with a serial number issued by a federal firearms importer or manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms. The bill creates exceptions for (a) any firearm that has been rendered permanently inoperable, (b) an antique firearm, or (c) any firearm or unfinished frame or receiver manufactured before October 22, 1968.

### General Laws

#### **Passed**

**HB 1889 Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan; extend sunset.** Extends the sunset date from July 1, 2021, to July 1, 2022, of certain provisions enacted during the 2020 Special Session related to the Virginia Residential Landlord and Tenant Act. Such provisions (i) changed from five to 14 days the amount of time that a landlord who owns four or fewer rental

dwelling units must wait after serving written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement; (ii) required a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, before terminating a rental agreement due to nonpayment of rent, to serve upon such tenant a written notice informing the tenant of the total amount due and owed and offer the tenant a payment plan under which the tenant must pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement; (iii) outlined the remedies a landlord has if a tenant fails to pay the total amount due and owed or enter into a payment arrangement within 14 days of receiving notice or if the tenant enters into a payment arrangement but fails to pay within 14 days of the due date any rent that becomes due under the payment plan or arrangement after such plan or arrangement becomes effective; and (iv) clarified that a tenant is not precluded from participating in any other rent relief programs available to the tenant through a nonprofit organization or under the provisions of a federal, state, or local law, regulation, or action.

**HB 1931 Virginia Freedom of Information Act; electronic meetings.** Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**HB 2004 Virginia Freedom of Information Act; law-enforcement criminal incident information; criminal investigative files.** Adds criminal investigative files, defined in the bill, relating to a criminal investigation or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall not be required if the release of such information would likely effect certain results, outlined in the bill. The bill also extends the amount of additional time a public body has to respond, in the case of a request for certain criminal investigative files, from an additional seven work days to an

additional 60 work days as long as the public body has communicated to the requester within the initial allowable five-work-day response period that it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council.

**HB 2312/SB 1406 Marijuana; legalization; retail sales; penalties.** Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates, and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly.

**SB 1127 Charitable gaming; permit requirement; permissible locations; suspensions and revocations.** Modifies the list of organizations that may conduct charitable gaming and requires such organizations, other than organizations conducting raffles that reasonably expect to realize gross receipts from such raffles of \$40,000 or less in any 12-month period, to obtain a permit from the Department of Agriculture and Consumer Services; however, the bill exempts certain organizations from the permit application and audit fees. The bill specifies the locations at which an organization may conduct bingo, network bingo, instant bingo, pull tabs, or seal cards. The bill prohibits the holding of a permit by a supplier or manufacturer that commits certain violations or offenses after July 1, 2021. The bill prohibits the Charitable Gaming Board from adjusting the percentage of gross receipts that an organization must use for religious, charitable, community, or educational purposes or for certain real property expenses until a study is completed by a joint subcommittee created in the bill. The bill provides that, notwithstanding the provisions of the bill, any organization that conducted bingo, network bingo, instant bingo, pull tabs, or seal cards at a location outside of the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or an adjoining county, city, or town on or before February 1, 2021, may continue to conduct bingo, network bingo, instant bingo, pull tabs, or seal cards at such locations until June 30, 2022.

## Failed

**HB 5002 Department of Small Business and Supplier Diversity; Small Business Procurement Enhancement Program, and Women-owned and Minority-owned Business Procurement Enhancement Program established; report.** Establishes the Small Business Procurement Enhancement Program with a statewide goal of 42 percent of certified small business utilization in all discretionary spending by state agencies and covered institutions in procurement orders, prime contracts, and subcontracts, as well as a target goal of 50 percent subcontracting to certified small businesses in instances where the prime contractor is not a small business for all new capital outlay construction solicitations that are issued. In addition, the bill provides for a small business set-aside for state agency and covered institution purchases of goods, services, and construction, requiring that purchases up to \$100,000 be set aside for award to certified small businesses and that purchases up to \$10,000 be set aside for award to microbusinesses. The bill also establishes the Women-owned and Minority-owned Business Procurement Enhancement Program with a statewide goal of 23.1 percent of certified women-owned and minority-owned business utilization in all discretionary spending by state agencies and covered institutions in procurement orders, prime contracts, and subcontracts. The bill creates the Division of Procurement Enhancement within the Department of Small Business and Supplier Diversity for purposes of collaborating with the Department of General Services, the Virginia Information Technologies Agency, the Department of Transportation, and covered institutions to further the Commonwealth's efforts to meet the goals established under the Small Business Procurement Enhancement Program and the Women-owned and Minority-owned Business Procurement Enhancement Program, as well as implementing initiatives to enhance the development of small businesses, microbusinesses, women-owned businesses, and minority-owned businesses in the Commonwealth. Finally, the bill amends the Virginia Public Procurement Act to permit public bodies to establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for the purchase or lease of goods, or for the purchase of services, insurance, or construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000. Under current law, such purchase procedures may only be established for (i) goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000; (ii) transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000; and (iii) professional services, provided that the aggregate or the sum of all phases is not expected to exceed \$80,000. The bill has a delayed effective date of July 1, 2023, for certain university hospitals and medical centers. The provision of the bill creating the Women-owned and Minority-owned Business Procurement Enhancement Program sunsets on July 1, 2028.



## Health

### **Passed**

**HB 1737 Nurse practitioners; practice without a practice agreement.** Reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written or electronic practice agreement. The bill has an expiration date of July 1, 2022.

**HB 1817 Practice of certified nurse midwives.** Expands the categories of practitioners with whom a certified nurse midwife may enter into a practice agreement to include other certified nurse midwives who have practiced for at least two years, and allows a certified nurse midwife who has practiced at least 1,000 hours to practice without a practice agreement. The bill also provides that certified nurse midwives shall practice in accordance with regulations of the Boards of Medicine and Nursing and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives and shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

**HB 1953/SB 1320 Licensed certified midwives; licensure; practice.** Defines "practice of licensed certified midwifery," directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife, and requires licensed certified midwives to practice in consultation with a licensed physician in accordance with a practice agreement. The bill also directs the Department of Health Professions to convene a work group to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives to determine the appropriate licensing entity for such professionals. The bill requires the Department to report its findings and conclusions to the Governor and the General Assembly by November 1, 2021.

**HB 2007 Prescription drug price transparency.** Directs the Department of Health to enter into a contract or an agreement with a nonprofit data services organization to collect, compile, and make available on its website information about prescription drug pricing and requires every health carrier, pharmacy benefits manager, and drug manufacturer to report information about prescription drug prices to the nonprofit data services organization with which the Department of Health has entered into a contract for such purpose. The bill provides that in any case in which the Department determines that the data reported by health carriers, pharmacy benefit managers, and drug manufacturers is insufficient, the Department may require wholesale distributors to report certain data about prescription drug costs. The bill has a delayed effective date of January 1, 2022, and directs the Department of Health to adopt emergency regulations to implement the provisions of the bill.

**HB 2162 Medical care facilities; persons with disabilities; designated support persons.** Requires every medical care facility, as defined in the bill, to allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person who will provide support and assistance necessary due to the specifics of the person's disability to the person with a disability during an admission to such medical care facility. The bill (i) defines "person with a disability" and "designated support person"; (ii) provides that a designated support person shall not be subject to restrictions on visitation adopted by the medical care facility but may be required to comply with reasonable requirements of the medical care facility adopted to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility; and (iii) authorizes a medical care facility to restrict a designated support person's access to specified areas and movement on the premises of the medical care facility when such restrictions are determined by the medical care facility to be reasonably necessary to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility. The bill requires every medical care facility to adopt protocols to inform patients of their right to be accompanied by a designated support person, and to develop and make available to persons with disabilities written information regarding the right of a person with a disability to be accompanied by a designated support person and policies related thereto. The bill contains an emergency clause and directs the Board of Health to adopt emergency regulations to implement the provisions of the bill.

**HB 2218/SB 1333 Pharmaceutical processors; cannabis products.** Permits pharmaceutical processors to produce and distribute cannabis products other than cannabis oil and for that purpose defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill provides that if a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. The bill allows the Board of Pharmacy to assess and collect botanical cannabis regulatory fees to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology. The bill exempts the Board of Pharmacy's acquisition of a commercially available cannabis-specific software product to implement the provisions of the bill from the Virginia Public Procurement Act.

**HB 2230 Supported decision-making agreements; report.** Directs the Department of Behavioral Health and Developmental Services (the Department) to develop and implement a program to

educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement, which shall include specific training opportunities, development of model supported decision-making agreements, and development of information about and protocols for preventing, identifying, and addressing abuse and exploitation of individuals with intellectual and developmental disabilities who enter into supported decision-making agreements. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements in the Commonwealth and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1.

**HB 2333/SB 1445 Facilitate the administration of the COVID-19 vaccine; emergency.** Facilitates the administration of the COVID-19 vaccine. The bill requires the Department of Health (the Department) to establish a program to enable eligible health care providers to volunteer to administer the COVID-19 vaccine to residents of the Commonwealth during a state of emergency related to the COVID-19 pandemic declared by the Governor. The bill defines "eligible health care provider" and provides that the program shall include (i) a process by which an eligible health care provider may register to participate in the program and (ii) the training requirements for participating eligible health care providers related to the administration of the COVID-19 vaccine, including training on the intramuscular injection of the COVID-19 vaccine and contraindications and side effects of the COVID-19 vaccine. The bill specifies requirements that the Department shall ensure that each site at which COVID-19 vaccinations are administered by eligible health care providers satisfies. The bill also requires the Department to establish a process by which entities, including medical care facilities, hospitals, hospital systems, corporations, businesses, pharmacies, public and private institutions of higher education, localities, and any other professional or community entity operating in the Commonwealth, may volunteer their facilities as sites at which the COVID-19 vaccine may be administered to residents of the Commonwealth. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill also permits localities with fire departments, emergency medical services departments, and volunteer rescue squads to establish and staff vaccine administration clinics. The bill provides civil and criminal immunity to individuals and professional entities acting pursuant to the bill and contains an emergency clause.

**SB 1220 State facilities; admission of certain aliens.** Repeals the requirements that (i) the Commissioner of Behavioral Health and Developmental Services determine the nationality of each person admitted to a state facility and, if the person is an alien, notify the United States immigration officer in charge of the district in which the state facility is located and (ii) upon request of the United States immigration officer in charge of the district in which a state facility to which a person who is an alien is admitted is located or the judge or special justice who certified or ordered the admission of such alien, the clerk of the court furnish a certified copy of records pertaining to the case of the admitted alien.

**SB 1227 State plan for medical assistance; payment of medical assistance; 12-month supply of hormonal contraceptives.** Directs the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time for Medicaid and Family Access to Medical Insurance Security (FAMIS) enrollees. The bill prohibits the Department of Medical Assistance Services from imposing any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. The bill provides that the bill shall not be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes.

**HJ 537 Racism; public health crisis.** Recognizes that racism is a public health crisis in Virginia.

## Failed

**HB 2044 Naturopathic doctors; license required.** Requires the Board of Medicine to license and regulate naturopathic doctors. The practice of naturopathic medicine is defined in the bill as (i) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease and (ii) the use of both naturopathic and traditional medical therapies to promote or restore whole patient health. The bill also establishes the Advisory Board on Naturopathic Medicine to assist the Board of Medicine in formulating regulations related to the practice of naturopathic medicine.

**HB 2242 COVID-19 immunization; prohibition on requirement; discrimination prohibited.** Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's vaccination status with respect to any COVID-

19 vaccine (i) with regard to education, employment, insurance, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. The bill also prohibits the inclusion of any patient immunization information in the Virginia Immunization Information System (VIIS) unless the patient has consented, in writing, to inclusion of his information in the VIIS.

### Historical Monuments

#### **Passed**

**HB 2208 Department of General Services; removal of Harry F. Byrd, Sr., statue.** Directs the Department of General Services to remove the statue of former Virginia Governor and U.S. Senator Harry F. Byrd, Sr., from Capitol Square. The bill directs the Department to store the statue until such time as the General Assembly determines its final disposition.

**HJ 525/SJ 288 National Statuary Hall Collection at the United States Capitol; Barbara Rose Johns.** Authorizes, and directs the submission to the Joint Committee of Congress on the Library, that the vacant spot of the Commonwealth in the National Statuary Hall Collection at the United States Capitol be filled with a statue to commemorate Barbara Rose Johns. The request is subject to written approval by the Governor and is made in accordance with the recommendation by the Commission for Historical Statues in the United States Capitol.

#### **Failed**

**SB 1172 Capitol Square Preservation Council; powers and duties; review and approval of plans for changes to artifacts contained within the Capitol Building.** Grants the Capitol Square Preservation Council the authority to review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the old and new Senate chambers, the old and new halls of the House of Delegates, and the Rotunda.

### Labor and Commerce

#### **Passed**

**HB 1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.** Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make an initial deposit into its account. Such

credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

**HB 1985 Workers' compensation; presumption of compensability for COVID-19.** Establishes a presumption that COVID-19 causing the death or disability of health care providers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19 and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to July 1, 2020, either of the following criteria must be met, and on or after July 1, 2020, and prior to December 31, 2021, both of the following criteria must be met: (i) the claimant received a positive diagnosis of COVID-19 from a licensed physician, nurse practitioner, or physician assistant after either a presumptive positive test or a laboratory-confirmed test for COVID-19 and (ii) presented with signs and symptoms of COVID-19 that required medical treatment. The bill provides that such presumptions do not apply to any person offered by his employer a vaccine for the prevention of COVID-19 unless the person is immunized or the person's physician determines in writing that immunization would pose a significant risk to the person's health.

**HB 2250/SB 1379 Humane Cosmetics Act; civil penalties.** Prohibits a cosmetics manufacturer from (i) conducting or contracting for cosmetic animal testing that occurs in the Commonwealth on or after January 1, 2022; (ii) manufacturing or importing for profit into the Commonwealth any cosmetic or ingredient thereof, if the cosmetics manufacturer knew or reasonably should have known that the cosmetic or any component thereof was developed or manufactured using cosmetic animal testing that was conducted on or after January 1, 2022; or (iii) beginning July 1, 2022, selling or offering for sale within the Commonwealth any cosmetic, if the cosmetics manufacturer knows or reasonably should know that the cosmetic or any component thereof was developed or manufactured using cosmetic animal testing that was conducted on or after January 1, 2022. Violations are subject to a civil penalty of \$5,000 and an additional \$1,000 for each day the violation continues. The bill preempts any local regulation on cosmetic animal testing.

**SB 1182 Motor vehicle liability insurance coverage limits.** Increases the motor vehicle liability insurance coverage amounts from \$25,000 to \$30,000 in cases of bodily injury to or death of one person and from \$50,000 to \$60,000 in cases of bodily injury to or death of two or more persons from any one accident, for policies effective between January 1, 2022, and January 1, 2025. For

policies effective after January 1, 2025, the bill increases the motor vehicle liability insurance coverage amounts to \$50,000 in cases of bodily injury to or death of one person, \$100,000 in cases of bodily injury to or death of two or more persons from any one accident, and from \$20,000 to \$25,000 for injury to or destruction of property of others as a result of any one accident. The bill requires that self-insured operators of taxicabs maintain protection against uninsured and underinsured drivers with limits of \$25,000, \$50,000, and \$20,000, respectively, with respect to each motor vehicle. The bill has a delayed effective date of January 1, 2022.

**SB 1284 Commonwealth Clean Energy Policy.** Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

#### **Failed**

**SB 1380 Electric utilities; electric school bus projects; report.** Authorizes electric utilities to partner with school divisions to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak-shaving resources. The bill provides that if an electric school bus project meets the requirements in the bill, then it is in the public interest and may constitute an energy storage resource. The bill requires an electric school bus project and its corresponding agreement to include a provision to compensate a participating school division for the use of the school bus battery by the electric utility as a grid stabilizing or peak-shaving resource and a provision that the electric school buses shall be titled under the participating school division, but the utility shall own the associated batteries and charging stations. The bill also provides a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

### Local Government

#### **Passed**

**HB 2201/SB 1207 Solar and energy storage projects; siting agreements and special exceptions throughout the Commonwealth.** Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share.

**SB 1208 Continuity of government.** Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

### Social Services

#### **Passed**

**SB 1321 Confirmatory adoption.** Expands the stepparent adoption provisions to allow a person who is not the child's stepparent but has a legitimate interest in the child to file a joint petition for adoption with the child's birth parent or parent by adoption.

**SB 1328 State-Funded Kinship Guardianship Assistance program.** Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.

#### **Failed**

**HB 1932 Child-placing agencies; conscience clause; repeal.** Repeals provisions that allow child-placing agencies to refuse to perform, assist with, counsel, recommend, consent to, refer, or participate in any child placements when the proposed placement violates the agency's written religious or moral convictions or policies.

## Taxation

### **Passed**

**HB 1935/SB 1146 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; emergency.** Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill deconforms from the suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and from the provisions of the 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. The bill provides an individual and corporate income tax deduction or subtraction, as applicable, of up to \$100,000 for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans. The bill contains an emergency clause.

**HB 2185/SB 1403 Sales tax; exemption for personal protective equipment; emergency.** Establishes a retail sales and use tax exemption for personal protective equipment, defined in the bill. The exemption is available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. The exemption sunsets on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board. The bill contains an emergency clause.

### **Failed**

**SB 1170 Additional local sales and use tax to support schools.** Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools.

## Technology

### **Passed**

**HB 2031 Facial recognition technology; authorization of use by local law-enforcement agencies and campus police departments at public institutions of higher education.** Provides that no local law-enforcement agency or campus police department shall purchase or deploy facial recognition technology, defined in the bill, unless such purchase or deployment is expressly authorized by statute. The bill prohibits a local law-enforcement agency or campus

police department at a public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021.

**HB 2307/SB 1392 Consumer Data Protection Act.** Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for purposes of targeted advertising, the sale of personal data, or profiling of the consumer. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill directs the Joint Commission on Technology and Science to establish a work group to review the provisions of this act and issues related to its implementation, and to report on its findings by November 1, 2021. The bill has a delayed effective date of January 1, 2023.

### **Failed**

**HB 2224 Broadband service providers; fiber optic broadband lines; railroad crossings.** Establishes a procedure by which a broadband service provider may obtain approval to place its fiber optic broadband lines across a railroad right-of-way. The measure provides that a broadband service provider may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a standard crossing fee of \$750; if the railroad does not claim within 35 days that special circumstances exist or that the required specification exhibit is inadequate or incomplete, the broadband service provider is deemed to have authorization to commence placing the fiber optic broadband line across the railroad's right-of-way. The measure provides that a railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing.

## Transportation/Motor Vehicles

### **Passed**

**HB 1832/SB 1259 Virginia Highway Corporation Act; alteration of certificate of authority; powers and duties of the State Corporation Commission.** Requires any application for a transfer, extension, or amendment of a certificate of authority issued

under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt.

**HB 2075 U.S. Route 1; "Emancipation Highway."** Renames any section of U.S. Route 1 in Virginia that is designated as "Jefferson Davis Highway" as "Emancipation Highway." The bill has a delayed effective date of January 1, 2022.

**HB 2138 Identification privilege cards; fee; confidentiality; penalties.** Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

**HB 2163 Department of Motor Vehicles; privileged information.** Limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police.

**HB 2262 Traffic regulation; bicycles; report.** Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of

State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs and to report any recommendations to the Chairmen of the House and Senate Committees on Transportation by December 1, 2021.

### **Failed**

**HB 2104 Repeal of the Virginia Highway Corporation Act of 1988; roadways operating under the Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995.** Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA and to cease to operate pursuant to the HCA. The bill provides for the repeal of the HCA upon the execution of a comprehensive agreement between the Department of Transportation and the operator of the Dulles Greenway for the Dulles Greenway to operate pursuant to the PPTA.

**HB 2248 Department of Motor Vehicles; personal information requests; fees.** Prohibits the Department of Motor Vehicles from charging fees in excess of administrative charges to any entity submitting a request for personal information. The bill limits requesters from repackaging or reselling data to third parties without prior authorization.

**HB 2260/SB 1211 Vehicle registration fees; Public Safety Trust Fund.** Imposes an additional \$4 vehicle registration fee to be deposited into the Public Safety Trust Fund, established by the bill. The moneys in the Public Safety Trust Fund are to be used to eliminate barriers to an inclusive, diverse, and well-qualified workforce by addressing compensation issues related to staffing, retention, and pay compression at the Department of State Police.

## **DIVISION OF LEGISLATIVE SERVICES**

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